

Diocese of Scranton



Child Protective Services Law

Compliance Policies and Procedures

Introduction

Effective May 28, 2007, the new provisions of the Child Protective Services Law are applicable throughout the Commonwealth of Pennsylvania. The Diocese of Scranton is committed to ensuring that all clergy, religious, lay employees and volunteers are fully informed about the duties and the responsibilities that are imposed upon them by Act 179.

This brochure is intended to provide information about who the mandated reporters are and how such reporting of the abuse of minors is to be accomplished. The Diocese of Scranton takes seriously its obligations imposed by the amendments to the Child Protective Services Law. All who serve the Church are obliged to familiarize themselves with their reporting responsibilities and to do so whenever child abuse becomes an issue. The Diocese of Scranton urges that all Church personnel resolve any questions about the application or interpretation of the Child Protective Services Law in favor of reporting.

Most Reverend Joseph F. Martino, D.D., Hist. E.D.
Bishop of Scranton

Reporting of Child Abuse

Effective May 28, 2007, new amendments to the Child Protective Services Law (CPSL) are in force throughout the Commonwealth of Pennsylvania. The CPSL amendments expand the mandates on the reporting of suspected child abuse and make failure to report suspected child abuse a crime.

This synopsis is intended to provide a brief outline of the mandates of the CPSL and how Church personnel are to comply with the law.

At the outset, it is important to note that "child abuse" is not limited to sexual abuse. It includes inflicting, or creating an imminent risk of, physical injury, mental injury, sexual abuse, or harmful physical neglect. A "child" is any individual who is under the age of 18.

Adherence by Church personnel to the expanded reporting mandates is a vital part of the Church's efforts to prevent the abuse of children. **The Diocese of Scranton urges that all Church personnel resolve any questions about the application or interpretation of the law in favor of reporting.**

Mandated Reporters

- The CPSL imposes the child abuse reporting mandate on any individual who comes into contact with children in the course of his or her work or professional practice.
- Among the occupations specifically listed in CPSL as mandated reporters are many associated with Catholic institutions: clergy, teachers, day-care personnel, social service workers, school administrators, school nurses, foster-care workers, health care personnel and mental health workers.
- Other types of Church personnel who should be considered mandated reporters are parish and school administrative personnel, music ministers, child-care personnel, youth ministers, athletic coaches, food service personnel, classroom aides, playground monitors, and Girl Scout and Boy Scout leaders.
- Non-paid and voluntary personnel who perform services for the Church should also consider themselves to be mandated reporters if they come into contact with children during the course of their volunteer Church work.
- The reporting mandate is restricted to those children with whom the mandated reporter comes into contact through work or through the institution with which the reporter is associated. The abused child must actually be under the care, supervision, guidance or training of the mandated reporter or of an agency, institution, organization or other entity with which that person is affiliated.
- Examples of children considered by the CPSL to be under the care or supervision of a Church entity would include school and CCD students, children enrolled in child-care programs, children being "babysat" during worship services or gatherings, children participating in Church-related youth ministries or sports programs, Catholic Social Services' clients and health care patients.
- A mandated reporter need not make a first-hand observation of the suspected child abuse victim. Second-hand reports of abuse must be reported to the proper authorities if the mandated reporter has "reasonable cause to suspect" that child abuse has occurred.

Clarifications

- The CPSL specifically grants legal immunity to any individual who, in good faith, makes a report of suspected child abuse.
- Members of the clergy are not required to report information received secretly during sacramental confession or spiritual counseling.
- The mandate to report applies to all suspected child abuse, not just abuse that has been perpetrated by Church personnel. Possible abusers could include, for example, parents, relatives, older siblings, neighbors, youth group or sports leaders, family friends and other children.

