

# A Parent's Guide to the Child Protective Services Law of Pennsylvania



New amendments to the Child Protective Services Law (CPSL) take effect on May 28, 2007 in Pennsylvania. These amendments, which apply to Catholic institutions, establish important requirements for those who work with children in reporting suspected child abuse. The amendments also make failure to report child abuse a crime.

This guide is intended to inform parents of the Pennsylvania requirements for reporting abuse of a minor. It is important to remember that "child abuse" is not limited to sexual abuse alone. 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 in the Diocese of Pittsburgh to the expanded reporting mandates is a vital part of the Church's efforts to prevent the abuse of children. **The Diocese of Pittsburgh has urged that all Church personnel resolve any questions about the interpretation of the law in favor of reporting.**

## Those who are mandated as reporters under the law

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 and has "reasonable cause to suspect" that the minor has been abused.

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 and playground monitors.

Non-paid and voluntary personnel who perform services for the Church are also considered to be mandated reporters if they come into contact with children during the course of their volunteer Church work.

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 Charities' 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.



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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 permitted by Church law and are not required by Pennsylvania law to report information received privately 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.

## Frequently asked questions

**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*;
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 serious physical injury or sexual abuse or exploitation.

**Are non-paid volunteers required to report abuse of a minor under CPSL?** The CPSL does not limit the reporting mandate to “employees.” Therefore, if volunteers come into contact with children in the course of their Church “occupation,” they should assume they will be treated as a mandated reporter.

**Is a mandated reporter required only to report those incidents of child abuse suspected to have occurred on Church property?** No. If the suspected abuse involves children who are under the supervision, guidance or training of the Church entity with which the mandated reporters are affiliated, they must report it regardless of where the suspected abuse occurred. Therefore, for example, child abuse that occurs in the home of a Catholic school student is a reportable incident.

**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.

**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.



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