



A collective voice promoting community responsibility so that every child is protected from child abuse, including child sexual abuse.

Post Office Box 396 Bernville, PA 19506 TEL: 610-488-5059 WEB: www.ProtectPAchildren.org

CHILD PROTECTION REPORT

Reporting Child Abuse is a Critical Child Protection Tool

Pennsylvania's Child Protective Services Law (CPSL) permits any person to report suspected child abuse.

The CPSL, however, also mandates that certain persons must legally make a report or cause a report to be made when they suspect a child is being abused. Under the law, a mandated reporter (e.g., teachers, doctors, police officers, child care providers, coroners, foster parents, dentists, clergy, coroners, etc) is someone who through their "employment, occupation or practice of a profession, comes into contact with children." A mandated reporter must file a report when they have "reasonable cause to suspect on the basis of medical, professional or other training and experience, that a child under the care, supervision, guidance or training of that person or of an agency, institution, organization or other entity with which that person is affiliated is a victim of child abuse."

A mandated reporter fulfills the legal obligation to report suspected child abuse when they call Pennsylvania's statewide child abuse hotline (ChildLine) or a county children and youth services agency. Some mandated reporters – those working in an institution like a hospital – are permitted to "cause a report to be made" by notifying a designated official at that institution and it is then this designated person who files the oral and written report with ChildLine or a children and youth agency. Since 2007, Pennsylvania law has required that all mandated reporters make or cause a report to be made regardless who is alleged to have abused the child (e.g., the parent, baseball coach, teacher, grandfather, parent's paramour, neighbor, clergy, child care provider, etc). Failure to make a report of suspected child abuse is a misdemeanor of the 3rd degree.

KEY FACTS:

Between 2000 and 2010, there was a nearly 8 percent increase in the number of suspected child abuse reports in PA, while the rate of substantiated reports declined by 7 percent.

More than 70% of all child abuse reports are made by a mandated reporter. 76.8% of the reports substantiated as child abuse in 2010 were made by a mandated reporter.

In 2010, only 23 reports of abuse by a school employee were recorded at ChildLine.

There is a caveat in the reporting law related to situations where the mandated reporter is a school employee who has "reasonable cause to suspect" that a student has been abused by another school employee. First, abuse involving a school employee is reportable when it involves sexual abuse or sexual exploitation or serious bodily injury of a student. Serious bodily injury is defined as an injury "which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ". In these cases, the school employee fulfills the reporting mandate when they notify the school administrator. The administrator must then notify law enforcement **and** the district attorney, not ChildLine. If the administrator is suspected of abusing the student, then the school employee directly makes the report to law enforcement **and** 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" they then notify the children and youth agency. 23 reports involving the abuse of a student were registered at ChildLine in 2010.

The school employee, who fails to make a report of suspected student abuse by another school employee, commits a summary offense. A school administrator who fails to make such a report commits a misdemeanor of the 3rd degree.

STATES WHERE EVERYONE IS REQUIRED TO REPORT CHILD ABUSE

A minority of states require that every person is required to report child abuse while the majority of states, including Pennsylvania, extend the requirement to mandated reporters. Even in states where reporting by all is required, the law often enumerates certain professionals who have greater legal obligations than the average person for reporting. [Table 1](#) illustrates that the 2010 rate of referrals, investigations and overall number of child victims vary despite the common thread that all persons must report child abuse in these states.

Table 1: 2010 Snapshot of States which require every person to report suspected child abuse

