


ACT 126
The PA Child Protective
Services Law

Mandated Reporting for School Employees




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Services Law

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MODULE 1

**Introduction to the Child
Protective Services Law
(CPSL)**



Child Protective Services Law

Purpose of the CPSL:

- Encourage more complete reporting of suspected child abuse
- Involve law enforcement in responding to child abuse
- Establish services for investigation, protection and rehabilitation for children and parents

History of the CPSL

- 1975: PA Child Protective Services Law passes
- 1985: Act 33 requires background checks
- May 2007: Act 179 outlines penalties
- July 2012: Act 126 ensures 3 hours of training every 5 years for mandated reporters

The Child Protective Services System



Child Protective Services System

Department of Public Welfare

- Child Protective Services are administered by the Department of Public Welfare through county Children & Youth agencies

Children and Youth Agencies

There are two primary functions of Children and Youth agencies. They determine the services needed:

- **Child Protective Services (CPS)** – there has been reasonable cause to suspect child abuse; conducts child abuse investigations
- **General Protective Services (GPS)** – there is concern about something in the home and non-abuse cases requiring supports and services preventing harm to the child

Child Protective Services (CPS)

The Department of Public Welfare operates
ChildLine 1-800-932-0313

- Statewide toll-free 24/7 system
- Receives reports of suspected child abuse
- Refers reports to local county agencies for investigation

General Protective Services (GPS)

- Protects the safety, rights, and welfare of children
- Assists parents in recognizing and correcting conditions that are harmful to their children
- Assists parents in fulfilling their parental duties more adequately in a manner that does not put their children at risk

Essentials of Life

- Food
- Shelter
- Clothing
- Supervision
- Medical care
- Education
- Protection from harm

General Protective Services - GPS

General Protective Services prevent the potential harm to a child who meets **one** of several criteria.

These criteria include:

General Protective Services - GPS

- Lack of parental control
- Deprivation of the essentials of life
- Illegal placement for adoption or care
- Abandonment by parents or guardians
- Chronic truancy

General Protective Services - GPS

- Habitual disobedience
- Formal adjudication
- Commitment of a delinquent act under age 10
- Defined as ungovernable
- Born to parents with terminated parental rights

PA Model Risk & Safety Assessments

Child Protective Services (CPS)

- When CPS receives a report via *ChildLine*, the *PA Risk Assessment Form* is completed by the county Children & Youth Agency
- In addition the county agency completes a *Safety Assessment* and
- Conducts the *ChildLine* investigation.

General Protective Services (GPS)

- When GPS receives a referral from *ChildLine*, GPS must complete the *Risk Assessment* and *Safety Assessment*.
- When a referral is made directly to GPS, not through *ChildLine*, GPS can determine to accept or not accept the case.

Making Referrals to GPS

When making referrals to GPS :

- Describe the facts regarding the situation
- Describe the risk of harm or maltreatment to the child
- What efforts the school district has made to remediate the situation, particularly in cases of truancy
- Document your referral, the contact person, and GPS responses

NOTE: If not accepted, request reason(s), consult your supervisor and resubmit in writing if you and your supervisor believe GPS services are essential.

If you are unsure whether to make a report to *ChildLine* or a referral to GPS, call *ChildLine* for assistance, and they will determine how best to direct you.

Scenario 1 – CPS or GPS?

- Sally is age 4 and her mother, Betty, is age 24. A neighbor reports that Betty left Sally home alone while she went to a bar to drink with her friends and stayed the night at her boyfriend's home. The neighbor states that she believes Betty has a drinking problem.
 - CPS report or GPS referral? Why?
 - What actions will you take?

Scenario 1 – Response

- CPS report or GPS referral? Why?
 - **GPS Referral:** This situation would be a GPS referral because no actual harm has come to the child. Issues of abandonment, which could be considered in this case, would also fall under GPS.
- What actions will you take?
 - The police should be called as a child was left home alone and there is concern for their safety. A referral to county Children and Youth Services Agency would be made and the neighbor giving you this information should also be encouraged to make a referral. Document your referral and county Children and Youth staff response and contact information.

