



- Training for professionals
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**Pennsylvania Family Support Alliance
Testimony on Mandated Reporting
Pennsylvania Task Force on Child Protection
May 31, 2012**

Good afternoon. My name is Angela Liddle, I am the Executive Director of PA Family Support Alliance and it is my privilege today to share with you the factual lessons learned through the past 25 years of working in the area of child abuse prevention. PFSA addresses this societal health issue by providing three main services throughout the Commonwealth. Since the late 1970's we have worked with community based organizations to provide parenting support and education programs to thousands of families each year. These programs operate on the premise that parents love their children and want to be good parents. Many lack knowledge of child development, have a weak skill set and coping mechanisms and very little, if any, support system. No doubt when you read our state's most recent child abuse report you will see descriptions of fatalities and near fatalities that tell you there is a far more grim issue here than a lack of social support and communication skills.

And you would be correct- sometimes parents, for reasons we don't understand can't or won't make the changes necessary so their children grow and play in happy, safe environments. And sometimes, we all need to admit that evil does exist in our world. Because of this, PFSA believes that all professionals who work with children must receive accurate and adequate education and resources so they are equipped to recognize and properly report child abuse. These, mandated reporters play a pivotal role in child protection- one that we most certainly now have on our radar in a new and more meaningful way that ever before.

And finally, PFSA provides a third program service called The Front Porch Project. In partnership with the American Humane Association PFSA is the lead entity in Pennsylvania for this training which teaches members of the community how to respond when they see children maltreated in public—at Walmart, the grocery store and in their neighborhoods. I am pleased to say that each of PFSA's program services were developed and expanded because parents told us what they needed- and we listened- because teachers and other professionals told us of their struggles and we listened- because members of the general public told us they wanted to know concrete ways to keep children safe- and we listened. So in many ways today, I am simply the messenger and I am pleased this task force was formed and that you are able to change the future for our children.

Our testimony today will focus on the lessons learned through 17years of training mandated reporters of child abuse and neglect. Let me first explain the materials you

have in front of you. The professionals we train are not professionals in the child welfare system and while many of us might believe this content is simple and straightforward it is not. We believe it critical that they have good resource materials to reference in their day to day work.

Training began first with school personnel and gradually was expanded to include clergy and staff of religious institutions, early childhood education instructors and staff of social service agencies, just to name a few. Each year, PFSA trains over 8,000 mandated reporters face-to-face and responds to hundreds of calls from professionals with questions about their legal mandate, the process of reporting, guidance in working with their county child welfare agency and the development and review of their organization's reporting policies and processes. **We have 15 years worth of pre- and post-test data analyzed and interpreted by senior research staff at Johns Hopkins and comments from thousands of professionals who have attended training on child abuse recognition and reporting.**

Pennsylvania Family Support Alliance's training program is offered both as a three-hour overview and as a six-hour comprehensive presentation. The program reviews the elements of child abuse, including the legal definitions of a child, perpetrator, and categories and indicators of abuse. The training provides an overview of mandated reporting obligations, including how to make a report, protections for those who report, and the liability for failing to report. The workshop also outlines the physical and behavioral indicators of abuse, the proper procedures for reporting, guidelines to

working more effectively with local children and youth services agencies, and the key points of the Child Protective Services Law. PFSA also offers *Recognizing and Responding to Neglect* and *Responding to Disclosures* sessions that build off of information learned in *Recognizing and Reporting Child Abuse*. The *Recognizing and Reporting Child Abuse* curriculum is available as a web-based training for all mandated reporters on our website and is available to school personnel through Capital Area Intermediate Unit Act 48 CARATS site.

Mandated reporters trained by Pennsylvania Family Support Alliance include school personnel, child care staff, law enforcement agencies, community service providers, social workers, and more. For DPW approved organizations, the training sessions are free and each participant receives quality training materials such as participant guides, resource guides, and other educational supplies. All of our trainings are approved for PQAS credit for child care providers and continuing education units for licensed social workers. Almost all education professionals attending our training do receive Act 48 credits through their school district or intermediate unit.

A recent study entitled *To Report or Not to Report: Examination of the Initial Primary Care Management of Suspicious Childhood Injuries* completed by Boston University School of Medicine and Boston Medical Center examines primary health care provider's assessment of whether an injury was caused by abuse and the provider's decision to report. The study showed that although physicians identified injuries as being caused by suspected child abuse they only reported 21% of the cases that experts with a

background in primary care would have reported. So, if physicians struggle with reporting suspected child abuse do other non medical professionals - also mandated reporters of child abuse and neglect struggle with reporting and if so what reasons have we identified over the years for not reporting?

