

# **The Samuel School**

## **Mandate Reporting**

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## **Mandated Reporting Quick Facts**

### **Who is a mandated reporter?**

A teacher, volunteer, teacher's assistant, headmaster, administrator. An individual (paid or unpaid), who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child (i.e. school volunteer, field study volunteer).

### **How do I make a report?**

Call the child line at 800-932-0313 or logon to [www.compass.state.pa.us/cwisimmediately](http://www.compass.state.pa.us/cwisimmediately),  
THEN

Immediately thereafter inform your supervisor (who shall facilitate the school's cooperation, or face criminal charges for intimidation/retaliation/obstruction),

THEN

Submit (you, not your supervisor) a written a report within 48 hours. This form (CY- 47) can be completed on the following website: <http://reportsuspectedabuse.com>.

NOTE: the mandated reporter may talk to a supervisor (Headmaster, Administrator, and/or Principal) before making the immediate oral report, but only for the purpose of aiding the reporter in making the call, not for advice on whether a call should be made. The supervisor (Faculty/Staff of TSS) can in no way discourage a call from being made or make the call for the reporter. If the supervisor is unavailable, the report must be made immediately without consultation.

### **When does a suspicion mandate a report?**

When the mandated reported has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances (i.e. reasonable cause to suspect child abuse PLUS any of the following):

- The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service;
- The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly

established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child;

- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse; OR
- An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

NOTE: neither seeing the child nor being able to identify the perpetrator is a prerequisite to making a report.

## **What is child abuse?**

Intentionally, knowingly, or recklessly doing any of the following;

- Causing bodily injury to a child through any “recent” (i.e. within two years) act or failure to act.
- Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- Causing sexual abuse or exploitation of a child through any act or failure to act.
- Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- Causing serious physical neglect of a child.
- Engaging in any of the following recent acts:
  - Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
  - Unreasonably restraining or confining a child, based on considerations of the method, location or the duration of the restraint or confinement.
  - Forcefully shaking a child under one year of age.
  - Forcefully slapping or otherwise striking a child under one year of age.
  - Interfering with the breathing of a child
- Causing a child to be present at a location while a violation of 18 Pa. CS 7508.2 (relating to a methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
- Leaving a child unsupervised with an individual, other than the child’s parent, who the actor knows or reasonably should have known:

- Is required to register as Tier II or Tier III sexual offender under 42 Pa.CS. Ch 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.
- Has been determined to be a sexually violent predator under 42 Pa.CS 9799.24 (relating to assessments) or any of its predecessors.
- Has been determined to be sexually violent delinquent child as defined in 42 Pa.CS 9799.12 (relating to definitions).
- Causing the death of the child through any act or failure to act.

### **Why do you suspect abuse?** (From the online form CY-47 Form)

- Type of injury/condition is not consistent with the developmental abilities of the child.
- History/Explanation provided is not consistent with the injury/condition
- Bruises are present in unusual locations.
- Multiple fractures in varying stages of healing
- This type of injury is indicative of abuse/neglect
- Unexplained delay in seeking care
- The child was left alone with inadequate supervision
- Caregiver put child at inappropriate risk
- Infection is often sexually transmitted
- Other

### **What is not “child abuse”?**

- Child on child contact – harm or injury to a child that results from the act of another child aged 13 years or younger, unless that act constituted a sexual assault or indecent exposure (in which case it **IS** child abuse);
- Reasonable parental discipline – the use of reasonable force by a parent on or against the parent’s child, for the purpose of supervision, control and discipline;
- The use of reasonable force on a child by that child’s parent or person responsible for that child’s welfare, constituting incidental or minor physical contact, or other actions designed to maintain order and control/avoid greater physical harm;
- The omission of medical care to a child, based on the sincerely held religious beliefs of that child’s parents/close relatives, which beliefs are consistent with the tenets of a bona fide religion, provided that such omission of medical care does not cause the death of the child;
- Environmental Factors – injuries resulting solely from environmental factors, such as inadequate housing, furnishings, income, clothing and medical care, that are beyond the control of the parent or persons responsible for the child’s welfare with whom the child resides.

