

EASTTOWN LIBRARY

POLICY AREA: SECURITY & EMERGENCIES

POLICY NAME: MANDATE TO REPORT SUSPECTED CHILD ABUSE

ADOPTED: 6/17/2008

REVISED: 5/25/2022

### **MANDATE TO REPORT SUSPECTED CHILD ABUSE POLICY**

The Library Board of Trustees (“Library Board”) affirms that Easttown Library (“Library”) employees are “mandated reporters” under the Pennsylvania Child Protective Services Law (Title 23 Pa. C.S. Chapter 63) and therefore obliged to assist in identifying suspected child abuse and to have procedures for reporting such in compliance with the law.

#### **Definitions:**

##### Child Abuse

Title 23 Pa. C.S. § 6303(b.1) states “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.”

Exclusions from the definition of child abuse include:

Title 23 Pa. C.S. Chapter 63 §6304(a) states “No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors, such as inadequate housing, furnishings, income, clothing and medical care, that are beyond the control of the parent or person responsible for the child's welfare with whom the child resides.”

Title 23 Pa. C.S. Chapter 63 §6304(d) states “Nothing in this chapter shall be construed to restrict the generally recognized existing rights of parents to use reasonable force on or against their children for the purposes of supervision, control or discipline of their children. Such force shall not be construed as child abuse.”

### **Duty to Report Suspected Child Abuse**

Library employees are mandated by law to make a report of suspected child abuse when during the course of their duties they have reasonable cause to suspect, on the basis of their training and experience, that a child is a victim of child abuse. Reasonable cause may be established by direct observation or report from a third party. (23 Pa. C.S. §§ 6311(b.1))

*The CCLS Library Confidentiality of Library Records Policy does not apply in situations of suspected child abuse. (23 Pa. C.S. § 6311.1)*

Generally, any person who, acting in good faith, makes a report of suspected child abuse and cooperates with agency investigations and proceedings, shall have immunity from civil and criminal liability related to those actions, as provided

by law (23 Pa. C.S. § 6318). A person required to report suspected child abuse is presumed to have acted in good faith.

A person required to report a case of suspected child abuse who willfully fails to do so commits an offense and may be subject to criminal prosecution. (23 Pa. C.S. § 6319)

### **Mandated Reporting Procedures (23 Pa. C.S. § 6313)**

Employees who have reasonable cause to suspect child abuse shall immediately call ChildLine at 1-800-932-0313 and make an oral report.

Immediately after calling ChildLine, the employee will notify the Library Director or designee (hereinafter “the Administrator”) that they have made a report (23 Pa. C.S. § 6313(c)). The Administrator and the employee will immediately complete the Library Mandated Report of Suspected Child Abuse Form.

A courtesy call to Chester County Department of Children, Youth and Families (“CYF”), or the CYF office in the county where the child resides, that a report to ChildLine has been made is recommended (610-344-5800).

Within 48 hours of reporting to ChildLine, the Administrator and the employee who made the report shall complete Form CY-47, Report of Suspected Child Abuse (available online), and send it to CYF.

### **Investigation**

Library employees shall cooperate with the Department of Human Services or CYF investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while the child is in the Library.

### **Library Documentation Procedures**

Information regarding a mandated report by a Library employee is confidential except in certain instances specified by law. All communication and records of such reports will be treated as confidential. Records kept to document background information or that provide a timeline of the report will be maintained in a secured file cabinet by the Administrator. Only one copy of any record will be maintained by the Library.

A copy of Form CY-47, Report of Suspected Child Abuse, referenced above, should be attached to the Library’s form.

### **Training**

All Library employees and volunteers shall receive initial and periodic training regarding the requirements of this policy. The Director shall oversee and implement appropriate training.

### **Employment Background Checks**

The Library policy on Employment Background Checks covers the requirements for criminal and child abuse background checks in accordance with the Pennsylvania Child Protective Services Law.