

Child Abuse And Neglect



A Guide for
Montgomery County
Residents and Professionals

DEFINING CHILD ABUSE

(Act 108 of 2013, Effective 12/31/2014)

CHILD ABUSE. --the term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:

- (1) Causing bodily injury to a child through any recent act or failure to act.
- (2) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- (3) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- (4) Causing sexual abuse or exploitation of a child through any act or failure to act.
- (5) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- (6) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- (7) Causing serious physical neglect of a child.
- (8) Engaging in any of the following recent acts:
 - (i) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - (ii) Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - (iii) Forcefully shaking a child under one year of age.
 - (iv) Forcefully slapping or otherwise striking a child under one year of age.
 - (v) Interfering with the breathing of a child.
 - (vi) Causing a child to be present at a location while a violation of 18 PA.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
 - (vii) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
 - (A) Is required to register as a tier ii or tier iii sexual offender under 42 PA.C.S. CH. 97 SUBCH. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.
 - (B) Has been determined to be a sexually violent predator under 42 PA.C.S. § 9799.24 (relating to assessments) or any of its predecessors.
 - (C) Has been determined to be a sexually violent delinquent child as defined in 42 PA.C.S. § 9799.12 (relating to definitions).
- (9) Causing the death of the child through any act or failure to act.

DEFINITIONS:

Bodily Injury - Impairment of physical condition, or substantial pain

Sexual Abuse - The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct. A simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming of sexually explicit conduct. Any of the following offenses as defined by the crimes code:

Rape, Statutory sexual assault, Involuntary deviate sexual intercourse, Sexual assault, Aggravated indecent assault, Indecent assault, Indecent exposure, Incest, Prostitution

Sexual Exploitation which includes any of the following:

Looking at the sexual or other intimate parts of a child for the purpose of arousing or gratifying sexual desire in either person.

Engaging or encouraging a child to look at the sexual or other intimate parts of another person for the purpose of arousing or gratifying sexual desire in any person involved.

Engaging or encouraging a child to participate in sexually explicit conversation either in person, by telephone, by computer, or by computer aided device.

Serious Mental Injury - A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that 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 seriously interferes with a child's ability to accomplish age appropriate developmental and social tasks.

Serious Physical Neglect - Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:

(1) A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.

(2) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

CHILD NEGLECT

The failure of a parent or other person with responsibility for the child to provide needed food, clothing, shelter, medical care, or supervision to the degree that the child's health, safety, and well-being are threatened with harm.

HOW TO MAKE A REPORT

- If the child is in immediate danger call 911
- File an electronic report of suspected child abuse at www.compass.state.pa.us/cwis
- Call ChildLine (800) 932-0313 and complete a CY 47 (only if you cannot file electronically)
- Notify your Administrator, Principal, Director, Etc.

Montgomery County District Attorney's Added Mandate:

- Notify local police department
- Notify the Montgomery County Detective Bureau. Ask for the Detective Lieutenant on call (610) 278-3368

CHILDLINE www.compass.state.pa.us/cwis

CHILDLINE is Pennsylvania's electronic portal for reporting suspicions of child abuse and neglect. CHILDLINE operates seven days/week, 24 hours/day to receive reports of suspected child abuse and neglect. CHILDLINE maintains a record of all substantiated reports of abuse and neglect for purposes of Child Abuse History Clearances for individuals wishing to become employed in a child-serving profession, volunteer with children, or become foster parents.

Montgomery County Office of Children & Youth (610) 278-5800

A call may be made directly to the Office of Children & Youth, anytime of the day or night, to report concerns. An Intake Caseworker is available 24 hours/day, seven days/week. During evenings, weekends, or holidays, call (610) 275-1222.

