



## Children's Justice & Advocacy Report

To promote community responsibility so every Pennsylvania child is protected from child abuse, including sexual abuse.

### Who is a mandated reporter?

Pennsylvania law includes a specific list of adults, who have a legal responsibility to report suspected child abuse to ChildLine – the state's child abuse reporting hotline (1-800-932-0313). The following 15 categories of adults are mandated reporters:

#### 1. A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State

*NOTE: The Department of State licenses professionals through the following health-related boards:*

- Chiropractic
- Dentistry
- Massage Therapy
- Medicine
- Nursing
- Examiners of Nursing Home Administrators
- Occupational Therapy
- Optometry
- Osteopathic Medicine
- Pharmacy
- Physical Therapy
- Podiatry
- Psychology
- Speech-Language and Hearing Examiners
- Social Workers, Marriage and Family Therapists and Professional Counselors

2. A medical examiner, coroner or funeral director
3. 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
4. A school employee, which is a person employed by a school or a person providing a program, activity, or service sponsored by a school. Excluded from this definition is a person who has no direct contact with a children.

**NOTE:** The following fall within the definition of school:

- A facility providing elementary, secondary or postsecondary educational services. The term includes the following:
  - Any school of a school district.
  - An area vocational-technical school.
  - A joint school.
  - An intermediate unit.
  - A charter school or regional charter school.
  - A cyber charter school.
  - A private school licensed under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act.
  - A private school accredited by an accrediting association approved by the State Board of Education.
  - A nonpublic school.
  - A community college which is an institution now or hereafter created pursuant to Article XIX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, or the act of August 24, 1963 (P.L.1132, No.484), known as the Community College Act of 1963.
  - An independent institution of higher education which is an institution of higher education which is operated not for profit, located in and incorporated or chartered by the Commonwealth, entitled to confer degrees as set forth in 24 Pa.C.S. § 6505 (relating to power to confer degrees) and entitled to apply to itself the designation "college" or "university" as provided for by standards and qualifications prescribed by the State Board of Education pursuant to 24 Pa.C.S. Ch. 65 (relating to private colleges, universities and seminaries).
  - A State-owned university.
  - A State-related university.
  - A private school licensed under the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act.
  - The Hiram G. Andrews Center.
  - A private residential rehabilitative institution as defined in section 914.1-A(c) of the Public School Code of 1949.

**5. An employee of a child-care service who has direct contact with children in the course of employment**

*NOTE: Child care services includes:*

- Child day-care centers
- Group day-care homes
- Family day-care homes
- Foster homes
- Adoptive parents
- Boarding homes for children
- Juvenile detention center services or programs for delinquent or dependent children
- Mental health services for children
- Services for children with intellectual disabilities
- Early intervention services for children
- Drug and alcohol services for children
- Day-care services or programs that are offered by a school
- Other child-care services that are provided by or subject to approval, licensure, registration or certification by the Department of Public Welfare or a county social services agency or that are provided pursuant to a contract with the Department of Public Welfare or a county social services agency.

**6. A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.**

*NOTE: Section 6311.1 (b) include the "following protections" (1) "Confidential communications made to a member of the clergy are protected under 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen).*

**7. 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.**

*NOTE: A program, activity or service is defined as the following: A public or private educational, athletic or other pursuit in which children participate. The term includes, but is not limited to, the following:*

- A youth camp or program
- A recreational camp or program
- A sports or athletic program
- An outreach program
- An enrichment program
- A troop, club or similar organization

**8. An employee of a social services agency who has direct contact with children in the course of employment.**

*NOTE: Direct contact with children is defined as "the care, supervision, guidance or control of children or routine interaction with children."*

**9. A peace officer or law enforcement official**

*NOTE: Pennsylvania's Crimes Code includes this definition of a peace officer: Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or any person on active State duty pursuant to 51 Pa.C.S. § 508 (relating to active duty for emergency). The term "peace officer" shall also include any member of any park police department of any county of the third class."*

**10. An emergency medical services provider certified by the Department of Health.**

**11. An employee of a public library who has direct contact with children in the course of employment.**

**12. 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.**

**13. An independent contractor.**

*Note: Independent contractor is defined: "An individual who provides a program, activity or service to 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. The term does not include an individual who has no direct contact with children."*

**14. 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.**

*Note: A person affiliated with is defined: "A person that directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with a specified person."*

**15. A foster parent**

## ***When does a mandated reporter have to act?***

Mandated reporters must file a report with ChildLine – Pennsylvania’s child abuse reporting hotline – when they have “reasonable cause to suspect” that a child is a victim of child abuse” under **any** of the following situations:

1. 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.
2. 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.
3. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
4. An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

A critical change in PA law relates to when a mandated reporter works or volunteers within an institution. The previous practice of notifying a supervisor and then that supervisor or administrator making the official report to an outside authority (e.g., ChildLine or law enforcement) has changed.

PA law now requires that the mandated reporter, who has reasonable cause to suspect a child is a victim of child abuse, “shall immediately” notify ChildLine. After the report is filed with ChildLine, the mandated reporter “shall immediately thereafter notify the person in charge of the institution, school, facility, or agency or the designated agent of the person in charge.”

Immediately has not been defined in state law and so the practical guidance often provided to mandated reporters is to have a report made to ChildLine within the same day.