Table developed using data from the federal report - 2010 Child Maltreatment

STATE	2010 TOTAL Referrals	2010 Rate of Referral per 1,000 children	2010 Children receiving a child abuse investigation	2010 Child abuse investigation rate per 1,000 children	2010 Unduplicated child victims	2010 Child Victim Rate/1,000 children	2010 Intake, Screening & Investigation Workers	2010 Children served by a Children's Advocacy Centers
National	2,607,798	43.8	2,987,515	40.0	688,251	9.2	33,638	266,000
Delaware	11,084	53.5	13,434	64.9	2,125	10.3	108	1,558
Florida	193,339	47.6	269,689	66.5	50,239	12.4	1,940	31,173
Idaho	14,887	35.5	8,848	21.1	1,609	3.8	263	1,836
Indiana	95,148	59.9	92,008	57.9	21,362	13.4	564	5,276
Kentucky	73,026	72.0	61,643	60.8	17,029	16.8	1,591	3,741
Maryland	45,129	33.4	33,302	24.6	13,059	9.7	----	5,806
Mississippi	28,666	37.3	26,875	35.0	7,403	9.6	512	1,721
Nebraska	26,909	59.6	24,236	53.7	4,572	10.1	99	4,143
New Hampshire	13,070	45.2	9,949	34.4	851	2.9	72	1,781
New Jersey	Not submitted	Not submitted	75,607	37.0	8,981	4.4	1,158	2,268
New Mexico	30,313	59.4	22,314	43.7	5,440	10.7	231	1,825
North Carolina	Not submitted	Not submitted	117,116	51.4	21,895	9.6	936	5,479
Oklahoma	64,793	70.5	42,113	45.8	7,207	7.8	385	5,881
Rhode Island	11,790	52.0	8,564	37.8	3,295	14.5	53	116
Tennessee	89,025	59.6	80,125	53.7	8,760	5.9	875	18,256
Texas	207,965	30.2	267,823	38.8	64,937	9.4	3,585	26,984
Utah	31,693	36.5	27,827	32.0	12,854	14.8	125	5,459
Pennsylvania	Not submitted	Not submitted	22,263 ¹	8.0	3,555 ²	1.3	2,965	6,920

Each of the states has its own unique child abuse definition, trigger for when a report is required (e.g., reasonable cause to believe or reasonable cause to suspect) and how reports are filed (e.g., informing a supervisor, calling a centralized hotline, notifying law enforcement). Some have criminal penalties for failure to report and others do not. Then there is an issue of whether training is required for mandated reporters.

Investigations are handled differently too. Some are handled solely by law enforcement, some by child welfare authorities and still others involve a multidisciplinary and collaborative approach through a Children's Advocacy Center (CAC).

Another factor impacting reporting in other states is who can be considered a perpetrator of child abuse. Prior to 2007, reporting in Pennsylvania was required **only** when the alleged perpetrator was a parent, paramour of the parent, resident

“Lack of certainty about the signs of abuse, how to make a report, and what will happen once a report is made are the leading causes of inaction or failure to report.”

*Teresa Huizar
Executive Director, National Children's Alliance*

¹ The unique child count recorded in the federal 2010 Child Maltreatment report, which does not include the 39,791 General Protective Services (GPS) referrals receiving an assessment, not investigation, by a county children and youth agency.

² The [2010 Annual Child Abuse Report issued by the Department of Public Welfare](#) lists the total number of unduplicated Pennsylvania child victims as 3,508, but the federal 2010 Child Maltreatment report which was used to create the chart includes 3,555 child victims.

of the child's home (older than 14 years of age) or a person directly responsible for the child's welfare. Delaware, which requires all people to report, has historically required reporting of child abuse regardless of the perpetrator, but Florida only now will begin to require reports involving perpetrators other than the parent or direct caregiver. In enacting this reporting change, Florida projects an increase of approximately 40,000 new reports and intends to hire 47 additional hotline workers.

As Florida begins to hire hotline workers, Pennsylvania struggles to address the capacity and operations of ChildLine. In 2011, ChildLine caseworkers answered 128,111 calls. Strains on the system, however, caused by staffing and technology issues led to more than 12,000 calls being missed. In the period immediately following the arrest of Jerry Sandusky, there was a dramatic increase in call volume. Today, ChildLine continues to respond to an elevated call volume answering 46,474 calls between November 2011 and February 2012 – a 21 percent increase over the same time period in the prior year.

PENNSYLVANIA REPORTING TRENDS

Between 2000 and 2010 there was a nearly 8 percent increase in the number of reports of suspected child abuse with the bulk of that increase (7.7 percent) occurring between 2005 and 2010. While reports increased between 2000 and 2010, reports substantiated as child abuse declined by 7 percent.

In 2006, Pennsylvania's CPSL was amended to require that reports of suspected child abuse be made regardless the perpetrator. Prior to Act 179, mandatory reporting was required only when the person suspected of abusing the child was the parent, paramour of a parent, person living in the same home (older than 14 years of age) or "a person responsible for the welfare of a child." Also in 2006, the CPSL was amended by Act 146 to include a definition of non-accidental, which is "an injury that is the result of an intentional act that is committed with disregard of a substantial and unjustifiable risk." These two legislative changes continue to impact reports made and substantiated.

