

What Are the Penalties for Failure to Report Child Abuse?

Those who are mandated by law to report child abuse and who fail to do so face a misdemeanor of the third degree (up to one year in prison) and a misdemeanor of the second degree for a second or subsequent offense (up to two years of prison).

**ChildLine, Pennsylvania's Child Abuse Hotline – Pennsylvania Department of Public Welfare
1-800-932-0313**

How Can I Locate a Lawyer?

Call the Pennsylvania Bar Association Lawyer Referral Service toll free at 800-692-7375. Many counties have this same service. Check your Yellow Pages under “attorneys” for more details. In addition, you can contact your local legal services office to see if it can provide legal representation in cases of child abuse.

This pamphlet has been made available to you as a public service of the Pennsylvania Bar Association.

Visit our website at www.pabar.org or call 800-932-0311

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Reporting Child Abuse

Consumer Legal Information



Pamphlets

by the

PENNYSYLVANIA BAR ASSOCIATION

What Is Child Abuse?

Pennsylvania's Child Protective Services Law defines child abuse as any recent action or failure to take action that causes non-accidental serious physical injury and as any action causing serious mental injury, sexual abuse or sexual exploitation of a child under the age of 18.

Child abuse includes serious physical neglect caused by prolonged or repeated lack of supervision or failure to provide life essentials (such as medical care) that endangers a child's life or development and impairs the child's functioning.

Who Should Report Child Abuse?

Anyone may report child abuse. As a guiding principle, a person should immediately report cases in which that person has a reasonable cause to suspect child abuse has occurred. First-hand observation of abuse is not required. If a report is made based on good faith suspicion that abuse is occurring or has occurred, the person reporting the abuse will be immune from any resulting legal proceedings.

Under Pennsylvania law, those who come into contact with children on a regular basis as part of their work are considered to be mandated reporters and must report suspicions of child abuse. Mandated reporters include but are not limited to medical and mental health professionals, childcare and daycare workers, law enforcement officials, foster care workers, hospital personnel, school teachers, school personnel, athletic coaches, social service workers, attorneys and members of the clergy. For attorneys and ordained members of the clergy, there are limitations on privileged communication (private statements meant to be kept in confidence for the benefit of the reporter) in cases of child abuse.

Special Note: This pamphlet has been issued to inform and not to advise. It is based on Pennsylvania law. The statements are general, and individual facts in a given case may alter their application or involve other laws not referred to here.

Again, any person with reasonable cause to suspect that a child has been abused may make a report. Reports are accepted regardless of whether or not the person identifies herself or himself.

How Is a Report Filed?

To file a report, call the ChildLine at 1-800-932-0313. This toll-free hotline is staffed around the clock by the Pennsylvania Department of Public Welfare (DPW). A person may report suspected child abuse through the ChildLine without giving his or her name.

If a person believes there is imminent danger of a crime being committed against a child, the person is encouraged to call the local police.

If a person suspects that a child is being left alone and that child is too young to be left without supervision, the person should call the ChildLine and the police for immediate investigation.

Those mandated by law to report suspected child abuse should immediately notify the person in charge of the institution (e.g., school principal, head administrator, pastor) or the person designated by the institution to handle child abuse reporting when child abuse is suspected.

The person in charge of the institution or designated by the institution to handle child abuse reporting must immediately notify the ChildLine at 800-932-0313. That person may not make an independent decision regarding whether or not to report the suspected abuse. Within 48 hours of the telephone report, those in charge of the institution or the designated person must file a written report to the child protective services agency in the county in which the suspected abuse has occurred. If information is not available to entirely complete the form, the reporter of suspected abuse should not conduct his or her own investigation in an effort to obtain the requested information.

School administrators also must report the suspected abuse to local police and the local district attorney's office.

A mandated reporter who does not work in an institution with an identified child abuse reporter must report suspected abuse on his or her own.

If the person in charge of the institution or the identified reporter for that institution is the suspected abuser, a mandated reporter must make the report on his or her own.

The mandated reporter should keep confidential the fact that a report of suspected child abuse was filed and the details included in the report.

A person reporting a suspected case of child abuse may not interfere with any official investigation by authorities.

What Happens After a Report is Filed?

If the report concerns a defined perpetrator (a person responsible for the child's welfare such as a parent or a household member), ChildLine forwards the information to the county department of public welfare (part of CYF - Children, Youth and Families Services). If the report does not suggest abuse but does suggest a need for other services, that information is forwarded to the appropriate staff at the county department. If the report does indicate abuse, the county department must investigate to determine if the child should be taken into protective custody. The county department must begin the investigation within 24 hours of the report of suspected abuse and complete the investigation within 30 days.

If the county department receives a report that a child has been left unsupervised, the child's home will be visited by a county department employee as soon as possible. That visit may be made without notice.

If the allegations concern an individual other than a perpetrator, the ChildLine report is

forwarded to local law enforcement for investigation. Reports of allegations involving CYF or a CYF contracted provider are turned over to the state regional DPW office.

Is the Identity of the Person Reporting Suspected Child Abuse Kept Confidential?

Information that would identify the person who made a report of suspected child abuse or who cooperated in an investigation of abuse is kept confidential. However, the Secretary of the Pennsylvania Department of Public Welfare may release information if there is a determination that such a disclosure would not be harmful to the reporting person's safety.

The name of the person reporting suspected abuse may be given to law enforcement officials investigating cases of homicide, child abuse, sexual abuse, sexual exploitation and serious bodily injury perpetrated by persons not related to the victim and investigating reports of repeated physical injury indicating the child's health and welfare is harmed or in danger. Reporting sources are to be kept confidential by law enforcement officials.

Can a Mandated Reporter be Penalized by an Employer for Making an Abuse Report?

Provided that reports of suspected child abuse are made in good faith and based on reasonable suspicion that abuse has occurred, a mandated reporter may bring legal action in a court of common pleas against his or her employer if workplace discrimination or wrongful discharge results from reporting suspected child abuse. The court has the power to order appropriate relief, including job reinstatement and back pay.