Confusion or uncertainty about reporting responsibilities

Many people misunderstand reporting requirements and procedures. The CPSL requires mandated reporters make a report when they have reasonable cause to suspect that child who is under the guidance, supervision, training of them or their agency is an abused child seems pretty simple and seems pretty clear. When applied to situations encountered by mandated reporters it becomes less simple and less clear.

In Pennsylvania, reports accepted by a county children and youth agency are classified as either a child protective services report (CPS) or a general protective report (GPS). A CPS report would be made when someone suspects that harm has occurred to a child as a result of a caregiver's action or failure to act. For mandated reporters (people who come in contact with children as a result of their employment, occupation or practice of their profession), these situations are required by law to be reported to ChildLine, who then refers the report to the county child welfare agency for investigation.

For example, Mr. and Mrs. Parent leave their ten-year- old and five-year old children alone at home in the evenings while they're are at work. The ten-year old usually cooks dinner and, one evening, severely burns his hand. Harm has occurred to the child as a

result of his parents' failure to provide supervision. This situation would be a CPS report. If the child's teacher became aware of what happened, the teacher would be mandated to make a report of suspected child abuse.

A GPS report would be made when no harm has come to a child, but it is likely that serious harm will occur to a child if the situation continues. Often these concerns are informally identified as "neglect or general neglect." Although it is estimated that 70% of the children receiving services from a county child welfare agency are receiving GPS services, no mandate exists for anyone to make these reports.

If the same scenario with Mr. and Mrs. Parent existed, but the ten-year was not injured, the situation would call for a GPS report. No harm has yet come to either of the children, but a risk of serious harm exists if they continue to be unsupervised. If the ten-year-old's teacher became aware of the situation, she should make a report alleging a need for general protective services to ChildLine or the county children and youth agency. She should but she is not required to do so as this would not be a case of suspected abuse but a case alleging a need for general protective services.

There is no mandate to report these types of cases. There is no mandate, no protection from liability and no penalty for failure to report. For the record, PFSA believes that having a system in which cases where harm hasn't come to a child but the child is at risk are handled in a less adversarial manner and that is strengths based and solution focused is how we can best balance child safety and strengthen families. We do,

however, believe mandated reporters should not have to figure out into which track their concerns fit before they make a report.

Student abuse is another area of confusion. In 1995, the CPSL was amended to include a new category of abuse—student abuse. School employees-- who are the only persons required to report suspected student abuse --need to understand the differences because there are only two types of student abuse, the reporting process is not the same and there are DOE reporting requirements when allegations exist that a certified staff member has physically injured a student or a child which require some cursory level investigation to make the report. Student abuse is sexual abuse or exploitation or serious bodily injury of a student perpetrated by a school employee. Sexual abuse or exploitation follows the same definition as defined under child abuse in the CPSL. Seriously bodily injury would be one in which there is a substantial risk of death is or which causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ. This is a more severe injury than serious physical injury as defined by the CPSL. Caregivers and school employees are held to two different standards.

Another gap with student abuse and with child abuse is that institutional sexual assault has been left out of the definition of sexual abuse. This would help to cover the gap left by the removal of statutory sexual assault from the definition and also protect youths who may be of the age of consent and who may be viewed as willing by persons who are in roles of authority.

The reporting process for student abuse is convoluted and leaves room for reports to fall through the cracks. School employees do not call ChildLine when they suspect student abuse. The CPSL requires them to contact the school administrator. The school administrator is to contact the district attorney and local law enforcement. The district attorney after the initial review determines if there is enough evidence to proceed and is so call the county children and youth agency who will call ChildLine to have the case registered for a suspected student abuse investigation. The Department of Public Welfare's 2011 Annual Child Abuse Reports tells us that there were eight cases of suspected student abuse reported to ChildLine last year.