Year	Reports	Substantiated Reports	% Substantiated
2000	22,809	5,002	21.9
2005	22,854	4,390	19.2
2010	24,615	3,656	14.9

In 2010, mandated reporters were responsible for 18,972 cases of suspected child – approximately 77 percent of the 24,615 reports filed. In 2000, 22,809 total child abuse reports were registered at ChildLine – 5,002 or 21.9 percent of those reports were substantiated as child abuse. Of the total reports filed by a mandated reporter in 2000, 72.3 percent were substantiated as child abuse. By 2010, mandated reporters were responsible for 77.1 percent of all filed child abuse reports, and 76.8 percent of the reports were substantiated as child abuse.

While reports overall were up between 2000 and 2010, reports from residential facilities, child care providers, private doctors/nurses, and psychiatrists declined. Outside of coroners and law enforcement, other reporting sources saw a reduction in the reports eventually substantiated as child abuse.

Table 2: Percentage Changes in Reporting, Substantiated Reports by Source (2000 – 2010)

Reporting Source in PA	% Difference in Reports Made Between 2000 and 2010	% Difference Reports Substantiated Between 2000 and 2010
All reporting sources	+8	-7
Child-Day care	-8	-2.1
Clergy	+4	-6.9
Hospital	+5	-10.0
Law enforcement agency	+19	+1.5
Other public or private human services	+18	-3.0
Parent or guardian	-18	-4.0
Private doctor or nurse	-34	-6.7
Private psychiatrist	-3.5	-14.1
Public health department	+2	-11.7
Public MH/MR agency	+35	-2.1
Residential facility	----	-6.7
Schools	+32	-8.2

LACK OF TRAINING, RESPONSE TO REPORTS IMPACT REPORTING

Last year, POCC released the findings of a survey on mandatory reporting completed by more than 1,200 persons required to report child abuse in Pennsylvania. The survey revealed a troubling lack of understanding about who is legally obligated to report suspected child abuse. Nearly 40 percent of those responding indicated they had never been trained about recognizing child abuse and mandatory reporting requirements or received training before statutory mandatory reporting changes took effect in 2007.

Effective and ongoing training of mandated reporters about recognizing child abuse is essential. Yet Pennsylvania, which permits prosecution for the failure to report, has no training requirement for mandated reporters, or any standardized approach to the fundamentals that should be included in such training.

Additionally, reporting is impacted, directly and indirectly, by factors like how abuse is defined and responded to after a report.

“What would it be like to be a physician and to repeatedly make reports to CPS about children for whom you have concerns about abuse and be told again and again that the cases were unfounded?”

Dr. Rachel Berger, Children’s Hospital of Pittsburgh

Persons responding to POCC’s mandatory reporting survey revealed concerns about what happens once they make a report, including the degree to which they are provided post-report information about the child’s safety, release of their identity to the alleged perpetrator, and how often it appeared the system did not respond effectively to keep a child safe.

At an October 2011 Pennsylvania Senate Aging and Youth Committee hearing, Dr. Rachel Berger, who is a member of the Child Protection Team at Children’s Hospital of Pittsburgh and was recently appointed to the Pennsylvania Task Force on Child Protection, testified that Pennsylvania’s low rate of substantiating child abuse may

influence reporting. In 2010, less than 15 percent of all Pennsylvania reports were determined to be child abuse.

“What would it be like to be a physician and to repeatedly make reports to CPS about children for whom you have concerns about abuse and be told again and again that the cases were unfounded,” asked Dr. Berger. She also reinforced the critical role of the primary care physician – “the safety net for our children” and how reporting might impact a child’s continued access to health care.

Also last December, Dr. Robert Block representing the American Academy of Pediatrics testified before a U.S. Senate Committee about a study that found that many pediatricians “are not reporting all suspected cases of child abuse and neglect.” Among the reasons identified were: belief that the person reporting had to be certain that abuse or neglect had occurred; lack of confidence in the child welfare intervention; and inadequate feedback from the child welfare system about the report. And the Executive Director of the National Children’s Alliance testified, “Lack of certainty about the signs of abuse, how to make a report, and what will happen once a report is made are the leading causes of inaction or failure to report in cases of suspected or known abuse.”

PENNSYLVANIA LEGISLATIVE CHANGES (2000 – 2010)

In 2006, there was an attempt to require reporting of “serious violent or sexual crimes against children” by persons historically known as mandated reporters and to also extend the mandate to “persons who voluntarily provide care, supervision, guidance or training to children through athletic, recreational, religious or social organizations or public or private schools.” That bill did not advance, but it did generate several consistent advocacy themes from diverse stakeholders including:

KEY FACTS:

In 2010, Pennsylvania investigated child abuse at a rate of 8.0 per 1,000 children, nationally the rate was 40.0 per 1,000 children; and the state’s rate of substantiated reports was 1.3 per 1,000 children, nationally it was 9.2 per 1,000 children.

