

# Training Module

# Mandated Reporting

*Presented by*

**Kaleidoscope Family Solutions, Inc**

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# Child Protective Laws Pennsylvania

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## *Introduction*

This chapter applies to the Department; other departments, boards, bureaus and agencies of the Commonwealth or any of its political subdivisions; county children and youth social service agencies and other agencies providing services to children and youth; law enforcement officials; county executive officers; auditors of the Federal government; public and nonpublic schools; intermediate units; area vocational-technical schools; independent school contractors; and persons who, in the course of their employment or occupation or in the practice of their profession, come into contact with children.

### **§ 3490.2, Purposes.**

1. The purposes of this subchapter are to:
2. Protect abused children from further abuse.
3. Preserve and stabilize families.
4. Implement the CPSL.
5. Involve law enforcement agencies in responding to child abuse.
6. Prioritize the response and services to children most at risk.
7. Encourage more complete reporting of suspected child abuse.

### **§ 3490.4, Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

#### **The term child abuse means any of the following:**

- A. Any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury to a child.
- B. An act or failure to act by a perpetrator which causes non-accidental serious mental injury to or sexual abuse or exploitation of a child.
- C. A recent act, failure to act or series of the acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or exploitation of a child.
- D. Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical

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care, which endangers a child's life or development or impairs the child's functioning.

- i. A child will not be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.
- ii. If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of seriously held religious beliefs of the child's parents, guardian or person responsible for the child's welfare, which beliefs are consistent with those of a bona fide religion, the child will not be deemed to be physically or mentally abused. The county agency shall closely monitor the child and shall seek court-ordered medical intervention when the lack of medical or surgical care threatens the child's life or long-term health. In cases involving religious circumstances, all correspondence with a subject of the report and the records of the Department and the county agency may not reference "child abuse" and shall acknowledge the religious basis for the child's condition, and the family shall be referred for general protective services, under Subchapter C of the CPSL (relating to general protective services), if appropriate.

### **ChildLine**

An organizational unit of the Department which operates a Statewide toll-free system for receiving reports of suspected child abuse established under section 6332 of the CPSL (relating to establishment of Statewide toll-free telephone number), refers the reports for investigation and maintains the reports in the appropriate file. In addition, it also receives reports of student abuse under Subchapter C.1 of the CPSL (relating to students in public and private schools).

### **Founded Report**

A child abuse report made under the CPSL and this chapter if there has been any judicial adjudication based on a finding that a child who is a subject of the report has been abused, including the entry of a plea of guilty or nolo contendere or a finding of guilt to a criminal charge involving the same factual circumstances involved in the allegation of child abuse.

### **Indicated Report**

A child abuse report made under the CPSL and this chapter if an investigation by the county agency or the Department determines that substantial evidence of the alleged abuse exists based on any of the following:

- i. Available medical evidence.
- ii. The child protective service investigation.
- iii. An admission of the acts of abuse by the perpetrator.

### **Person responsible for the child's welfare**

- i. A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.
- ii. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

### **Required Reporters**

- i. Persons who, in the course of their employment, occupation or practice of their profession come into contact with children and have reasonable cause to suspect, on the basis of their medical, professional or other training and experience, that a child coming before them in their professional or official capacity is a victim of child abuse.
- ii. Except with respect to confidential communications made to an ordained member of the clergy which are protected under 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen), the privileged communication between any professional person required to report and the patient or client of that person does not apply to situations involving child abuse and does not constitute grounds for failure to report as required by this subchapter.
- iii. Persons required to report include:
  - A. A licensed physician, medical examiner, coroner, funeral director, dentist, optometrist, osteopath, chiropractor, psychologist, podiatrist, intern, registered nurse or licensed practical nurse.
  - B. Hospital personnel engaged in the admission, examination, care or treatment of persons.
  - C. A Christian Science practitioner, member of the clergy, school administrator, school teacher, school nurse, social services worker, day care center worker or another child care or foster care worker, mental health professional, peace officer or law enforcement official.

### **Serious Bodily Injury**

Injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of a body member or organ.

### **Serious Mental Injury**

A psychological condition as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment that does either of the following:

- i. Renders the child chronically and severely anxious, agitated, depressed, socially

- withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
- ii. Seriously interferes with the child's ability to accomplish age-appropriate developmental and social tasks.

### **Serious Physical Injury**

An injury that does either of the following:

- i. Causes the child severe pain.
- ii. Significantly impairs the child's physical functioning, either temporarily or permanently.

### **Serious Physical Neglect**

A physical condition caused by the act or failure to act of a perpetrator which endangers the child's life or development or impairs the child's functioning and is the result of one of the following:

- i. Prolonged or repeated lack of supervision.
- ii. Failure to provide essentials of life, including adequate medical and dental care.

### **Sexual abuse or Exploitation**

(i) Any of the following if committed on a child by a perpetrator:

- A. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct.
- B. A simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct.
- C. Any of the following offenses as defined by the crimes code:
  - 1. Rape as defined by section 3121 (relating to rape).
  - 2. Statutory sexual assault as defined by section 3122.1 (relating to statutory sexual assault).
  - 3. Involuntary deviate sexual intercourse as defined by section 3123 (relating to involuntary deviate sexual intercourse).
  - 4. Sexual assault as defined by section 3124.1 (relating to sexual assault).
  - 5. Aggravated indecent assault as defined by section 3125 (relating to aggravated indecent assault).
  - 6. Indecent assault as defined by section 3126 (relating to indecent assault).
  - 7. Indecent exposure as defined by section 3127 (relating to indecent exposure).
  - 8. Incest as defined by section 4302 (relating to incest).
  - 9. Prostitution as defined by section 5902 (relating to prostitution and related offenses).
- D. Exploitation which includes any of the following:
  - 1. Looking at the sexual or other intimate parts of a child for the purpose of arousing or gratifying sexual desire in either person.
  - 2. Engaging or encouraging a child to look at the sexual or other intimate parts of another person for the purpose of arousing or gratifying sexual desire in any person

involved.

3. Engaging or encouraging a child to participate in sexually explicit conversation either in person, by telephone, by computer or by a computer aided device.

## ***Reporters***

### **§ 3490.11. Reporting suspected child abuse.**

- a) A person may make a report of suspected child abuse to ChildLine or a county agency if the person has reasonable cause to suspect that a child has been abused. Reports shall be accepted by ChildLine or the county agency regardless of whether the person identifies himself.
- b) A person other than a school employee having reasonable cause to suspect that a school employee has committed student abuse may report the suspected abuse to the school administrator as required by §§ 3490.151(c) and 3490.152(a) and (c) (relating to required reporting; and responsibilities of administrators and school employees).

### **§ 3490.12. Required reporters.**

In addition to other reports they make, required reporters shall report suspected child abuse to ChildLine.

