



CHILD ABUSE REPORTING

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By Direction Of:

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A. Purpose & Scope.

To define the Office of State Inspector General's (OSIG) policy and procedures regarding child abuse reporting. This policy applies to all OSIG employees during the course of conducting official OSIG business. Failure to abide by this policy may result in disciplinary action up to and including termination.

B. Definition.

Child Abuse – The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following per The Pennsylvania Child Protective Services Law (23 Pa. C.S.A § 6303(b.1)):

- (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).
 - (D) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).
- (9) Causing the death of the child through any act or failure to act.
- (10) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

Mandated Reporter – A person who is required by this chapter [23 Pa. C.S. Chapter 63] to make a report of suspected child abuse.

Serious Bodily Injury – 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. (23 Pa. C.S.A § 6303)

C. Policy.

Under the Child Protective Services Law (23 Pa. C.S. Chapter 63), OSIG employees are not labeled as mandated reporters of child abuse. However, Department of Human Services (DHS) employees are mandated reporters based on the social services qualification in 23 Pa. C.S.A §6311. As the OSIG performs investigations on behalf of and partners with DHS, the agency considers its employees to be mandated reporters.

OSIG employees, while conducting official OSIG business, must report **all** cases of suspected child abuse **immediately**.

For more information on the identification child abuse and neglect, click [here](#).

D. Procedures.

The following is the OSIG policy and procedure on reporting suspected child abuse:

OSIG Sworn Law Enforcement Staff

- OSIG sworn law enforcement staff can, but are not required to, intervene in a situation where they witness child abuse per the above definition. However, if an OSIG sworn law enforcement staff member intervenes, they do so as a private citizen, not as an OSIG employee based on the defined mandated reporters in 23 Pa. C.S. Chapter 63.
- When the suspected child abuse does not involve immediate danger or serious bodily injury to the child, OSIG sworn law enforcement staff must **immediately** report the suspected child abuse to DHS via the [Child Welfare Portal](#). To access the database, OSIG staff must create a Keystone ID. Some staff may already have a Keystone ID that was established either through COMPASS, SERS, or through PA's child support website. If staff already have an established Keystone ID, they do not need to create a new one and will use their existing ID to log into the Child Welfare Portal. If OSIG staff do not have a Keystone ID they must select "create individual account" on the portal homepage and follow the instructions to create an account.
- Once a user account has been created, OSIG sworn law enforcement staff will use it to log into the database, submit child abuse referrals, and view your referrals.
- When the suspected child abuse involves immediate danger or serious bodily injury to the child, OSIG sworn law enforcement staff must **first** report the suspected child abuse to the local police or to another authority (if the employee believes the other authority can act sooner). Immediately following their contact with the local police or other authority, employees must report the child abuse using the [Child Welfare Portal](#).
- For all cases of suspected child abuse, employees must contact their immediate supervisor no later than the close of business the day of the incident to report the details of the suspected child abuse, including actions taken. All cases of suspected child abuse that involve immediate danger or serious injury to the child, must be forwarded through the chain of command to their Bureau Deputy State Inspector General.
- When an OSIG sworn law enforcement staff member submits a child abuse referral via the [Child Welfare Portal](#), a copy of it will be sent via e-mail. Bureau of Fraud Prevention and Prosecution employees must upload this copy to the Documents Tab on the Responsible Party Screen in the OSIG Avoidance and Recovery System (OARS), where it will be stored for six years. Bureau of Special Investigations and Bureau of Law Enforcement Oversight employees will upload a copy of the referral into their Case Management Tracking System (CMTS) attached to the initial complaint number within the documents section of CMTS, where it will be stored for six years.
- Sworn law enforcement staff in the Bureau of Fraud Prevention and Prosecution must also enter information on the child abuse referral in the Client Warning field on the Responsible Party screen in OARS. Once the information is entered and saved, a red asterisk will appear next to the client's name in all places it appears in OARS, which will allow other OSIG staff who may come into contact with this client to be aware of any potential child abuse issues.

OSIG Tipline

- When a tipline operator receives a tip that reports suspected child abuse, the details of the child abuse provided must be input in OSIG Automated Tipline Service (OATS) system. The details will be input on the Complaint Input Screen. Once the details are entered, the operator will check the Reported Child Abuse checkbox found in the Complaint Codes section at the bottom of the screen. Once the tip is submitted, an email is automatically sent Childline.

E. Additional Information.

Employees are not to interview anyone in conjunction with the suspected child abuse.

Employees must cooperate with the appropriate authorities in providing information about the suspected child abuse. OSIG employees shall only testify in court proceedings if subpoenaed appropriately.

Employees who act in good faith when reporting or referring suspected child abuse will be afforded employment protection.

Any questions concerning this policy and procedure should be directed to your supervisor.

Employees can also obtain additional information by accessing the following links:

www.keepkidssafe.pa.gov

www.reportabusepa.pitt.edu (Free online child abuse recognition and reporting training)