Scenario 2 – CPS or GPS?

- Joni is an enjoyable, happy child in day care and loves playing with other children and staff. She lives with her single mother who has a new boyfriend. Recently, she has become withdrawn, angry, and is distressed when staff help her to the bathroom. The staff notice bruises and welts on her buttocks and back.
 - CPS report or GPS referral? Why?
 - What action will you take?

Scenario 2 – Response

- CPS report or GPS referral? Why?
 - **CPS Report.** There are indicators that serious abuse may have occurred with major changes in behavior, mood and physical indicators. There is enough information to have reasonable cause to suspect child abuse.
- What actions will you take?
 - Call *ChildLine* immediately to make a report of suspected Child Abuse. It is recommended that after calling *ChildLine*, follow up with a courtesy call to county Children and Youth Services. Within 48 hours of calling *ChildLine*, complete the CY-47 report form and submit it to county Children and Youth Services.

Scenario 3 – CPS or GPS?

- Single mother, Barb, has four children, ages 15, 12, 9 and 5. According to family members, the older children are often running the streets late on school nights; and sometimes appear intoxicated. Their home is described as having no heat source, plumbing in need of repair, and a leaking roof. The children often arrive to school late, hungry, and dirty. The older children have frequent absences.
 - CPS report or GPS referral? Why?
 - What actions will you take?

Scenario 3 – Response

- CPS report or GPS referral? Why?
 - **GPS Referral.** This situation would be a GPS referral because no actual harm has come to the children. However, there are concerns of potential harm and issues of truancy. It appears the essentials of life are not being met. According to the reported information none of the children appear to have experienced any abuse.
- What actions will you take?
 - A referral to county Children and Youth Services Agency. The family member giving you this information should also be encouraged to make a referral. Document your referral and county Children and Youth staff response and their contact information.

Possible Warning Signs of Abuse

The Child:

- Changes in behavior or school performance
- Has not received help for physical or medical problems brought to the parents' attention
- Learning problems that cannot be attributed to specific physical or psychological causes
- Always watchful
- Lacks adult supervision
- Is overly compliant, passive, or withdrawn
- Comes to school early, stays late, and does not want to go home

Information via ChildWelfare.gov

Possible Warning Signs

The Parent:

- Shows little concern for the child
- Denies existence of the child's problems in school or at home
- Asks teachers or other caregivers to use harsh physical discipline if child misbehaves
- Sees the child as bad, worthless, or burdensome
- Demands a level of physical or academic performance the child cannot achieve
- Looks primarily to the child for care, attention, and satisfaction of emotional needs

Possible Warning Signs

The Parent and Child:

- Rarely touch or look at each other
- Consider their relationship entirely negative
- State that they do not like each other

Consequences of Child Abuse

- Physical and Emotional Trauma
- Psychological and Physical Effects
- Societal Effects

What is NOT considered child abuse?

- Injuries that result from environmental factors that are beyond control of the parent or person responsible for the child's welfare
- Injuries that result from accidents
- Religious beliefs

Child Abuse as Defined by the CPSL

These are the three components of Child Abuse as defined by the Child Protective Services Law. All three must exist for child abuse to be substantiated:

1. **Child** - under the age of 18 when the alleged abuse occurred
2. **Perpetrator** - an abuser that fits into one of four categories
3. **Act or Failure to Act** - the law considers both acts and omissions that cause harm or the risk of serious risk of harm to a child

Child

Child is defined by the CPSL as an individual under the age of 18 when the alleged abuse occurred.

Perpetrator

1. Parent of a child
2. Persons responsible for the child's welfare
3. Individuals residing in the same home as the child
4. Paramour of a child's parents

Act or Failure to Act

Five Categories of Child Abuse:

1. Serious Physical Injury
2. Serious Mental Injury
3. Sexual Abuse or Exploitation
4. Serious Physical Neglect
5. Imminent Risk