### **§ 3490.13. Reports by employees who are required reporters.**

- a) Required reporters who work in an institution, school, facility or agency shall immediately notify the person in charge of the institution, school, facility or agency or the person in charge's designee of suspected abuse. The person in charge, or the designee, shall be responsible and have the obligation to make a report of the suspected child abuse to ChildLine immediately. Nothing in this chapter requires more than one report from any institution, school, facility or agency.
- b) The person in charge or the designee may not make an independent determination of whether to report. The person in charge or the designee shall notify the employee when the report was made to ChildLine.
- c) Notwithstanding subsection (a), nothing in this chapter prohibits an employee who is a required reporter from making a report directly to ChildLine.

### **§ 3490.14. Privileged communication.**

Except with respect to confidential communications made to an ordained member of the clergy which are protected under 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen), privileged communication between a required reporter and the person's patient or client does not apply to situations involving child abuse and may not constitute grounds for

failure to report as required by this chapter.

**§ 3490.18. Filing of a written report by a required reporter.**

Within 48 hours of reporting to ChildLine, a required reporter shall make a written report on forms provided by the Department to the county agency in the county where the suspected child abuse occurred. The written report shall include the following information, if available:

- 1) The names and addresses of the child and the parents or other persons responsible for the care of the child.
- 2) The county in which the suspected abuse occurred.
- 3) The age and sex of the subjects of the report.
- 4) The nature and extent of the suspected child abuse, including evidence of prior abuse to the child or a sibling.
- 5) The reasons for suspecting child abuse.
- 6) The name of the alleged perpetrators of the suspected abuse and evidence of prior abuse by those persons.
- 7) The relationship of the alleged perpetrator to the child.
- 8) The family household composition.
- 9) The source of the report.
- 10) The person making the report and where the person can be reached.
- 11) A statement of the child's parents regarding the suspected abuse and a statement or admission of abuse by the alleged perpetrator.
- 12) The actions taken by the reporting source, including:
  - i. The taking of photographs and X-rays.
  - ii. The taking of protective custody.
  - iii. Notification to the coroner.
  - iv. The hospitalization of the child.

**§ 3490.20. Other medical information.**

A required reporter may photograph a child who is the subject of a report and, if clinically indicated, ensure that a radiological examination and other medical tests of the child are performed. A medical summary or report of photographs or X-rays taken shall be sent to the county agency at the time the written report is sent, or as soon thereafter as possible. The county agency shall be provided access to the actual photographs and X-rays and may obtain them or duplicates upon request.

***Departmental Responsibilities***

**§ 3490.31. Receipt of reports.**

The Department established a single Statewide toll-free telephone number (800) 932-0313- referred to as ChildLine- available at all times to receive reports of suspected child abuse.

**§ 3490.34. Pending complaint file.**

- a) Upon receipt of a report of suspected child abuse ChildLine will enter the information specified in section 6336 of the CPSL (relating to information in Statewide Central Register) into the pending complaint file.
- b) Notwithstanding subsection (c), reports which are determined pending juvenile or criminal court action shall be maintained in the pending complaint file until the county agency notifies ChildLine of the final status.
- c) If within 60-calendar days from the date of the initial report of suspected child abuse a status determination has not been received at ChildLine, the report shall be considered unfounded. Prior to expunging the report, ChildLine shall verify with the county agency that the report was not completed within 60-calendar days.
- d) Unfounded reports shall be expunged at ChildLine within 120-calendar days after the date of the initial report to ChildLine.
- e) Reports which are unfounded awaiting expunction may not be released from the pending complaint file except to a subject of a report upon written request, employees of the Department under this subchapter and employees of the Office of Attorney General under section 6345 of the CPSL (relating to audits by Attorney General).

**§ 3490.35. Statewide Central Register,**

When a report of suspected child abuse is determined founded or indicated, ChildLine shall enter the report in the Statewide Central Register and expunge the report from the pending complaint file. If there is incomplete information in the report, ChildLine will contact the county agency and request additional clarifying information so that the information in the Statewide Central Register is complete.

**§ 3490.40. Notifications regarding indicated reports.**

- a) When indicated reports of child abuse are entered into the Statewide Central Register, ChildLine will notify all subjects by first class mail, other than the subject child, of:
  - 1) The status of the report.
  - 2) The perpetrator's right to request the Secretary to amend or expunge the report.
  - 3) The circumstances under which the report will be expunged.
  - 4) Their right to services from the county agency.
  - 5) The effect of the report upon future employment opportunities in a child care service.
  - 6) The fact that the name of the perpetrator and nature of the abuse will be kept on file indefinitely if the Social Security Number or date of birth of the perpetrator is known.
- b) ChildLine will notify the county agency and the perpetrator of any expunction of a report of child abuse, except when the expunction is the result of the Secretary's decision, in which case the county agency and all subjects shall be notified.
- c) ChildLine will notify the county agency and all subjects of the Secretary's decision to amend a report of child abuse.



**§ 3490.40a. Notifications regarding founded reports.**

When founded reports of child abuse are entered into the Statewide Central Register, ChildLine will notify all subjects by first class mail, other than the subject child, of:

- 1) The status of the report.
- 2) The effect of the report upon future employment opportunities in a child care service and a school.
- 3) The fact that the name of the perpetrator or school employee and nature of the abuse will be kept on file indefinitely if the Social Security Number or date of birth of the perpetrator or school employee is known.

**§ 3490.55. Investigation of reports of suspected child abuse.**

- a) Except as provided in subsection (b), the county agency shall begin its investigation within 24 hours of receiving a report of suspected child abuse. Upon beginning its investigation, the county agency shall see the child within 24 hours of receipt of the report.
- b) The county agency shall begin the investigation immediately upon receipt of a report of suspected child abuse and see the child immediately if one of the following applies:
  - 1) Emergency protective custody has been taken or is needed.
  - 2) It cannot be determined from the report whether or not emergency protective custody is needed.
- c) After ensuring the immediate safety of the child and other children in the home, the county agency shall verbally notify ChildLine of the receipt of the report, if it was not received initially from ChildLine.
- d) When conducting its investigation, the county agency shall, if possible, conduct an interview with those persons who are known to have or may reasonably be expected to have, information relating to the incident of suspected child abuse including, but not limited to, all of the following:
  - 1) The child, if appropriate.
  - 2) The child's parents or other person responsible for the child's welfare.
  - 3) The alleged perpetrator of the suspected child abuse.
  - 4) The reporter of the suspected child abuse, if known.
  - 5) Eyewitnesses to the suspected child abuse.
  - 6) Neighbors and relatives who may have knowledge of the abuse.
  - 7) Day care provider or school personnel, or both, if appropriate.
- e) The county agency shall record in writing the facts obtained as a result of the interviews conducted under subsection (d) and any other interviews it conducts.
  - 1) When conducting its investigation, the county agency shall maintain a written record of the facts obtained from each interview it conducts.
  - 2) At the conclusion of its investigation, when the report is determined indicated, founded or unfounded and accepted for services, under § 3490.59 (relating to action by the county agency after determining the status of the report), the county agency

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shall enter a written summary of the facts obtained from each interview in the case record.

