

## Pennsylvania law regarding Child Abuse and Mandatory Reporting

### General Information

**Child abuse**, according to the Child Protective Services Law (CPSL), includes: 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.

**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 resulted in serious injury or sexual abuse if not prevented by happenstance, third-party intervention or the actions of the child.

### PA Law

#### § 42.42. Suspected child abuse—mandated reporting requirements.

1. (a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensees who, in the course of the employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse.
- (b) *Staff members of public or private agencies, institutions and facilities.* Licensees who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Upon notification by the licensee, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).
- (c) *Reporting procedure.* Reports of suspected child abuse shall be made by telephone and by written report.
  - (1) *Oral reports.* Oral reports of suspected child abuse shall be made immediately by telephone to **ChildLine, (800) 932-0313**.
  - (2) *Written reports.* Written reports shall be made within 48 hours after the oral report is made by telephone. Written reports shall be made on forms available from a county children and youth social service agency.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare. The following information shall be included in the written reports, if available:

- (1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.
- (2) Where 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 any evidence of prior abuse to the child or siblings of the child.
- (5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.
- (6) Family composition.
- (7) The source of the report.
- (8) The person making the report and where that person can be reached.
- (9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.
- (10) Other information which the Department of Public Welfare may require by regulation.

#### **Authority**

The provisions of this § 42.42 issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 5 of the Occupational Therapists Practice Act (63 P. S. § 1505); amended under sections 5(b) and 6(a)(2) of the Occupational Therapy Practice Act (63 P. S. § § 1505(b) and 1506(a)(2)).

#### **Source**

The provisions of this § 42.42 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5425; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663. Immediately preceding text appears at serial pages (223111) to (223113).

#### **Cross References**

This section cited in 49 Pa. Code § 42.41 (relating to definitions relating to child abuse reporting requirements); 49 Pa. Code § 42.46 (relating to confidentiality—waived); and 49 Pa. Code § 42.47 (relating to noncompliance).