### **May a report be made where it is not mandated?**

Yes. Provided a person makes a report in good faith because she/he has reasonable cause to suspect that a child is a victim of child abuse, anyone may make a report regardless of whether the one making the report is a mandated reporter, and regardless of whether the circumstances mandate it. Even if it is later determined that no abuse occurred, a person in such circumstances shall enjoy civil and criminal immunity. However, it is a crime (misdemeanor of the second degree) for a person to intentionally or knowingly make a false report of child abuse, or to intentionally or knowingly induce a child to make a false claim of child abuse. DPW will maintain a registry of such false claims (which are distinct from claims made in good faith, which turn out not to have merit).

### **Is there a penalty for failing to make a mandated report?**

Yes. Depending on the circumstances, it can either be a criminal misdemeanor or felony to willfully fail to make a report, where one is mandated to make one.

**NOTE:** The law encourages erring on the side of over-reporting when in doubt.

### **What will happen after a report is made?**

The county Office of Children and Youth Services (CYS) will immediately ensure the safety of the child and determine whether either protective services or social services are warranted;

CYS may contact the police/District Attorney's Office, who may join in the investigation, if it appears a crime, has occurred;

CYS has 60 days to determine that the report is either "indicated" (it has merit, as determined by CYS), "unfounded" (it doesn't have merit) or "founded" (it has merit, as proven by a court disposition). Otherwise, the report shall automatically be deemed unfounded, and expunged within 16 months of the making of the report.

(DPW may audit the county CYS if it does not investigate within 30 days of the report)

### **What will happen to the child?**

If CYS determines such is warranted, the child may be taken into protective custody, though not without a prior court order on the basis that to fail to do so would be contrary to the welfare of the child. If so, the parents shall be notified immediately, and a court hearing shall be held within 72 hours. That may lead to dependency proceedings, if the child is alleged to be without proper parental care or control. Otherwise, the child will be returned to his/her parents.

If protective custody is not warranted, CYS may nonetheless still offer social services to assist the family, if appropriate.

**NOTE:** a Mandated Reporter in the church context may not take a child into protective custody.

### **What will happen to the one committing the abuse?**

They will receive a written notice of the making of a report, and have an opportunity, if desired, to speak with CYS about the allegation. Criminal charges may ensue, depending on the circumstances.

An indicated or founded report is not itself a criminal conviction, but will permanently affect the person's ability to work/volunteer anywhere children are present.

There are provisions in the new law for expunging (clearing from one's record) indicated reports of child abuse, upon good cause shown. Founded reports may only be expunged if the underlying adjudication was reversed or vacated. Typically, one must appeal within 90 days of having been notified of a report.

**NOTE** that under the law only a "perpetrator" can be the subject of an indicated or founded report of child abuse. Only the following may be considered a "perpetrator" of an act of child abuse:

- A parent of the child
- A spouse or former spouse of the child's parent
- A paramour or former paramour of the child's parent
- A person 14 years of age or older and responsible for the child's welfare
- An individual 14 years of age or older who resides in the same home as the child
- An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child.

Only the following may be considered a "perpetrator" for failing to act:

- A parent of the child
- A spouse or former spouse of the child's parent
- A paramour or former paramour of the child's parent
- A person 18 years of age or older and responsible for the child's welfare
- A person 18 years of age or older who resides in the same home as the child

### **What happens to the one making the report (Mandated Reporter)?**

The one making the report (mandated reporter) may call to find out whether the report was deemed indicated, founded or unfounded; and what, if any, services were provided to protect the child.

The identity of the one making the report (mandated reporter) is kept confidential, except in limited circumstances (which do not include revealing the reporter's identity to the child/family/perpetrator).

## **Warning Signs of Child Abuse**

The earlier child abuse is caught, the better the chance of recovery and appropriate treatment for the child. Child abuse is not always obvious. By learning some of the common warning signs of child abuse, you can catch the problem early as possible and get both the child and the abuser the help that they need.