- f) When investigating a report of suspected child abuse in which a child has sustained visible injury, the county agency shall, whenever possible and appropriate, take, cause to be taken or obtain color photographs of the injury.
  - 1) Photographs shall include one snapshot in which the child is clearly identifiable with the injured part of the body visible to establish the identity of the child and the actual location and extent of the injury. More than one photograph of the injury shall be taken if it is necessary to obtain a clear close-up of the injury.
  - 2) The county agency shall maintain photographs it secures in the case record. Photographs shall be identified by all of the following:
    - i. The name of the child.
    - ii. The age of the child.
    - iii. The date and time of day the photograph was taken.
    - iv. The location at which the photograph was taken.
    - v. The names of witnesses present.
    - vi. The name of the photographer.
- g) When investigating a report of suspected serious mental injury, sexual abuse or exploitation or serious physical neglect, the county agency shall, whenever appropriate, obtain medical evidence or expert consultation, or both. The county agency shall maintain a record of medical evidence or expert consultation, or both, obtained during its investigation, including one of the following:
  - 1) The reasons why medical examination or expert consultation, or both, was secured and the results of the examination/consultation.
  - 2) The reasons why medical examination or expert consultation, or both, was determined not to be necessary.
- h) If the investigation indicates serious physical injury, a medical examination shall be performed on the subject child by a certified medical practitioner. If there is reasonable cause to suspect there is a history of prior or current abuse, the medical practitioner has the authority to arrange for further medical tests or the county agency has the authority to request further medical tests.
- i) When conducting its investigation, the county agency shall visit the child's home, at least once during the investigation period. The home visits shall occur as often as necessary to complete the investigation and to assure the safety of the child.
- j) When investigating cases of suspected child abuse and a subject is located in a county other than where the abuse occurred, the county agency shall either make contact in the county where the subject is located or request the county where the subject is located to conduct the interview. The county agency where the subject is located shall assist in the investigation as required by this section.

**§ 3490.56. County agency investigation of suspected child abuse perpetrated by persons employed or supervised by child care services and residential facilities.**

- a) In addition to complying with other applicable sections of the CPSL and this chapter, when investigating a report of suspected child abuse perpetrated by a person who operates, is employed by or acting as a volunteer for a child care service, including a child day care center, a group or family day care home or a residential facility, the county agency, shall, within 24 hours of receipt of the report, verbally notify the following of the content of the report:
  - 1) The person in charge of the facility or child care service where the alleged child abuse occurred.
  - 2) The person in charge of the agency which placed the child.
  - 3) The person in charge of the county agency with custody or supervision of the child.
  - 4) The regional office of the Department that is responsible to license, register or approve the child care service or facility.
- b) The person in charge of the child care service or facility shall implement a plan of supervision or alternative arrangements to ensure the safety of the child and other children who are in the care of the child care service or facility during the investigation. The plan of supervision or alternative arrangements shall be in writing, approved by the county agency and kept on file by the county agency until the investigation is completed. When the plan is approved by the county agency, the county agency shall immediately send a copy of the approved plan to the appropriate regional licensing director or designee.
- c) The county agency shall inform the persons listed in subsection (a) in writing of the results of the investigation.
- d) The county agency shall develop or revise the family service plan as required by Chapter 3130 (relating to administration of county children and youth social service programs) for the child and perpetrator if the report is founded or indicated and the case has been accepted for service.
- e) If the report is founded or indicated, the county agency shall request a written statement from the person in charge of the child care service or facility regarding the steps planned and taken to ensure the future safety of the subject child and other children in the care of the child care service or facility. The request shall be made within 5-calendar days of when the status determination was made. The person in charge of the child care service or facility shall submit a written response to the county agency within 10-calendar days of the mailing date of the county agency's letter. If the plan is unacceptable to the county agency, the county agency shall take appropriate action to ensure the safety of the children in the child care service or facility.
- f) If the facility or child care service is operated, registered, licensed or approved by the Department, the county agency shall send a copy of the completed form required by

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§3490.67 (relating to written report to ChildLine) - filed with ChildLine - and a copy of the written statement required by subsection (e) to the regional director or the director's designee in the region where the founded or indicated child abuse occurred.

### **§ 3490.58. Notifications.**

- a) Except for the subject child, the county agency shall notify the subject who is about to be interviewed of:
  - 1) The existence of the report and the type of suspected abuse.
  - 2) The subject's rights under sections 6337 and 6338 of the Juvenile Act (relating to right to counsel; and other basic rights) when a case goes to Juvenile Court. Those rights are:
    - i. The right to counsel.
    - ii. The right to introduce evidence and cross examine witnesses.
  - 3) The perpetrator's rights regarding amendment and expunction.
- b) Within 72 hours of interviewing the subject, the county agency shall notify the subject in writing of:
  - 1) The existence of the report and type of alleged abuse.
  - 2) The rights under sections 6337 and 6338 of the Juvenile Act, when a case goes to juvenile court. Those rights are:
    - i. The right to counsel.
    - ii. The right to introduce evidence and cross examine witnesses.
  - 3) The perpetrator's rights regarding amendment and expunction.
  - 4) The right to obtain a copy of the report from the Statewide Central Register or the county agency.
  - 5) The fact that the report, if determined unfounded, will be expunged from the pending complaint file within 120-calendar days from the date the report was received at ChildLine.
  - 6) The purpose of the law, the implications of the status determination of the report and the services available through the county agency.
  - 7) The effect that a founded or indicated report of child abuse will have on a person seeking employment in a child care service or in a school.
  - 8) That the agency has, will or may make a report to law enforcement officials.
- c) The written notice required by subsection (b) may be reasonably delayed if notification is likely to threaten the safety of the victim, the safety of a nonperpetrator subject or the safety of an investigating county agency worker, to cause the perpetrator to abscond or to significantly interfere with the conduct of a criminal investigation. The written notice shall be provided to all subjects prior to the county agency determining the status of the report and regardless of where the person lives.
- d) Except for the subject child, the county agency shall notify all subjects in writing of one of the following when the county agency determines that the report is unfounded:
  - 1) The information will be kept on file at the county agency and clearly identified as an

unfounded report of suspected child abuse when the family has been accepted for services.

- 2) The report is unfounded and because the family has not been accepted for services that all information will be expunged at the county agency upon notification from ChildLine and that the report will be expunged from the pending complaint file within 120-calendar days of receipt of the report at ChildLine.
- e) The county agency shall provide the notification required under subsection (d) when it notifies ChildLine of the status of the report.