MANDATED REPORTER TRAINING

Appropriate for mandated and permissive reporters:

Go to www.reportabusepa.pitt.edu

- Free 3-hour on-line course
- Provides information on recognition of child maltreatment
- Provides information on your obligation or opportunity to report suspicions of abuse
- Details procedures for making a report of child maltreatment
- Meets Act 31 training requirements
- Meets Act 126 training requirements

PENNSYLVANIA'S CHILD ABUSE RESOURCE PORTAL

Go to www.keepkidssafe.pa.gov
for information, training, clearances and more

CHILDLINE: www.compass.state.pa.us/cwis

- **Helpful Information to have available when making a report to CHILDLINE or contacting the Office of Children & Youth:**
- **About the Child:**
 - Name, Social Security number, birth date, gender, address, county, current location, age
- **About the Parent(s) or Legal Guardian(s):**
 - Name, Social Security number, birth date, address, county and phone number
- **About the Suspected Abuser:**
 - Name or physical description or license plate number if the name is unknown
 - Social Security number, birth date, age, gender
 - Home address, county, phone number
 - Relationship to the child
 - Employer, employer address
- **About the Type of Abuse Suspected:**
 - A description of the suspected injury or impairment of bodily function
 - Where the incident took place and when it occurred
 - Any concern for the child's immediate safety
 - Additional details about the child and suspected abuser that could be helpful or important
- **About You, the Reporter:**
 - Name, address, phone number, email address, date of report
 - Your (the reporter's) relationship to the child
 - Actions you have taken – talking to the parent, reporting to the police, obtaining medical care for the child
 - You may report an incident anonymously; however, it is helpful for the agency to be able to contact you for additional information if necessary, and by providing your information, you are on record as reporting your concerns and meeting your legal obligations if you are mandated to do so

You may be asked for additional information to help assess the urgency or seriousness of the situation. This information may include knowledge of substance abuse, domestic violence or other physical or behavior concerns.

CHILDLINE: 1-800-932-0313

MANDATED REPORTERS (Amended by Acts 32, 33, 34 and 44 of 2014)

The following adults shall make a report of suspected child abuse, subject to subsection (b), if the person has reasonable cause to suspect that a child is a victim of child abuse:

- A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
- A medical examiner, coroner or funeral director.
- An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
- A school employee.
- An employee of a child-care service who has direct contact with children in the course of employment.
- A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.
- An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.
- An employee of a Social services agency who has direct contact with children in the course of employment.
- A peace officer or law enforcement official.
- An emergency medical services provider certified by the Department of Health.
- An employee of a public library who has direct contact with children in the course of employment.
- An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11), who has direct contact with children in the course of employment.
- An independent contractor.
- An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.

BASIS TO REPORT—

A mandated reporter shall make a report of suspected child abuse or cause a report to be made if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- 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 or service.
- 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 other entity that is directly responsible for the care, supervision, guidance or training of the child.
- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.

CHILDLINE: www.compass.state.pa.us/cwis

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.

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.

STAFF MEMBERS OF INSTITUTIONS, ETC.—Whenever a person is required to report in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that person shall report immediately and shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge. Upon notification, the person in charge or the designated agent, if any, shall facilitate the cooperation of the institution, school, facility or agency with the investigation of the report. Any intimidation, retaliation or obstruction in the investigation of the report is subject to penalty under law (relating to intimidation, retaliation or obstruction in child abuse cases). More than one report from any such institution, school, facility or agency is not required.

AM I REQUIRED TO REPORT CHILD ABUSE & NEGLECT

Mandated Reporters are required by law to report, but ALL are permitted or encouraged to report suspicions of child abuse and neglect.

Good faith reporters of suspected child abuse or neglect:

- Maintain confidentiality
- Have immunity from liability
- Are protected from employment discrimination

Failure to report child abuse or neglect or failure to cooperate with an investigation of child abuse or neglect could result in being charged with the following:

- Willful failure to cooperate
- Endangering the welfare of a child
- Misdemeanor or felony charges

IMPORTANT CONTACTS

ChildLine: www.compass.state.pa.us/cwis
Call (800) 932-0313 only if you cannot file electronically

Montgomery County Office of Children & Youth:	(610) 278-5800
Montgomery County District Attorney's Office:	(610) 278-3090
Montgomery County Detective Bureau:	(610) 278-3368
Montgomery County Radio Room (after hours only):	(610) 275-1222

CHILDLINE: 1-800-932-0313

INVESTIGATION OUTCOMES

(Act 108 of 2013, Effective 12/31/2014)

- **Indicated**

Investigation by the Department or county agency determines that substantial evidence of the alleged abuse by a perpetrator exists based on available medical evidence, the child protective service investigation, admission of the acts of abuse by the perpetrator. A report may be indicated for any child who is the victim of child abuse, regardless of the number of alleged perpetrators. A report may be indicated listing the perpetrator as "unknown" if substantial evidence of abuse by a perpetrator exists, but the department or county agency is unable to identify the specific perpetrator.

