

MANDATED REPORTERS OF CHILD ABUSE

CHILDLINE 1-800-932-0313

All school employees and volunteers are considered Mandated Reporters as defined under the Pennsylvania Child Protective Services Law (CPSL), Section 6311 and are required to report suspected child abuse. Mandated reporters (except volunteers) are also required to complete 3 hours of child abuse recognition and reporting training every 5 years.

Mandated Reporters shall **IMMEDIATELY** make a report of suspected child abuse to the department via the statewide toll free number above or a written report using Child Welfare Portal (login required) <https://www.compass.state.pa.us/CWIS/Public/Home> . Immediately inform your supervisor of the report.

If the child you would like to report is in immediate danger, please call 911 immediately!

Basis to Report

1. A mandated reporter shall make a report of suspected child abuse or cause a report to be made in accordance with Section 6313 (relating to reporting procedure), if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:
 - i. 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 of service,
 - ii. 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 there entity that is directly responsible for the care, supervision, guidance or training of the child,
 - iii. A person makes a specific disclosure to the mandated reporter that an identifiable child is the is the victim of child abuse,
 - iv. An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.
2. Nothing in this section shall require a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse,
3. Nothing in this section shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.

Failure to report or refer

1. A person or official require by this chapter to report a case of suspected child abuse or to make a referral to the appropriate authorities commits an offense if the person or official willfully fails to do so.
2. An offense under this section is a felony of the third degree if
 - a. The person or official willfully fails to report;

- b. The child abuse constitutes a felony of the first degree or higher; and
 - c. The person or official has direct knowledge of the nature of the abuse.
3. An offense not otherwise specified in paragraph (2) is a misdemeanor of the second degree.
4. A report of suspected child abuse to law enforcement or the appropriate county agency by a mandated reporter, made in lieu of a report to the department, shall not constitute an offense under this subsection, provided that the report was made in a good faith report to comply with the requirements of this chapter.

Continuing course of action. – If a person’s willful failure under subsection (A) continues while the person knows or has reasonable cause to believe the child is actively being subjected to child abuse, the person commits a misdemeanor of the first degree except that if the child abuse constitutes a felony of the first degree or higher, the person commits a felony of the third degree.

Multiple offenses. – A person who commits a second or subsequent offense under subsection (A) commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the penalty for the second or subsequent offenses is a felony of the second degree.

Statute of limitations. – The statute of limitations for an offense under subsection (A) shall be either the statute of limitation for the crime committed against the minor child or five years, whichever is greater.

Presumption of good faith.- For the purpose of any civil or criminal proceeding, the good faith of a person required to report pursuant to section 6311 (relating to persons required to report suspected child abuse) and of any person required to make a referral to law enforcement officers under this chapter shall be presumed unless actual malice is proven.

False reports.- Any person who intentionally makes a false report of suspected child abuse against a school, private residential rehabilitative institution, detention facility, school employee, private residential rehabilitative institution employee or detention facility employee commits a misdemeanor of the second degree.

A false report is a report of child abuse and/or neglect that is made to the ChildLine, which is not true and is maliciously made for the purpose of:

- Harassing, embarrassing, or harming another person;
- Personal benefit for the reporting person in any other private dispute involving a child;
- Personal financial gain for the reporting person;
- Acquiring custody of a child.

Please refer to the following website for the Child Protective Services Act for a complete listing of the provisions:

<http://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063.&CFID=224154444&CFTOKEN=11851291>