### **§ 3490.60. Services available through the county agency.**

In addition to those services required in Chapter 3130 (relating to administration of county children and youth social service programs) the county agency shall provide, arrange or otherwise make available the following services for the prevention and treatment of child abuse:

- 1) Emergency medical services which include appropriate emergency medical care for examination, evaluation and treatment of children suspected of being abused.
- 2) Self-help groups to encourage self-treatment of present and potential abusers.
- 3) Multidisciplinary teams composed of professionals from a variety of disciplines who are consultants to the county agency in its case management responsibilities as required by Chapter 3130 who perform one of the following functions:
  - i. Pool their knowledge and skills to assist the county agency in diagnosing child abuse.
  - ii. Provide or recommend comprehensive coordinated treatment.
  - iii. Periodically assess the relevance of the treatment and the progress of the family.
  - iv. Participate in the State or local child fatality review team authorized under section 6340(a)(4) and 6343(b) of the CPSL (relating to release of information in confidential report; and performance audit), convened by a professional, organization and the county agency for the purpose of investigating a child fatality or the development and promotion of strategies to prevent child fatality.

### **§ 3490.62. Repeated child abuse.**

If the child is a victim of one substantiated incident of child abuse and the county agency receives a subsequent report of suspected child abuse, the county agency administrator or supervisor shall arrange for a review by the multidisciplinary team as required by § 3490.60 (relating to services available through the county agency). Prior to the meeting with the multidisciplinary team, the agency administrator or designee, the supervisor and caseworker shall review the family service plan and make a recommendation to the multidisciplinary team on the appropriateness of the family service plan and whether additional or different services are necessary to protect the child. The county agency shall modify the family service plan, if necessary and appropriate, to reflect the recommendations of the multidisciplinary team and implement action necessary to fulfill the recommendations.

**§ 3490.67. Written reports to ChildLine.**

- a) The county agency shall send the Child Protective Service Investigation Report from (CY-48) to ChildLine within 30-calendar days of the receipt of the report of suspected child abuse.
- b) To avoid expunction of a case as required by § 3490.69 (relating to reports not received within 60-calendar days) when a status determination cannot be made and the county agency has petitioned the juvenile court, an arrest has been made or there is criminal court action pending, the county agency shall send a copy of the CY-48 to ChildLine with one of the following status determinations:
  - 1) Pending juvenile court action.
  - 2) Pending criminal court action.
  - 3) Indicated, when there is substantial evidence that the child was abused.
- c) The county agency shall submit a new CY-48 to ChildLine as required in subsection (a) when a final status determination is made under subsection (b).
- d) A supplemental child abuse report form shall be submitted to ChildLine on founded and indicated report when additional case information is obtained, including dates of birth, identity of the subjects, additional information about the nature of the abuse, or the case is presented before a court and there is a change in

**§ 3490.69. Reports not received within 60-calendar days.**

When the CY-48 form is not filed with ChildLine within 60-calendar days of receipt of the report by ChildLine, the report shall be unfounded.

**§ 3490.94. Release of the identity of a person who made a report of child abuse or cooperated in a subsequent investigation.**

- a) Except for the release of the identity of the persons who made a report of suspected child abuse or cooperated in the investigation under§ 3490.91(a)(9) and (10) and 3490.92(a)(3) (relating to persons to whom child abuse information shall be made available; and requests by and referrals to law enforcement officials), the release of data that would identify the person who made a report of suspected child abuse or person who cooperated in a subsequent investigation is prohibited, unless the Secretary finds that the release will not be detrimental to the safety of the person.
- b) Prior to releasing information under subsection (a) to anyone other than a law enforcement official under subsection (a), the Secretary will notify the person whose identity would be released that the person has 30-calendar days to advise the Secretary why this anticipated release would be detrimental to the person's safety.

**§ 3490.95. Release of information to required reporters.**

The release of information by the county agency to required reporters under§ 3490.91(a)(15) (relating to persons to whom child abuse information shall be made available) is subject to the following:

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- 1) The information released by the county agency shall concern the same child who was the subject of the report made by the required reporter.
- 2) The required reporter shall request the information, either verbally or in writing.
- 3) Before releasing the allowable information, the county agency shall verify the identity of the required reporter in one of the following ways:
  - i. The county agency shall be able to recognize the voice of the required reporter when the request is made verbally by telephone.
  - ii. If the county agency is not familiar with the required reporter and does not recognize the reporter's voice the county agency may verify the request of the required reporter by returning the telephone call to the reporter's place of employment.
  - iii. If the county agency is unable to verify a telephone request for information from a required reporter under subparagraphs (i) and (ii), the county agency shall obtain a written request for information from the required reporter.
- 4) The county agency shall release the information under§ 3490.91(a)(15) when requested by a required reporter.
- 5) The county agency may release the information under§ 3490.91(a)(15), either verbally or in writing, to the required reporter whether or not a request for information was received.
- 6) The county agency shall inform the required reporter of the reporter's obligation to protect the confidentiality of information released as required under sections 6339 and 6340 of the CPSL (relating to confidentiality of reports; and release of information in confidential reports).
- 7) The county agency shall make an entry of the request made by the required reporter and the response given in the case record.

## *General Requirements for Child Protective Services*

### **§ 3490.102. Criminal liability for breach of confidentiality.**

A person who willfully releases or permits the release of data or information contained in the pending complaint file, the Statewide Central Register or the county agency records, to persons or agencies not permitted by this chapter to receive this information shall be guilty of a misdemeanor of the third degree. In addition, the person shall be denied access in the future to information that the person would otherwise be entitled to receive under the CPSL and this chapter.

### **§ 3490.103. Non-abuse reports received by the county agency or other public agency from ChildLine.**

Public agencies, including county agencies, shall evaluate those referrals from ChildLine made under section 6334 of the CPSL (relating to disposition of complaints received) which have not



been identified as reports of suspected child abuse. If, after the evaluation, the agency has reason to suspect that child abuse occurred, the agency shall make a report of suspected abuse to ChildLine.

**§ 3490.104. Release of information to a subject of a report.**

- a) Upon written request to a county agency or ChildLine, a subject of a report may receive at any time a copy of the reports filed with the county agency and ChildLine. The identity of the person who made the report or a person who cooperated in a subsequent investigation may be released only under § 3490.94 (relating to release of the identity of a person who made a report of child abuse or cooperated in a subsequent investigation).
- b) Upon written request, a defendant in a criminal proceeding is entitled to the child abuse information in the possession of a county agency in accordance with applicable law. The information is limited to the county agency record from the date the report was made to the date the county agency determined the status of the report. The county agency shall send the requested information to the defendant and the district attorney. The information that is released to the defendant and the district attorney may not contain the identity of the persons who made the report or cooperated in the investigation.