Survey findings from over 1,200 mandated reporters revealed that nearly 40 percent had never been trained or not received training since 2007 after a significant change to PA’s reporting law occurred.

KEY FACTS:

Acts 146 and 179 of 2006 made significant change to PA’s mandatory reporting law.

With 2006 legislative changes, PA became fully compliant with the federal Child Abuse Prevention and Treatment Act (CAPTA) resulting in eligibility for \$2.1 million in annual federal funding.

In state FY 2000-2001, funding was included for “statewide training of school personnel to identify & properly report child abuse and neglect.” Today, via contracts, DPW spends \$821,445 annually to train mandated reporters.

- Report all suspected child abuse to a centralized hotline like ChildLine – regardless the type of abuse or relationship of the alleged abuser to the victim – to ensure a unified reporting system, whereby all reports are filed via one phone number, entered into one database, and tracked by one agency even as the type of investigation that follows may differ based on the type of abuse or perpetrator.
- Train mandated reporters to recognize and report suspected child abuse.
- Launch a public awareness campaign to help the public also recognize and report child abuse.

Eventually Act 179 of 2006 amended Titles 23 (CPSL), 42 (Juvenile Act) and 18 (Crimes Code) to:

1. Require mandated reporters to make/cause a report to be made to ChildLine when child abuse was suspected regardless the relationship of the alleged abuser to the child.
2. Remove the provision that the child had to “come before” the mandated reporter instead stipulating that reporting was required when the child was “under the care, supervision, guidance or training of that person or of an agency, institution, organization or other entity with which that person is affiliated.”
3. Increase the grading of the first time offense for failure to report “child abuse” by a mandated reporter to a misdemeanor of the 3rd degree. The penalty for failure to report serious bodily injury, sexual abuse or sexual exploitation by a school employee was unchanged leaving it as a summary offense.
4. Expand the definition of Endangering the Welfare of Children (EWOC) to include when a person acting “in an official capacity, prevents or interferes with the making of a report of suspected child abuse” and to include a “person that employs or supervises” a person who is responsible for “supervising the welfare of a child.”

In 2006, Pennsylvania became fully compliant with the federal Child Abuse Prevention and Treatment Act (CAPTA) with the enactment of Act 146. CAPTA permits the use of the funding for “developing, facilitating the use of, and implementing research-based strategies and training protocols for individuals mandated to report child abuse and neglect.” With Act 146, PA became eligible for approximately \$2 million annually in federal CAPTA funding. Among the priorities identified by Pennsylvania in its CAPTA plan: “Encourage more complete reporting of child abuse, in part, through expanded access to required training for all mandated reporters.”

Pennsylvania’s 2000 -2001 Budget included \$200,000 for “statewide training of school personnel to identify and properly report child abuse and neglect.” The Department of Public Welfare (DPW) continues to contract with the Pennsylvania Family Support Alliance (PFSA) and the Pennsylvania Chapter of the American Academy of Pediatrics (PA -AAP) to provide mandated reporter training at an annual cost of \$821,445 using a combination of federal Child Abuse Prevention and Treatment Act (CAPTA) resources and state general funds.

Table 3: Number of Reports Made, Substantiated by Source in Pennsylvania (2000 – 2010)

CHILD DAY-CARE

YEAR	Reports Made	Reports Substantiated	% Substantiated
2000	461	40	8.7
2005	342	25	7.3
2010	426	28	6.6

PUBLIC MH/MR AGENCIES

YEAR	Reports Made	Reports Substantiated	% Substantiated
2000	766	117	15.3
2005	925	144	15.6
2010	1,035	137	13.2

CLERGY

YEAR	Reports Made	Reports Substantiated	% Substantiated
2000	31	11	35.5
2005	42	15	35.7
2010	42	12	28.6

PRIVATE PSYCHIATRIST

YEAR	Reports Made	Reports Substantiated	% Substantiated
2000	442	140	31.7
2005	496	96	19.4
2010	426	75	17.6

CORONER

YEAR	Reports Made	Reports Substantiated	% Substantiated
2000	4	0	0
2005	11	7	63.6
2010	3	2	66.7

RESIDENTIAL FACILITY

YEAR	Reports Made	Reports Substantiated	% Substantiated
2000	1,172	125	10.7
2005	1,404	95	6.8
2010	1,168	47	4.0