- **Founded**

A child abuse report involving a perpetrator and:

(1) There has been a judicial adjudication based on a finding that a child who is a subject of the report has been abused and the adjudication involves the same factual circumstances involved in the allegation of child abuse. The judicial adjudication may include any of the following:

(i) The entry of a plea of guilty or nolo contendere.

(ii) A finding of guilt to a criminal charge.

(iii) A finding of dependency under 42 Pa.C.S. § 6341 (relating to adjudication) if the court has entered a finding that a child who is the subject of the report has been abused.

(iv) A finding of delinquency under 42 Pa.C.S. § 6341 if the court has entered a finding that the child who is the subject of the report has been abused by the child who was found to be delinquent.

(2) There has been an acceptance into an accelerated rehabilitative disposition program and the reason for the acceptance involves the same factual circumstances involved in the allegation of child abuse.

(3) There has been a consent decree entered in a juvenile proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters), the decree involves the same factual circumstances involved in the allegation of child abuse and the terms and conditions of the consent decree include an acknowledgment, admission or finding that a child who is the subject of the report has been abused by the child who is alleged to be delinquent.

(4) A final protection from abuse order has been granted under section 6108 (relating to relief), when the child who is a subject of the report is one of the individuals protected under the protection from abuse order and:

(i) only one individual is charged with the abuse in the protection from abuse action;

(ii) only that individual defends against the charge;

(iii) the adjudication involves the same factual circumstances involved in the allegation of child abuse; and

(iv) the protection from abuse adjudication finds that the child abuse occurred.

- **Unfounded**

Any report made unless the report is a "founded report" or an "indicated report" as defined above. In many cases where initial reports are determined to be unfounded, the family is still provided supportive services from the Office of Children & Youth.

CHILDLINE: www.compass.state.pa.us/cwis

AVAILABLE SERVICES

- **Child Protective Services**

The Office of Children & Youth accepts all incoming reports of suspected child abuse and neglect, ensures the safety of children residing in the reported household, investigates the validity of reports, and provides services to families dealing with child abuse and neglect issues.

- **Information & Referral Services**

The Office of Children & Youth provides information and referral services to approximately 8,500 county residents each year. This may include phone number and address information for appropriate community-based or public services, or direct brief casework assistance by a Children & Youth staff member.

- **Case Management Services**

Children & Youth staff provide direct casework services to children and families dealing with issues of child abuse and neglect, along with the purchase, coordination, implementation, and evaluation of services for families in need of support.

- **Adolescent Services**

Children & Youth staff provide assessment and casework services to families if a parent contacts the agency with concerns regarding their 10-18 year old child who has committed a specific act or acts of habitual disobedience of the reasonable and lawful commands of his/her parent, guardian or custodian.

- **Truancy Services**

Children & Youth staff provide and coordinate services to eliminate truancy and foster educational success. These services are provided if necessary following a School District's attempts to engage the child and family and referral to the Magisterial District Judge to address the truancy issues.

- **Foster Care Services**

Most children are served at home and families remain intact. When safety prohibits children from remaining at home, out-of-home placement may be necessary. Children & Youth staff recruit, study, train, and inspect foster homes to ensure the safety of the children residing there.

- **Permanency Services**

Under the Adoption & Safe Families Act of 1997, Children & Youth staff have the legal mandate to establish permanency for abused and neglected children. In the majority of cases, children remain at home or experience brief out-of-home placement services with the goal of family reunification. In the event the child may not be able to return home, Children & Youth staff are working toward permanency from the first day of placement. Thus, if return home is not achieved in a timely fashion, Children & Youth staff are working concurrently toward adoption, independent living, subsidized permanent legal custodianship or another planned permanent arrangement for the child(ren).