***Verification of the Existence of Child Abuse and Student Abuse Records for Child Care Services***

**§ 3490.122. Responsibilities of an applicant, prospective operator or legal entity of a child care service.**

- a) An applicant or prospective operator of a child care service shall submit a request for verification on forms provided by the Department. The request for verification shall include a check or money order for the fee charged by the Department, payable to the Department of Public Welfare, which will not exceed \$10. Prospective workfare program participants are exempt from payment of the fee. To obtain a form for the clearance statement, an applicant may call the ChildLine verification unit at (717) 783-6211 and request a Pennsylvania Child Abuse History Clearance Form.
- b) A person who applies to the Department or the Department of Health to operate a child care service shall comply with procedures established by these Departments for documentation of compliance with the requirements for reports of child abuse and criminal record history information.
- c) An administrator, or other person responsible for hiring decisions, may not hire or contract with an applicant, nor may a prospective operator be issued a certificate of compliance or registration if the Department has verified that the applicant or prospective operator is named in the Statewide Central Register as the perpetrator of a



founded report of child abuse committed within 5 years or less prior to the request for verification.

- d) An administrator, or other person responsible for hiring decisions, may not hire or contract with an applicant, nor may a prospective operator be issued a certificate of compliance or registration if the applicant's criminal history record information dictates that the applicant or prospective operator has been convicted of a crime as specified in section 6344 of the CPSL (relating to information relating to prospective child-care personnel) or an equivalent out-of-state crime as determined by the Department.
- e) An administrator, or other person responsible for hiring decisions, may not hire or contract with an applicant, nor may a prospective operator be issued a certificate of compliance or registration if the applicant's report of criminal history record verification or the report of child abuse record information was obtained more than 1 year prior to the date of application.
- f) An applicant or prospective operator of a child care service located in this Commonwealth who is not a resident of this Commonwealth is required to obtain a report of criminal history record from the Federal Bureau of Investigation according to procedures established by the Department and on forms provided by ChildLine.

**§ 3490.123. Responsibilities of prospective adoptive parents, prospective foster parents, foster family care agencies and adoption investigators.**

- a) A prospective adoptive parent or a prospective foster parent shall submit a request for verification on forms provided by the Department. The request for verification shall include a check or money order for the fee charged by the Department, payable to the Department of Public Welfare, which will not exceed \$10.
- b) In the course of causing an investigation to be made under 23 Pa.C.S. § 2535(a) (relating to investigation), an agency or person designated by the court to conduct the investigation shall require prospective adoptive parents to submit the information in section 6344 of the CPSL (relating to information relating to prospective child-care personnel) for review under subsection (d).
- c) In the course of approving a prospective foster parent, a foster family care agency shall require a prospective foster parent to submit the information in section 6344 of the CPSL for review by the foster family care agency under subsection (d).
- d) A prospective adoptive parent or prospective foster parent may not be approved by a foster family care agency, an adoption agency, or a person designated by the court under 23 Pa.C.S. § 2535(a) when any of the following circumstances exist:
  - 1) The parent has been named as a perpetrator of a founded report of child abuse committed within 5 years or less prior to the request for verification.
  - 2) The parent has been convicted of a crime under section 6344 of the CPSL or an equivalent out-of-State crime as determined by the Department.
  - 3) The report of criminal history record information or the report of child abuse record

information was obtained more than 1 year prior to the date of application to the agency for approval or 1 year prior to the date of commencement of the investigation under 23 Pa.C.S. § 2535(a).

- e) A prospective adoptive parent or prospective foster parent who is not a resident of this Commonwealth is required to obtain a report of criminal history from the Federal Bureau of Investigation according to procedures established by the Department and on forms provided by ChildLine.

**§ 3490,127. Information relating to prospective child care personnel.**

- a) The administrator of a child care service may employ applicants on a provisional basis for a single period of employment pending the receipt of the required clearances in accordance with section 6344 of the CPSL (relating to information relating to prospective child-care personnel).
- b) The maximum period of employment allowed for a provisional employee is as follows:
  - 1) Thirty calendar days for an applicant residing in this Commonwealth.
  - 2) Ninety calendar days for an out-of-State applicant.
- c) The administrator may employ an applicant on a provisional basis if the administrator has no knowledge or information that would disqualify the applicant from employment in accordance with section 6344 of the CPSL and if the applicant has complied with each of the following:
  - 1) Mailed the requests for the required clearances to ChildLine, the State Police and the FBI, if applicable.
  - 2) Provided copies of these completed request forms for clearances to the administrator to retain as a condition of provisional employment.
  - 3) Sworn or affirmed in writing that the applicant was not disqualified from employment under section 6344 of the CPSL or an equivalent out-of-State crime.
- d) During the 30- or 90-day provisional period, the provisional employee may not be permitted to work alone with children and shall work within the vicinity of a permanent employee.
- e) If the provisional employee does not submit the required clearances within 30- or 90- calendar days of employment, whichever is applicable, the administrator shall do one of the following:
  - 1) Dismiss the provisional employee until the required clearances are received.
  - 2) Lay off or place the provisional employee on leave with or without pay until the clearances are received.
  - 3) Retain and reassign the provisional employee to a position that does not involve direct contact with children.
- f) A provisional employee shall be immediately dismissed from employment if he is disqualified from employment under section 6344 of the CPSL.

## ***Verification of the Existence of Child Abuse and Student Abuse Records for School Employees***

### **§ 3490.132. Responsibilities of an administrator.**

- a) An administrator shall require each applicant to submit a clearance statement obtained from the Department within the immediately preceding year as to whether the applicant is named as the perpetrator of an indicated or founded report of child abuse or the individual responsible for an indicated or founded report of student abuse.
- b) The clearance statement under subsection (a) is not required for an applicant who meets the following conditions:
  - 1) Transfers from one position as a school employee to another position as a school employee of the same school district or of the same organization.
  - 2) Has, prior to the transfer, already obtained the official clearance statement under subsection (a).
- c) Except as provided in § 3490.134 (relating to information relating to prospective school employees), an administrator may not hire an applicant if the applicant is the perpetrator of a founded report of child abuse or the individual responsible for a founded report of student abuse.
- d) An administrator may not hire an applicant if the clearance statement is more than 1 year old as determined by the date on the clearance statement.
- e) School administrators shall, in their contracts with independent contractors and their employees who have direct contact with students, require contractors to include provisions for a clearance statement as required by this chapter.
- f) A clearance statement is required only prior to the initial hiring of a substitute and remains in effect as long as the substitute continues to be employed by the same school. When a substitute seeks to have his name added to another school's substitute list, the substitute shall provide a current clearance statement to the additional school. The fact that a substitute appears on one school's substitute list is not sufficient evidence to allow another school to add the substitute's name to its substitute list.
- g) The administrator shall make a copy of the clearance statement and place it in the employee's personnel record.

