What is child abuse?

The term “child abuse” shall mean any of the following:

(i) Any recent act or failure to act by a perpetrator that causes non-accidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator that causes non-accidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) 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.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning. PA Law: 23 Pa.C.S. § 6303(b)(1)(i)-(iv)

What is considered “serious physical injury”?

(i) Serious physical injury should be understood to be an injury that: "(1) causes a child severe pain; or (2) significantly impairs a child's physical functioning, either temporarily or permanently.

PA Law: 23 Pa.C.S. § 6303(a)

What is considered “serious bodily injury”?

(i) Serious bodily injury should be understood to be a “bodily 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.

PA Law: 23 Pa. C.S. § 6303(a)

What is considered “serious mental injury”?

(i) Serious mental injury should be understood to be a “psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that: (a) renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened; or (b) seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

PA Law: 23 Pa. C.S. § 6303(a)
How do you report suspected child abuse?

Reports of suspected child abuse may be made, in Pennsylvania, to the County Children and Youth Services office in which the abuse occurred or, to ChildLine. ChildLine accepts phone calls 24 hours a day, 7 days a week and trained personnel “will provide information, counseling and referral services” to ensure that the children of Pennsylvania are safe from child abuse. To report child abuse to ChildLine, call: 1-800-932-0313 (TDD: 1-866-872-1677)

You may also complete a CY47 form and fax it to the Children and Youth Services office for the county in which the suspected abuse occurred.

Source: http://www.dpw.state.pa.us/forchildren/childwelfareservices/calltoreportchildabuse/5_000331

What is considered “sexual abuse” and “sexual exploitation”?

(1) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct.

(2) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in simulation of sexually explicit conduct for the purpose of producing visual depiction, including photographing, videotaping, computer depicting and filming.

(3) Any of the following offenses committed against a child:
   - Rape.
   - Sexual assault.
   - Involuntary deviate sexual intercourse.
   - Aggravated indecent assault.
   - Molestation.
   - Incest.
   - Indecent exposure.
   - Prostitution.
   - Sexual abuse.
   - Sexual exploitation.

PA Law: 23 Pa. C.S. § 6303(a)

What is considered “serious physical neglect”?

(i) Serious physical neglect should be understood to include any “prolonged or repeated lack of supervision or the failure to provide essentials of life, including adequate medical care, which endangers a child’s life or development or impairs the child’s function.” 23 Pa.C.S. § 6303(b)(1)(iv)

When is it NOT child abuse?

(i) It will not be considered child abuse and a child will not be found 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.” 23 Pa.C.S. § 6303(b)(2)

Who can be a “perpetrator” of abuse?

(i) A perpetrator of child abuse is any person “who has committed child abuse and is a parent of a child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child’s parent.” 23 Pa.C.S. § 6303 (a)

What happens after a report of suspected child abuse is made?

(i) After the report of suspected child abuse is made the trained personnel at ChildLine will decide if the report should be turned over to a county agency for investigation, if the report should be turned over directly to local law enforcement, or if the reporter can be referred to local social service organizations including counselors, financial aid assistance, and legal assistance.

For more info go to: lookoutforchildabuse.org and law.psu.edu/academics/research_centers/children_and_the_law
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Are there any exceptions to mandatory reporting requirements?

(i) Yes, an ordained member of the clergy does not have to report suspected child abuse discovered through confidential communications. 42 Pa. C.S. § 5943. Also, confidential communications to an attorney are protected communications and the attorney will not have to report suspected child abuse discovered through confidential communications. 42 Pa. C.S. § 5916. Beyond the ordained clergymen and attorneys, privileged communications between professionals required to report and their patient or client will not allow for the person to fail to report suspected child abuse. 23 Pa.C.S. § 6311(a)

What are the mandatory reporting requirements for mandatory reporters?

(i) Oral reports MUST be made to the Pennsylvania Department of Public Welfare by calling ChildLine at 1-800-932-0313. Oral reports may also be made the appropriate county agencies. Reports must be made IMMEDIATELY by phone, and then followed by a written report within 24 hours of the oral report of suspected child abuse. Written reports MUST be made to the appropriate county agency on the forms provided by the Department of Public Welfare. 23 Pa. C.S. § 6313(a)-(c), 49 Pa. Code § 42.42

What if a mandatory reporter fails to report suspected child abuse?

(i) A mandatory reporter who fails to report suspected child abuse, and who fails to do so “willfully” has committed a “summary offense of the first violation and a misdemeanor of the third degree for a second or subsequent violation.” 23 Pa.C.S. § 6319

Is the reporter’s identity ever revealed?

(i) With exception of revealing the reporter’s identity to law enforcement officials and the district attorney, information about the reporter’s identity who made the report of suspected child abuse or someone who cooperated with an investigation into suspected child abuse shall be protected unless it is found that the release of the reporter’s information will not jeopardize the safety of the reporter. In fact, “Law enforcement officials shall treat all reporting sources as confidential informants.” 23 Pa.C.S. § 6340(c)

Can reporters be held liable?

(i) If the reporter reported the suspected child abuse in good faith, the reporter will not be held liable. Any “personal, hospital, institution, school, facility, agency or agency employee that participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse, the taking of photographs or the removal or keeping of a child...and any official or employee of a county agency who refers a report of suspected abuse to law enforcement authorities or provides services...shall have immunity from civil and criminal liability...” 23 Pa.C.S. § 6318(a)

For more info go to: lookoutforchildabuse.org and law.psu.edu/academics/research_centers/children_and_the_law