

## PROCEDURES TO REPORT REGARDING CHILD ABUSE

### MANDATE TO REPORT SUSPECTED CHILD ABUSE

Employees of Tredyffrin Township Libraries (hereinafter “Libraries”) are considered “mandatory reporters” under the PA Child Protective Services Law (Title 23 Pa. C.S.A. Chapter 63 Section 6301 et seq). This policy is adopted to affirm the obligation of the Libraries’ employees to assist in identifying suspected child abuse and to establish procedures for reporting such in compliance with the law.

This Policy and the attached Procedures will be supplemented with training in order that all employees develop and use best practices and procedures to ensure the protection of children.

#### DEFINITIONS

Title 23 Pa. C.S.A. Chapter 63 §6303(b.1) defines “Child Abuse” as 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.

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Title 23 Pa. C.S.A. 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.A. Chapter 63 §6311(a) **Mandated reporters.**--The following adults shall make a report of suspected child abuse, subject to subsection (b), if the person has reasonable cause to suspect that a child is a victim of child abuse:...

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

Title 23 Pa. C.S.A. Chapter 63 §6303(a) defines direct contact with children as “The care, supervision, guidance or control of children or routine interaction with children.”

### **Basis to Report** (Title 23 Pa. C.S.A. Chapter 63 §6311)

All Library employees shall make a report when they have reasonable cause to suspect, on the basis of their training and experience, that a child they are aware of in their professional or official capacity is an abused child. Reasonable cause may be established by direct observation or report from a third party.

### **Confidentiality** (Title 23 Pa. C.S.A. Chapter 63 §6311.1)

The privileged communications between a mandated reporter and a patient or client of the mandated reporter shall not apply to a situation involving child abuse or relieve mandated reporter of the duty to make report. Therefore, the Libraries Confidentiality of Circulation Records policy does not apply in situations of suspected child abuse.

### **Presumption of Good Faith** (Title 23 Pa. C.S.A. Chapter 63 §6318(c))

“For the purpose of any civil or criminal proceeding, the good faith of a person required to report pursuant to section 6311 (relating to persons required to report suspected child abuse) and of any person required to make a referral to law enforcement officers under this chapter shall be presumed.”

### **Failure to Report or Refer** (Title 23 Pa. C.S.A. Chapter 63 §6319(a))

1. “A person or official required by this chapter [63] to report a case of suspected child abuse or to make a referral to the appropriate authorities commits an offense if the person or official willfully fails to do so.
2. An offense under this section is a felony of the third degree if: (i) the person or official willfully fails to report;  
(ii) the child abuse constitutes a felony of the first degree or higher; and  
(iii) the person or official has direct knowledge of the nature of the abuse.
3. An offense not otherwise specified in paragraph (2) is a misdemeanor of the second degree.

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4. A report of suspected child abuse to law enforcement or the appropriate county agency by a mandated reporter, made in lieu of a report to the department, shall not constitute an offense under this subsection, provided that the report was made in a good faith effort to comply with the requirements of this chapter [63].”

### **Mandated Reporting Procedures**

Library 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 Tredyffrin Public Library Director or Paoli Branch Manager or, in their absence, a trained designee (these persons shall be referred to as “the administrator” in these procedures) that they have made a report. The Administrator and the staff member who made the report will immediately completed the “Library Mandated Report of Suspected Child Abuse Form”.

The Administrator shall notify the Township Manger that a report has been made so that the County Solicitor may be notified.

Within 48 hours of reporting to ChildLine, the Administrator and staff member who made the report shall complete form CY-47, Report of Suspected Child Abuse, and send it to ChildLine and the County of Chester’s Department of Children, Youth and Families. The Administrator shall notify the Libraries Board of Trustees that a report has been filed.

### **Investigation**

Library employees shall cooperate with the Department of Human Services or County of Chester’s Department of Children, Youth and Families, investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance.

### **Library Documentation**

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 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 the CY-47: Report of Suspected Child Abuse should be attached to the Library’s form.

### **Training**

All Library employees shall receive initial and periodic training regarding the requirements of this policy.

*Adopted by Tredyffrin Township Libraries Board, 4/23/15*

**LIBRARY MANDATED REPORT OF SUSPECTED CHILD ABUSE FORM**

To be completed by:

The person who has reasonable cause to suspect that a child is a victim of child abuse  
and the administrator to whom it was reported

**THIS DOCUMENTATION MUST BE MAINTAINED IN SEPARATE AND CONFIDENTIAL FILE**

NAME \_\_\_\_\_ Initials \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ LIBRARY \_\_\_\_\_

Administrator to whom reported \_\_\_\_\_ Initials \_\_\_\_\_ Date & time \_\_\_\_\_

CHILD'S NAME \_\_\_\_\_

Date and time information was received or observation made of disclosure of suspected child abuse.

\_\_\_\_\_

If this report was made because of child's disclosure to you what was the child's statement/response (exact quotes if possible)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If this report was made because of your observation, describe your observations as specifically as possible.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If this report was made because of third party disclosure to you, what was the third party's statement/response (exact quotes if possible.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Observations of, or conversations with the child (i.e. date, place, observations, comments, questions asked, etc,)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date and time ChildLine (1-800-932-0313) called \_\_\_\_\_

Date and time of submission of Report of Suspected Child Abuse (CY-47) \_\_\_\_\_