### **§ 3490.133. Responsibilities of an applicant.**

- a) An applicant shall submit a request for a clearance statement to the Department on the form provided by the Department. The request shall include a check or money order payable to the Department of Public Welfare in the amount specified on the application. The fee may not exceed \$10.
- b) To obtain a form for the clearance statement, an applicant may call the ChildLine verification unit at (717) 783-6211 and request a Pennsylvania Child Abuse History Clearance Form.

- c) An applicant shall show the original clearance statement to the administrator and permit a copy to be made.

**§ 3490.134. Information relating to prospective school employees.**

- a) Section 3490.132 (relating to responsibilities of an administrator) does not apply to a person working in a school who meets the following conditions:
  - 1) Is under 21 years of age.
  - 2) Is participating in a job development or job training program.
  - 3) Is employed for not more than 90-calendar days.
- b) An administrator may employ an applicant on a provisional basis if the following apply:
  - 1) The applicant attests in writing by oath or affirmation that he has submitted a request for a clearance statement and is not disqualified under § 3490.132.
  - 2) The administrator has no knowledge of information which would disqualify the applicant under § 3490.132.
- c) The provisional period may not exceed:
  - 1) Thirty-calendar days for residents of this Commonwealth.
  - 2) Ninety-calendar days for residents of another state.
- d) An administrator may not hire an applicant on a provisional basis during a strike under the Public Employee Relations Act (43 P. S. § § I 101.201-1101.2201).
- e) If the applicant does not submit the clearance statement within 30- or 90-calendar days, whichever is applicable, the administrator shall do one of the following:
  - 1) Dismiss the provisional employee until the required clearance statement is received.
  - 2) Lay off or place the provisional employee on leave with or without pay until the clearance statement is received.
  - 3) Retain and reassign the provisional employee to a position that does not involve direct contact with children.
- f) An administrator shall immediately dismiss a provisional employee if the employee is the perpetrator of a founded report of child abuse or the individual responsible for causing serious bodily injury to or sexually abusing or exploiting a student in a founded report of student abuse.

## *Abuse of Students In School*

### **School Responsibilities**

**§ 3490.151. Required reporting.**

- a) A school employee who has reasonable cause to suspect, on the basis of professional or other training and experience, that a student coming before the school employee in the employee's professional or official capacity is a victim of serious bodily injury or sexual abuse or exploitation by another school employee, shall immediately notify the

administrator of the alleged abuse or injury.

- b) When a school employee learns of suspected student abuse from another person, the school employee shall notify the administrator of the alleged student abuse if the school employee has reasonable cause to suspect, on the basis of professional or other training and experience, that the student is a victim of serious bodily injury or sexual abuse or exploitation by a school employee.
- c) If an administrator learns of suspected student abuse from another person, the administrator shall make a report of suspected student abuse as required by this subchapter.

### **§ 3490.152. Responsibilities of administrators and school employees.**

- a) An administrator, and in certain cases a school employee, as stated in subsection (b), shall report immediately to law enforcement officials and the appropriate district attorney a report of abuse or injury alleged to have been committed by a school employee against a student. If an administrator is the school employee who suspects injury or abuse, the administrator shall make a report to law enforcement officials and the appropriate district attorney.
- b) If the administrator is the employee suspected of abusing the student, the school employee who suspects the abuse shall immediately report that information to law enforcement officials and the appropriate district attorney.
- c) The verbal report shall be followed up with a written report on a form provided by the Department. Call (717) 783-1964 to obtain a copy of the form-Report of Suspected Student Abuse (CY 47-D).

### **§ 3490.153. Information provided to the district attorney and law enforcement officials.**

The school official shall provide the following information to the district attorney and law enforcement officials on a form provided by the Department:

- 1) The name, age and home address of the student.
- 2) The name and address of the school.
- 3) The name and address of the student's parents or guardians.
- 4) The name and address of the administrator or school employee who made the report.
- 5) The name, work and home address of the school employee suspected of abusing the student.
- 6) The nature of the alleged offense.
- 7) Specific comments or observations that are directly related to the alleged incident and the individuals involved.

### **§ 3490.154. Release of information by a school employee including an administrator.**

- a) Information in a student abuse report is confidential and may only be released by a

school employee who made a report of suspected student abuse to:

- 1) The administrator.
  - 2) A law enforcement official in the course of investigating the allegation of suspected student abuse.
- b) This section applies to an administrator when the administrator made the report of suspected student abuse.

**§ 3490.173. Notifications by the county agency.**

- a) Prior to the initial interview with a subject of a report of student abuse, the county agency shall verbally notify the subject of the existence of the report, the allegations of student abuse and the school employee's rights regarding amendment and expunction.
- b) Within 72 hours of the initial interview, the county agency shall notify the subject in writing of the following:
  - 1) The existence of the report.
  - 2) The allegations of student abuse.
  - 3) The school employee's rights regarding amendment and expunction.
  - 4) The right to obtain a copy of the report from ChildLine or the county agency.
  - 5) The fact that unfounded reports are expunged within 120-calendar days of receipt of the report by ChildLine.
  - 6) The effect that a founded or indicated report of child abuse or student abuse has on a school employee responsible for student abuse seeking employment in a child care service or as a school employee.
- c) The written notice required by subsection (b) may be reasonably delayed if notification is likely to:
  - 1) Threaten the safety of the victim, the safety of another subject or the safety of an investigating county agency worker.
  - 2) Cause the school employee to abscond or to significantly interfere with the conduct of a criminal investigation.
- d) The written notice shall be given to all subjects before the status determination is submitted to ChildLine.
- e) The county agency shall notify, in writing, the district attorney and the law enforcement officials who conducted the investigation and the school administrator or employee, or both, who made the report to the district attorney and law enforcement officials of the status of the report when the county agency notifies ChildLine of the status of the report.

**§ 3490.174. Services for students.**

The county agency shall assist the student who was abused and the student's parents in locating services for the student, if necessary.

## ***General Requirements for Student Abuse Reporting***

### **§ 3490.191. Request from a school employee to amend or expunge an indicated report of student abuse.**

- a) The school employee responsible for the student abuse may request the Secretary to amend or expunge an indicated report for a school employee on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with this chapter. The written request shall be postmarked within 45-calendar days of the mailing date of the letter from the Statewide Central Register notifying the employee of the indicated status.
- b) The Secretary will decide whether to grant or deny a request made under subsection (a) within 30-calendar days from the date the request is received. The Secretary will notify all subjects of the report and the appropriate county agency of the decision by first-class mail.