General Reporting Procedures

- Church personnel should make the required reports whenever they have any cause to suspect that child abuse has occurred.
- Those who serve in staff positions in any Church-related institution are obligated to immediately notify the person in charge of the institution when child abuse is suspected. It then becomes the obligation of the person in charge of the institution to see to it that a report is made to the proper civil authorities.
- Reports of child abuse are to be made **immediately** to the 24-hour Child Abuse Hot Line. The toll-free number is **1-800-932-0313**.
- A written report is to be made within 48 hours of the telephone report and sent to the child protective services agency in the county in which the abuse occurred. Guidelines for the written report are available from the Department of Public Welfare (DPW) or from the Compliance Officer for the Diocese of Scranton. Please call 570-207-2214.
- The administrator making the report to the civil authorities should promptly notify the staff personnel who brought the matter to the attention of the institution that a report has been made.
- The addresses and phone numbers of the county children and youth agencies throughout the eleven counties of the Diocese of Scranton are found on the last page of this brochure and at this web site:
<http://www.dpw.state.pa.us/Child/ChildAbuseNeglect/003670355.aspx>
- The Pennsylvania Department of Public Welfare's web page relating generally to the reporting of Child Abuse can be found at:
<http://www.dpw.state.pa.us/Child/ChildAbuseNeglect/003671030.htm>

Reporting of Abuse by School Employees

- While school employees and administrators are required to follow the general reporting mandates of the CPSL, they are also subject to different reporting procedures when the perpetrator is a fellow school employee.
- School employees are required to report to their school administrator if they suspect that a student has been abused by a fellow school employee. The school administrator is then required to immediately report the suspected abuse to both local law enforcement officials and to the district attorney.
- If the suspected perpetrator is the administrator to whom the report would ordinarily be made, then the school employee is to bypass the administrator and immediately report the suspected abuse to both local law enforcement officials and to the district attorney.
- Abuse by a school employee should also be reported to the 24-hour Child Line and to the county child protective services agencies.

Pennsylvania's Child Protective Services Law

Remember these important steps...

- If any person employed or serving in a volunteer capacity has knowledge or even a suspicion of child abuse, he or she is a mandated reporter.
- A mandated reporter must immediately inform his or her supervisor (pastor, administrator, director) of the abuse or suspected abuse.
- The supervisor immediately calls the 24-hour Child Abuse Hotline at 1-800-932-0313 to report the abuse or suspected abuse.
- Within 48 hours, the supervisor fills out a required reporting form which is sent to the county Children and Youth Services Office where the abuse occurred.

If the suspected abuser is a school employee, the law requires that a report be given to local law enforcement and to the district attorney.

Questions and Answers

When does a mandated reporter have "reasonable cause to suspect" that child abuse has occurred?

Neither the Child Protective Services Law (CPSL) nor the Regulations of the Pennsylvania Department of Public Welfare (DPW) offer a definition of the term. There are a multitude of facts and circumstances that will vary with each situation, but the declared purpose of the CPSL is to encourage prompt and complete reporting, so as to assure the well-being of children. Therefore, in keeping with the spirit of both the CPSL and of the Catholic Church's *Charter for the Protection of Children and Young People*, it is more prudent to err on the side of making the report and then depending on the trained professionals to determine what has actually transpired.

Can I be sued for making a report that turns out to be wrong?

The CPSL grants immunity from civil suits for those who make a "good faith" report of suspected child abuse. If the reporter is truly motivated by concern for the safety of the victim, and for the safety of others who may be exposed to the suspected perpetrator, the reporter's good faith will be presumed under the CPSL.

What is the legal definition of "child abuse"?

Child abuse can be one of several different things: (1) Non-accidental *physical injury* that causes severe pain, or that significantly impairs the child's physical functioning, even temporarily; (2) Non-accidental clinically-diagnosable *mental injury* that renders the child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic, unable to perform age-appropriate developmental and social tasks, or in reasonable fear that his or her

life or safety is threatened; (3) Any type of *sexual abuse* or *sexual exploitation* (such as inducing a child to engage in sexual acts or to be photographed in simulating sexual acts, even if the child "consents" to the acts); or (4) Serious *physical neglect* which endangers a child's life or development or impairs the child's functioning, but which does not arise solely from the financial inability of the parents to provide adequate housing, clothing and medical care. Child abuse also occurs when an individual places a child in imminent risk of suffering any of the foregoing harms.