Of course, there are times when it is hard to discern if abuse has occurred or is occurring. This is when reliance on the Holy Spirit for discernment is necessary. The below warning signs may not indicate abuse has occurred but are signs that should not be ignored. Use sound judgment and wisdom in asking questions and in determining if there is a reason to suspect abuse.

### **Warning signs of emotional abuse in children**

- Excessively withdrawn, fearful, or anxious about doing something wrong.
- Shows extremes in behavior (extremely compliant or extremely demanding; extremely passive or extremely aggressive).
- Doesn't seem to be attached to parents or caregiver.
- Acts either inappropriately adult (taking care of other children) or inappropriately infantile (rocking, thumb-sucking, tantruming).

### **Warning signs of physical abuse in children**

- Frequent injuries or unexplained bruises, welts, or cuts.
- Is always watchful and "on alert", as if waiting for something bad to happen.
- Injuries appear to have a pattern such as marks from hand or belt
- Shies away from touch, flinches at sudden movements, or seems afraid to go home.
- Wears inappropriate clothing to cover up injuries, such as long-sleeved shirts on hot days.

### **Warning signs of sexual abuse in children**

- Trouble walking or sitting.
- Displays knowledge or interest in sexual acts inappropriate to his or her age, or even seductive behavior.
- Makes strong efforts to avoid a specific person, without an obvious reason.

- Doesn't want to change clothes in front of others or participate in physical activities.
- An STD or pregnancy, especially under the age of 14.
- Runs away from home

## Helping an abused child

What should you do if you suspect that a child has been abused? How do you approach him or her? Or what if a child comes to you? It's normal to feel a little overwhelmed and confused in this situation. Child abuse is a difficult subject that can be hard to accept and even harder to talk about.

Just remember, you can make a tremendous difference in the life of an abused child, especially if you take steps to stop the abuse early. When talking with an abused child, the best thing you can provide is a calm reassurance and unconditional support. Let your actions speak for you if you are having trouble finding the words. Remember that talking about the abuse may be very difficult for the child.

## Tips for talking to an abused child

- **Avoid denial and remain calm.** A common reaction to news as unpleasant and shocking as child abuse is denial. However, if you display denial to a child, or show shock or disgust at what they are saying, the child may be afraid to continue and will shut down. As hard as it may be, remain calm and reassuring as you can.
- **Don't Interrogate.** Let the child explain to you in his or her own words what happened, but don't interrogate the child or ask leading questions. This may confuse and fluster the child and make it harder for them to continue their story.
- **Reassure the child that they did nothing wrong.** It takes a lot for a child to come forward about abuse. Reassure him or her that you will take what is said seriously, and that it is not the child's fault.

## Reporting child abuse

If you suspect a child is being abused, it's critical to get them the help he or she needs. Reporting child abuse seems so official. Many people are reluctant to get involved in other families' lives.

Understanding some of the myths behind reporting may help put your mind at ease if you need to report child abuse.

- **I don't want to interfere in someone else's family.** The effects of child abuse are lifelong, affecting future relationships, self-esteem, and sadly putting even more children at risk of abuse as the cycle continues. Help break the cycle of child abuse.

- **What if I break up someone's home?** The priority in child protective services is keeping children in the home. A child abuse report does not mean a child is automatically removed from the home – unless the child is clearly in danger. Support such as parenting classes, anger management or other resources may be offered first to parents if safe the child.
- **They will know it was me who called.** Reporting is anonymous.

## **The Samuel School Child Abuse Reporting Requirements**

If you suspect abuse you are required to report that information immediately to the Child line & Abuse Registry (1-800-932-0313) and then to the Principal at The Samuel School. Anyone who observes signs of abuse or suspects an abusive act has occurred is now a mandated reporter in the state of Pennsylvania and is subject to all legal recourses if they fail to report. You will then have to submit a written report within 48 hours.

The Principal will ask you also to submit a written report to the school. This information will be kept on file strictly for the purpose of maintaining the school's legal responsibility and due diligence in such circumstances.

This is a delicate and often times scary topic to address. Please know that your priority should be to protect and provide safety for the children. Your action in this type of situation can be a huge turning point in this child and family's life.