### **§ 3490.192. Request for a hearing from a school employee for indicated reports of student abuse.**

- a) The school employee responsible for the student abuse has the right to appeal the Secretary's decision to deny the request to amend or expunge an indicated report by filing an appeal with the Secretary.
- b) Any other subject of a report and the county agency have the right to appeal the Secretary's decision to grant the request.
- c) Appeals shall be in writing to the Secretary's designee, the Bureau of Hearings and Appeals, and be postmarked within 45-calendar days from the mailing date of the Secretary's notification letter.
- d) If an appeal is filed, a hearing shall be held before the Department's Bureau of Hearings and Appeals.
- e) Except as provided in subsection (f), hearings will be conducted under 2 Pa.C.S. § § 501- 508 and 701-704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).
- f) Hearings will be scheduled and final administrative action taken in accordance with the time limits specified in § 275.4(b) and (e)(I), (3) and (S) (relating to procedures).
- g) The burden of proof in hearings held under this section is on the appropriate county agency.
- h) Parties to a hearing held under this section have 15-calendar days from the date of the final order of the Bureau of Hearings and Appeals to request the Secretary to reconsider the decision or 30-calendar days to appeal the final order to the Commonwealth Court.
- i) Any administrative appeal proceeding will be automatically stayed upon notice to the Department by any subject or the county agency that there is a pending criminal proceeding or a dependency or delinquency proceeding under the Juvenile Act, including an appeal thereof, involving the same factual circumstances.



## ***General Protective Services***

### **General Requirements for General Protective Services**

#### **Applicability.**

This subchapter applies to the Department and county children and youth social service agencies.

#### **§ 3490.222. Purposes.**

The purposes of this subchapter are to:

- 1) Protect the safety, rights and welfare of children so that they have an opportunity for healthy growth and development.
- 2) Assist parents in recognizing and remedying conditions harmful to their children and in fulfilling their parental duties in a manner that does not put their children at risk.

#### **§ 3490.235. Services available through the county agency for children in need of general protective services.**

- a) The county agency shall provide, arrange or otherwise make available the same services for children in need of general protective services as for abused children under § 3490.60 (relating to services available through the county agency).
- b) The county agency shall develop a family service plan as required by § 3130.61 (relating to family service plans) for each family accepted for general protective services.
- c) The county agency shall monitor the provision of services and evaluate the effectiveness of the services provided under the family service plan under § 3130.63 (relating to review of family service plans). The county agency worker shall visit the family in performing the case management responsibilities as required by § 3130.63 as often as necessary for management of the service provision at least every 180-calendar days.
- d) The county agency may purchase and use the services of any appropriate public or private agency under Chapter 3130 (relating to the administration of county children and youth social service programs).
- e) The county agency supervisor shall review each report alleging a need for general protective services which is being assessed on a regular and ongoing basis to assure that the level of services are consistent with the level of risk to the child, to determine the safety of the child and the progress made toward reaching a determination on the need for protective services. The supervisor shall maintain a log of these reviews which at a minimum shall include an entry at 10-calendar day intervals during the assessment period.
- f) When a case has been accepted for service and a family service plan has been developed under Chapter 3130, the county agency supervisor shall, within 10-calendar days of the completion of the family service plan, review the plan to assure that the level



of activity, in person contacts with the child, oversight, supervision and services for the child and family which are contained in the plan, are consistent with the level of risk determined by the county agency for the case. Documentation of this review shall be in the case record.

- g) When a case has been accepted for services, the county agency shall monitor the safety of the child and assure that contacts are made with the child, parents and service providers. The contacts may occur either directly by a county agency worker or through purchase of service, by phone or in person but face-to-face contacts with the parent and the child shall occur as often as necessary for the protection of the child but at least as often as:
  - 1) Once a week until the case is no longer designated as high risk by the county agency, if the child remains in or returns to the home in which the need for general protective services was established and the county agency has determined a high level of risk exists for the case.
  - 2) Once a month for 6 months or case closure when the child is either:
    - i. Placed out of the home or setting in which the need for general protective services was established.
    - ii. No longer determined to be at a high risk by the county agency.
- h) A periodic assessment of the risk of harm to the child shall be conducted as required by the State-approved risk assessment process.
- i) Except when ordered by the court in a proceeding brought under the Juvenile Act, a county agency is not required to duplicate services which are the statutory responsibility of any other agency.
- j) The county agency shall aid the child and the family in obtaining benefits and services for which they may qualify under Federal, State and local programs.
- k) The family service plan shall contain a provision that requires the parents advise the county agency, within 24 hours, when the child or family move from one residence to another.

## **General Requirements for General Protective Services**

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### ***General Requirements for Child Protective Services and General Protective Services***

#### **Staff Orientation, Training And Certification Requirements**

## ***Introduction***

### **§ 3490.301. Applicability.**

This subchapter applies to county agencies and other agencies and persons who provide services to abused and neglected children.

### **§ 3490.302. Purpose.**

The purpose of this subchapter is to consolidate regulations that apply to both child protective services and general protective services.

### **§ 3490.303. Definitions.**

In addition to the definitions in § 3490.4 (relating to definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

#### **CORE**

Training in foundation level skills which are needed by all direct service workers in county agencies to provide services to abused and neglected children and their families.

#### **Risk Assessment**

A Department-approved systematic process that assesses a child's need for protection or services based on the risk of harm to the child.

#### **Training Program**

The Pennsylvania Child Welfare Competency-Based Training and Certification Program.

## **Staff Orientation, Training and Certification Requirements**

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### **3490.311. Establishment of a staff development process.**

- a) In fulfillment of the requirements of section 6383 of the CPSL (relating to education and training), the Department will implement an initial and ongoing training program for direct service workers and supervisors in county agencies.
- b) To implement the training program, the Department will establish a steering committee co-chaired by a representative from the Department and a representative from the Pennsylvania Children and Youth Administrators, Inc.
- c) The steering committee shall provide recommendations to the Department for the establishment and implementation of policies and procedures relating to staff

orientation, training and certification as required by the CPSL and this chapter and provide recommendations for overall staff development designed to improve the competency of the direct service workers and supervisors in county agencies.

- d) The steering committee shall include among its functions the evaluation of program effectiveness tested against measurable outcomes.

**§ 3490.312. Training program requirements for direct service workers.**

- a) The county agency shall establish and implement policies for orientation of direct service workers.
- b) The county agency shall establish and implement written policies on the assignment of cases to new staff and staff reassigned as direct service workers, including the criteria used to determine when a worker is prepared to assume responsibility for a full caseload.
- c) The county agency shall implement the supervisors' orientation, training and resource manual. A county agency may implement its own process or manual provided it addresses the objectives of the manual provided through the training program and is approved by the Department.
- d) The Department, with consultation from its steering committee, will establish standards, a process and a program for county agencies relating to the initial and ongoing certification of direct service workers including the following requirements:
  - 1) Direct service workers include the persons providing direct services to children and families and case management functions on a full-time or part-time basis.
  - 2) Direct service workers hired on or after July 1, 1996, shall be certified under the established standards within 18 months of their date of employment.
  - 3) Direct service workers who are not in a permanent employment status as of July 1, 1996, shall be certified by December 31, 1997.
  - 4) Permanent direct service workers hired prior to July 1, 1996, are certified.
  - 5) Direct service workers hired after June 30, 1996, who are in the process of achieving initial certification may be assigned a caseload, up to the caseworker-to-family ratio of the county agency, based on the worker's ability to handle job duties as determined by the written policy of the county agency.
  - 6) Initial certification of direct service workers shall include the following components:
    - i. A minimum of 120 hours of CORE training.
      - A. The content of CORE training shall be determined by the Department in consultation with the steering committee.
      - B. The content of CORE training shall be subject to periodic review by the Department and the steering committee for continued relevancy.
      - C. An overview of CORE training shall be communicated by the Department to the county agencies and direct service workers through a Departmental bulletin.
      - D. Upon request by a county agency and approval by the Department, a county agency

may provide the CORE training developed by the training program to its direct service workers.