Are non-paid volunteers required to report?

The CPSL does not limit the reporting mandate to "employees." Therefore, if a volunteer comes into contact with children in the course of his or her Church "occupation," he or she should assume he or she will be treated as a mandated reporter.

Are multiple individuals all required to make a report regarding the same incident?

No. However, each mandated reporter who knows of a reportable incident should assure himself or herself that a report has actually been made. In such an instance a mandated reporter should put in writing to the supervisor his or her knowledge and understanding that a report was made. The reporter is advised to obtain a statement/receipt affirming that the supervisor had made the required report.

Does the reporting mandate apply only while I'm on Church duty?

No. However, it only applies to incidents involving children who are under the supervision, guidance or training of the Church entity with which the mandated reporter is affiliated. Those incidents need not occur while the child is under Church care to trigger the reporting mandate. Therefore, for example, child abuse that occurs in the home of a Catholic school student is a reportable incident.

To whom should I speak if I have doubts about the obligation to report?

Your supervisor, in the first instance. Supervisors will be aware of how to contact the proper individuals in the diocesan administration (the Chancellor or the Compliance Officer) who can help resolve any doubts, but all consultation should be carried out promptly, since the CPSL requires reports to be made "immediately."

What are the criminal penalties for failing to make a legally mandated report?

Any mandated reporter who "knowingly" fails to report child abuse commits a misdemeanor of the third degree for a first violation, and a misdemeanor of the second degree for any subsequent violation. The maximum penalty for a misdemeanor of the third degree is imprisonment for one year. The maximum penalty for a misdemeanor of the second degree is imprisonment for two years.

Am I still required to report when I learn of the abuse only after the victim is now over 18 and is therefore no longer a "child"?

Neither the CPSL nor the DPW Regulations address this question. However, in the interest of preventing further abuse by the same perpetrator, a report should be made under these circumstances.

Is abuse perpetrated by other children reportable?

Yes, if it is sexual abuse (even arguably "consensual sex" between two minors) or if it causes serious physical or mental injury to the victim. Causing serious mental injury can include placing the victim in fear that his or her life or safety is threatened. School personnel are especially cautioned to be alert for physical assaults, inappropriate sexual contact and severe bullying that may constitute "abuse" under the CPSL.

County Children and Youth Services Offices in the Diocese of Scranton

Bradford County Children and Youth Services
220 Main Street
Towanda, PA 18848
(570) 265-1760

Lackawanna County Children and Youth Services
200 Adams Avenue
Scranton, PA 18503
(570) 963-6781

Luzerne County Children and Youth Services
111 North Pennsylvania Blvd.
Wilkes-Barre, PA 18701
(570) 826-8710

Lycoming County Children and Youth Services
200 East Street
Williamsport, PA 17701
(570) 326-7895

Monroe County Children and Youth Services
730 Phillips Street
Stroudsburg, PA 18360
(570) 420-3590

Pike County Children and Youth Services
506 Broad Street
Milford, PA 18337
(570) 296-3446

Sullivan County Children and Youth Services
Sullivan County Courthouse
Laporte, PA 18626
(570) 946-4250

Susquehanna County Children and Youth Services
31 Public Avenue
Montrose, PA 18801
(570) 278-4600

Tioga County Department of Human Services
Family Services

1873 Shumway Hill Road
Wellsboro, PA 16901
(570) 724-5766

Wayne County Children and Youth Services
648 Park Street
Suite C
Honesdale, PA 18431
(570) 253-5972

Wyoming County Human Services
PO Box 29
Tunkhannock, PA 18657
(570) 836-3131