



SAMPLE POLICY

for SCHOOLS, INSTITUTIONS & AGENCIES MANDATED TO REPORT SUSPECTED CHILD ABUSE & NEGLECT

This policy is designed to provide an accurate and authoritative guideline for institutions mandated to report suspected child abuse and neglect. It is distributed with the understanding that neither the author nor the publisher is engaged in rendering legal service. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

CHILD/ *STUDENT ABUSE

** Organizations that are not schools should remove all references to student abuse.*

1. Authority
Title 23 Pa. C.S.A
Chapter 63

This policy is adopted to affirm the obligation of employees to assist in identifying suspected child abuse and student abuse, and to establish procedures for reporting such in compliance with the Pennsylvania Child Protective Services Law.

The following definitions are for purposes of this policy.

2. Definitions

Child Abuse shall mean any of the following:

1. Any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury to a child under 18 years of age.
2. Any act or failure to act by a perpetrator which causes non-accidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
3. Any recent act, failure to act, or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
4. 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 care, which endangers a child's life or development or impairs the child's functioning.

No child shall 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.

3. Guidelines

CHILD ABUSE BY PERPETRATOR

Duty to Report

Employees 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 they are aware of in their professional or official capacity is an abused child.

Privileged communication between any professional person required to report and the patient or client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report.

Any person required to report suspected child abuse who, in good faith, reports or causes the report to be made shall have immunity from civil and criminal liability related to those actions.

A person or official required to report a case of suspected child abuse who willfully fails to do so commits a misdemeanor of the third degree for the first violation and a misdemeanor of the second degree for a second or subsequent violation.

Reporting Procedures

Employees who suspect child abuse shall immediately notify the *administrator. Upon notification, the *administrator shall assume the responsibility and have the legal obligation to report the suspected child abuse. The *administrator may not make an independent determination of whether to report.

Oral reports of suspected child abuse shall immediately be made by telephone to ChildLine. Oral reports may also be made to the county children and youth agency in the county where the suspected child abuse occurred.

The *administrator shall notify the employee when the report was made to ChildLine.

Within 48 hours of reporting to ChildLine, the *administrator shall make a written report on forms provided by the Department of Public Welfare (Report of Suspected Child Abuse [CY-47]) to the county children and youth agency in the county where the suspected child abuse occurred.

** An organization may designate an agent other than the person in charge to assume the responsibility and have the legal obligation to report.*

Investigation

Employees shall cooperate with the Department of Public Welfare or the county children and youth agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance.

Employees required to report cases of suspected child abuse may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, x-rays and relevant medical tests taken shall be sent to the county children and youth agency at the time the written report is sent, or as soon thereafter as possible. The county children and youth agency shall have access to actual photographs or duplicates and x-rays and may obtain them or duplicates of them upon request.

4. Definitions

STUDENT ABUSE BY SCHOOL EMPLOYEE

Student Abuse includes:

1. Serious bodily injury to a student under 18 years of age by a school employee.
2. Sexual abuse or exploitation to a student under 18 years of age by a school employee.

5. Guidelines

Duty to Report

A school employee shall immediately contact the school administrator when the school employee has reasonable cause to suspect, on the basis of his/her professional or other training and experience, that a student the school employee is aware of in the employee's professional or official capacity is a victim of serious bodily injury or sexual abuse or sexual exploitation by a school employee.

If the accused school employee is the administrator, the school employee shall immediately report to law enforcement officials and the district attorney.

The Administrator who receives a report from a school employee or who has independent cause to suspect injury or abuse shall immediately report to law enforcement officials and the appropriate district attorney. The administrator shall exercise no discretion, but has an absolute duty to report when receiving notice from a school employee.

A school employee or administrator who refers a report of suspected student abuse shall be immune from civil and criminal liability arising out of the report.

A school employee who willfully fails to report suspected student abuse or who willfully violates the confidentiality of such a report commits a summary offense. A school employee who, after being sentenced for such a violation, does so again, commits a misdemeanor of the third degree.

An administrator who willfully fails to report immediately to law enforcement officials and the appropriate district attorney any report of suspected serious bodily injury or sexual abuse or exploitation alleged to have been committed by a school employee against a student commits a misdemeanor of the third degree.

Reporting Procedures

The administrator's report to law enforcement officials and the district attorney shall include: name, age, home address, and school of the student; name and address of the school; name and address of the student's parents or guardians; name and address of the administrator or school employee who made the report; home address of the school employee suspected of abusing the student; nature of the alleged offense; and any specific comments or observations directly related to the alleged incident and the individuals involved.

In addition to the verbal report, the administrator shall complete and provide a written report on a form provided by the Department of Public Welfare to law enforcement officials and the appropriate district attorney. If the accused school employee is the administrator, then the school employee who has the suspicion shall make the written report.

The school employee making a report of suspected student abuse by another employee shall not reveal the existence or content of the report to any person other than those to whom reporting is required under this policy and to law enforcement officials in the course of investigating the allegation of suspected student abuse.

Investigation

Upon receipt of a report of suspected student abuse, law enforcement officials shall conduct an investigation in cooperation with the district attorney.

If law enforcement officials have reasonable cause to suspect, on the basis of initial review, that there is evidence of serious bodily injury, sexual abuse or sexual exploitation committed by a school employee against a student, the officials shall notify the county children and youth agency in the county where the alleged abuse or injury occurred for the purpose of the agency conducting an investigation.

School officials shall cooperate with the Department of Public Welfare or the county children and youth agency investigating a report of suspected student abuse, including permitting authorized personnel to interview a student while in attendance at school.

Law enforcement officials and the county children and youth agency shall coordinate their respective investigations. They shall conduct joint interviews with students, but law enforcement officials shall be given an opportunity to interview school employees prior to the county children and youth agency.