- E. The county agency shall maintain a record of CORE training completed for certification in the employee's personnel file.
  - i. A decision by the employing county agency that the worker is certified.
- A. The decision shall be based on an assessment of the worker's ability to apply the principles, concepts and content of CORE training, the supervisors' orientation, training and resource manual or its equivalent and other learning opportunities to on-the-job situations. The assessment shall conclude with a decision of whether or not the worker is certified.
- B. The assessment shall be in writing and reviewed with the employee. The employee shall be given a copy of the assessment. A copy of the assessment shall be maintained in the employee's personnel file.
- 7) The county agency shall determine the county agency's training year.
- 8) Ongoing certification of direct service workers shall include the following:
  - ii. Documentation of completion of a minimum of 20 hours of training annually. For direct service workers who complete the CORE training during the county agency's training year, the county agency shall prorate the number of required training hours that a direct service worker shall take in the county agency's training year schedule.
- A. Training content shall be based on the annual administration of an assessment of individual training needs and the development of an individual training plan.
- B. Ongoing training, as identified in the individual training plan, may be obtained through the training program, provided by a county agency or obtained through another provider.
  - iii. Courses from an accredited school of social work which are successfully completed by a direct service worker shall be acceptable in meeting the ongoing certification requirements.
  - iv. The county agency shall maintain a record of training required for ongoing certification, including the needs assessment, training plan and courses attended in the employee's personnel file.
  - v. The date of initial certification for grandfathered workers is June 30, 1996.
- 9) The county agency shall provide its direct service workers the opportunity to obtain initial and ongoing certification status.
- 10) The county agency may not allow an employee who fails to achieve or maintain certified status to perform direct service duties.

**§ 3490.313. Direct service worker certification requirements for supervisors who supervise direct service workers.**

- a) Supervisors who supervise direct service workers shall be certified as a direct service worker.

- 1) Supervisors with permanent status on June 30, 1996, and who supervise direct service workers are grandfathered as certified direct service workers.
  - 2) Supervisors hired, transferred or promoted after June 30, 1996, who are not certified, shall meet the certification requirements in the training program requirements for direct service workers within 12 months of employment or transfer.
- b) Supervisors who supervise direct service workers who fail to meet the requirement of subsection (a) may not be permitted by the county agency to supervise direct service workers.

### **§ 3490.314. Training and certification requirements for supervisors who supervise direct service workers.**

Persons employed, hired, transferred or promoted to supervise direct service workers on or after October 1, 1998, shall complete a supervisor's training program approved by the Department in consultation with the steering committee.

## **Mandated Reporting**

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*800.932.0313*

### **Who is a Mandated Reporter?**

Persons who, in the course of their employment, occupation, or practice of their profession, come into contact with children shall report or cause a report to be made when they have reasonable cause to suspect on the basis of their medical, professional, or other training and experience, that a child coming before them in their professional capacity is an abused child.



### **Definition of Abuse:**

- **Physical:** Hitting, pushing, biting, punching, choking...
- **Emotional:** cursing swearing, attacks on self-esteem, blaming, criticizing your thoughts feelings....
- **Psychological:** Threatening, throwing, smashing, breaking things, punching walls, hiding things, sabotaging your car.
- **Sexual:** any non-consenting sexual act or behavior.

## *Mandated Reporting*

- Serious recent physical injury which is non-accidental; mental injury which is non-accidental; sexual abuse, or serious physical neglect of children under age 18 caused by the acts or omissions of a perpetrator. "Recent" is defined as an abusive act within two years from the date ChildLine is called; sexual abuse has no time limit.
- Child abuse also includes any recent act, failure to act, or series of acts or failures to act by a perpetrator that creates an imminent risk of serious physical injury to or sexual abuse or exploitation of a child under 18 years of age. These are situations that would have caused serious injury if not prevented by happenstance or some other intervention.
- **Serious Physical Injury:** An injury that causes severe pain or significantly impairs the child's physical functioning, either temporarily or permanently
- **Serious Mental Injury:** A psychological condition, as diagnosed by a physician or licensed psychologist, including a refusal of appropriate treatment that: renders the child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear of the child's life or safety OR seriously interferes with a child's ability to accomplish age appropriate tasks.
- **Sexual Abuse:** Contacts or interactions between a child and an adult in which the child is used for sexual stimulation of the perpetrator or another person. Sexual abuse may also be committed by a person under the age of 18 if they are at least a four years older than the victim or is in a position of control over the other person
- **Medical/Physical Neglect:** serious physical neglect by perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.
- **Imminent Risk:** The exposure of a child to the substantial probability of serious physical injury or sexual abuse or exploitation which but for happenstance, intervention by a third party or actions by the child does not occur.



## **Confidentiality**

- HIPAA - Health Insurance Portability and Accountability Act
- Under the Mental Health Procedures Act:
  - Parents have rights over records for children under the age of 14.
  - At age 14 the adolescent has rights over his/her own records.
- There are no second chances when breaching confidentiality
- You must have a signed release of information to release any information or discuss the child's treatment with other service systems (e.g., school, JPO, etc.) even if you are working in the school

## *Mandated Reporting*

- Be aware of who may be able to overhear conversations
- Do not talk about your client in public
- If you work in a school setting, use discretion when discussing the school environment
- Discuss past experience(s) without breaking confidentiality
- Medical records are to be kept confidential (e.g., TSS daily report, treatment plan, incident report, IEP)

### **Protocol**

#### **How and When to Report Child Abuse/Neglect**

In Pennsylvania, any person having reasonable cause to believe that a child has been subjected to abuse or acts of abuse should immediately report this information to the State Central Registry (SCR)

- **Who:** The child and parent/caregiver's name, age and address and the name of the alleged perpetrator and that person's relationship to the child.
- **What:** Type and frequency of alleged abuse/neglect, current or previous injuries to the child and what caused you to become concerned.
- **When:** When the alleged abuse/neglect occurred and when you learned of it.
- **Where:** Where the incident occurred, where the child is now and whether the alleged perpetrator has access to the child.
- **How:** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.