- **Child Abuse & Neglect Educational Services**

Children & Youth Staff provide educational meetings to mandated reporters of child abuse and neglect, as well as, attend community forums to increase child abuse and neglect awareness and foster parent recruitment.

CHILDLINE: 1-800-932-0313

AGENCY VISION and MISSION

Agency Vision

To promote a peaceful community where children are safe and families are supported and happy.

Agency Mission

To deliver effective child welfare services that empower families to appropriately care for their children and maintain or achieve a desirable quality of life in the best interest of each child.

RESPONSIBILITY OF CHILDREN & YOUTH

The Montgomery County Office of Children & Youth, under Pennsylvania law, is mandated to investigate all reports of suspected abuse, neglect or dependency of children from birth to age 18 in Montgomery County.

Our professional staff investigate reports made to our office and support families, when appropriate, to address conditions which adversely affect a child's care. Our staff work with families directly and also coordinate services with community resources to improve family conditions. Family Engagement, In-home Supportive Services, Placement Services and Adoption Services are integral to our focus on child safety and well-being.

Maintaining natural family connections for children and involving family and the family's support system is a priority in Children & Youth casework services.

MONTGOMERY COUNTY CHILDREN & YOUTH OFFICE LOCATIONS

POTTSTOWN Western Regional Office 364 King Street 2 nd Floor Pottstown, PA 19464 Ph (610) 327-1588 Fax (610) 327-1104	NORRISTOWN Human Services Center 1430 DeKalb Street P.O. Box 311 Norristown, PA 19404-0311 Ph (610) 278-5800 Fax (610) 278-5898	WILLOW GROVE Eastern Regional Office Courthouse Annex 102 York Road, Suite 402 Willow Grove, PA 19090 Ph (215) 784-5486 Fax (215) 784-5426
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CHILDLINE: www.compass.state.pa.us/cwis

FREQUENTLY ASKED QUESTIONS

1. If I make a report or referral will the family know it was me?

No. The referral source or reporter is kept confidential under the Child Protective Services Law. See Mandated Reporters tab of this booklet for more details.

2. If I only have suspicions of child abuse or neglect, should I still make a report?

Yes. The threshold for reporting is suspicion alone. You are not required to have clear evidence or "proof" that the abuse or neglect is occurring. You should, however, be able to explain the effects or impact the alleged abuse or neglect is having on the child.

3. Can I report electronically?

Yes. In fact, the Commonwealth's electronic reporting portal is now the preferred method for reporting. Simply go to www.compass.state.pa.us/cwis to report your suspicions of child abuse or neglect to ChildLine. Your electronic report and confirmation email from ChildLine serves as verification that you officially reported your concerns.

4. I made a report to Children & Youth, why has no one contacted me back with information?

The work that Children & Youth staff does with families is strictly confidential. Staff are not permitted to routinely share case information without just cause. If you are a mandated reporter and the referral source, and you made the report electronically, you may log back on to the Commonwealth's electronic reporting portal at www.compass.state.pa.us/cwis to view the outcome of the investigation and the services provided to the family.

5. If I report abuse or neglect, will the child be put in foster care?

Only as a last resort and only if it is necessary to ensure the safety of the child. Most of the time (about 85% of the time) children remain at home or with family and services are provided in the family home. In approximately 15% of cases, however, foster care or out-of-home placement is necessary because it is the only way to ensure the child's safety. If a child cannot remain with their primary caregiver(s), relatives and family friends are called upon first to assist in providing temporary care.

6. What kind of training is required for Children & Youth Caseworkers?

Caseworkers with the Montgomery County Office of Children & Youth have a minimum of a Bachelor's Degree with a concentration in social work or a social work-related field. Many staff members also have a Master's level degree. All new caseworkers complete 120 hours of initial training and receive Department of Public Welfare certification in the first year on the job. Caseworkers receive a minimum of 20 hours additional training per year thereafter.



Montgomery County
Office of Children & Youth



County Commissioners
Josh Shapiro, Chair
Valerie A. Arkoosh, MD, MPH, Vice Chair
Bruce L. Castor, Jr., Commissioner

CHILDLINE
www.compass.state.pa.us/cwis
or 1-800-932-0313

Laurie O'Connor
Director

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