HOSPITAL

YEAR	Reports Made	Reports Substantiated	% Substantiated
2000	2,657	873	32.9
2005	2,601	740	28.5
2010	2,783	636	22.9

SCHOOLS

YEAR	Reports Made	Reports Substantiated	% Substantiated
2000	5,248	722	13.8
2005	5,457	557	10.2
2010	6,921	389	5.6

LAW ENFORCEMENT

YEAR	Reports Made	Reports Substantiated	% Substantiated
2000	1,168	658	40.7
2005	1,677	782	46.6
2010	1,387	586	42.2

OTHER PUBLIC/PRIVATE SERVICE AGENCY

YEAR	Reports Made	Reports Substantiated	% Substantiated
2000	3,302	713	21.6
2005	2,865	539	18.8
2010	4,252	790	18.6

PRIVATE DOCTOR/NURSE

YEAR	Reports Made	Reports Substantiated	% Substantiated
2000	658	169	25.7
2005	460	121	26.3
2010	432	82	19.0

PUBLIC HEALTH DEPARTMENTS

YEAR	Reports Made	Reports Substantiated	% Substantiated
2000	46	8	17.4
2005	27	4	14.8
2010	35	2	5.7

POCC Recommendations to the Pennsylvania General Assembly and Task Force on Child Protection:

- Pennsylvanians who work directly with children must be required to report child abuse.
- Pennsylvania reporting laws and strategies should invite and encourage anyone to report child abuse.
- Clarify and reinforce who is a mandated reporter in Pennsylvania, and work to lessen or eliminate ambiguity about reporting.
- Spread the word – make it better known how to recognize and report child abuse, and make the tools more readily available, e.g., www.reportchildabuseinpa.com, www.iseethesignsinpa.com, www.pamandatedreporter.com, etc.
- Ensure requirements for reporting child abuse are as straightforward as possible and emphasize that the role is to report, not investigate.
- Match mandatory reporting requirements with an expectation of training for all reporters, and ensure that this training is connected to education/licensing requirements for individuals and institutions.
- Establish minimum training requirements: the core components of training to be offered to every mandated reporter.
- Eliminate any shortcomings that exist as a result of internal reporting procedures, that is, the ability of an employee to fulfill his/her reporting duties by an internal *chain of command* process versus filing a report with authorities outside of the school/institution.
- Identify ways to standardize defining and reporting of suspected abuse by school employees to achieve student protection through consistent reporting, response, investigation and intervention, 23 Pa.C.S.A. §6351 et seq.
- Examine Section 6311 and the language specific to “under the care, supervision, guidance, or training” and its impact on when and what is being reported so that mandated reporters understand the need to report.
- Determine what contributes to missed calls at ChildLine, e.g., staffing and technology, and identify continuous quality improvement practices needed to encourage fuller reporting and fewer missed calls.
- Evaluate the benefits of establishing a benchmark for missed calls at ChildLine and development of a trigger for a plan of action upon a pre-determined rate of missed calls.
- Examine the practice of law enforcement only reports and address any confusion or shortcomings related to it.
- Evaluate the immunity provisions and protections provided to the person who makes a good faith report, including when the report is made outside of the designated protocol within a school and/or institution.
- Evaluate the penalties for failure to report by mandated reporters – achieve consistency in these penalties regardless of the type of abuse being reported, e.g., Sections 6311, 6352 and 6353.

A Call to Study Child Abuse Reporting

Responding to the requests of child advocates, including POCC, United States Senator Robert Casey, Jr. has recently requested that the federal Department of Health and Human Services (HHS) study mandatory reporting of child abuse in the United States. HHS was asked to determine whether states that require all adults to report “suspected or witnessed child abuse” have seen “improved rates of substantiated child abuse” and whether these states were able “to accommodate the increase in reports without sacrificing their ability to respond to reports.”

The study is also to examine how child abuse is defined and to report on the “legal standard for training of mandated reporters.” Casey introduced the Speak Up to Protect Every Abused Kid Act in November 2011. His legislation would require every adult to report child abuse.

In the meantime, at least 30 states have introduced legislation addressing mandatory reporting since the fall of 2011. Legislation has been enacted in Florida, Iowa, Indiana, and West Virginia. Some of the pending and enacted legislation seeks to ensure that those required to report are trained on recognizing child abuse and how to report, others have expanded or further clarified who is mandated to report, and some have changed the reporting procedures related to child sexual abuse.