According to DOE, last year there were 60 disciplinary actions taken against individual educators for sexual misconduct. The term "sexual misconduct" is used in this context to denote any conduct by an educator directed towards a child or student that is designed to establish a romantic or sexual relationship with the child or student. And yet there were only eight suspected cases of student abuse. Not all of the sexual misconducts would have involved students but somewhere the reporting process is breaking down. **The report to DOE is required within 60 days. The report to the DA is required immediately. Serious physical injury may only require a report to DOE as it may not rise to the level of a serious bodily injury.**

Another area of confusion is volunteers. Those people who regularly give their time to work with children in organizations such as Big Brothers/Big Sisters, Girl Scouts, Boys

Scouts, youth sports leagues and others are not required to report suspected child abuse because their contact with children is not part of their employment, occupation or practice of their profession. These people are in a unique situation. Although they can and sometimes do report, they are frequently overlooked in reporting policies of the larger organization and often not included in training that may be provided to staff.

Ignorance of the warning signs

Many studies have documented limited knowledge for detecting symptoms of child abuse and neglect among professionals who serve children. In fact, media reports about a recent case in Pennsylvania allege that a child welfare professional among others failed to recognize signs of abuse in a young boy who was later murdered by his parents. Another media report from Dauphin County in the past few weeks allege that when parents went to a pastor to seek advice about their daughter telling them that a neighbor had kissed her with his tongue the pastor allegedly told the parents that there wasn't enough evidence to say the neighbor was guilty. He had told police that he was aware of the term mandated reporters but wasn't sure clergy were mandated reporters. In Plum Boro last week, a media report alleges that a child care director was charged with failure to report after three staff people had informed the director of suspected physical abuse of children at the center by a center employee. These cases are becoming all too frequent. Perhaps if these individuals had had training they might have recognized the suspected abuse and the fact that they are mandated reporters. .

Fear of an inadequate response

A lack of confidence in the child welfare system can prevent people from reporting. Some mandated reporters we have trained express frustration with the child welfare system. Usually this frustration centers on not knowing what has happened once they have made a report of suspected child abuse. The Child Protective Services Law allows for providing the status of the report and what, if any services, are being provided to the family. Some county children and youth agencies routinely offer this information to mandated reporters. Most do so upon the request of the mandated reporter. Either way this information comes at the end of the investigation. Although this information is beneficial to the mandated reporter, is it enough? Once the mandated reporter has made the report, they may wait another 60 days to find out a little bit of information about the child. If the report is unfounded and there are no services provided a mandated reporter may feel as if why should they bother? Granted they do not know what has transpired during the time the case was open nor do they know what they should be doing from here to help the child. All they know is they tried to help and it appeared that nothing happened. They do not feel as if they are members of our child protection system. The results of our program evaluation of pre- and post-tests showed that after training participants' confidence level toward the child welfare system increased. Educating mandated reporters on what happens after the report is made and providing them with enough information needed to help them help the child are crucial and can lead to building relationships at the county level where the safety net needs to exist for children and families.

Do not want to become involved

There are many reasons mandated reporters may not want to get involved. They may be afraid they will need to testify in court. They are afraid to accuse someone of abuse. They don't want to risk being wrong. There is no legislation that will make people not be afraid. As much as we want to say people should want to do the right thing the truth remains that sometimes doing the right thing is scary and sometimes it is messy. This is another way in which training for mandated reporters is invaluable. PFSA training provides them not only with knowledge about their role in reporting and recognizing child abuse but what to expect when they make a report and what the children and youth agency will be doing during an investigation. Training helps to allay fears and correct misconceptions.

Fearful of repercussions

Other times people are fearful of repercussions from making a report. They may fear repercussions from the family or their employer. The CPSL does provide protections for mandated reporters when making a reporting of suspected child abuse, cooperating with an investigation, taking photographs and for those permitted to taking custody of child. Those protections do not however prevent the harassment from happening in the first place. It gives the mandated reporter legal recourse if harassment does happen. If a mandated reporter works for a medical or other public or private institution, school, facility or agency they are required to notify the person in charge or their designee if they have reasonable cause to suspect. Mandated reporters often worry about what will happen if the person in charge or their designee does not make the report. Although

encouraged in training to make the report on their own, the reporter is concerned about repercussions from the employer who failed to make the report. We need to support those mandated reporters who step up and do the right thing when no one else will.

Concerned that reporting may violate professional obligations

Some professionals worry that reporting child abuse may violate their professional obligations to their clients. Only two exclusions in the CPSL allow for not making a report due to privilege-those are confidential communications to an attorney and confidential communications to clergy. The CPSL is very clear that other privileged communication not acceptable grounds for failure to report. Again this is an area where training can help clear misconceptions and reinforce the correct information for mandated reporters. Some mandated reporters also worry that if they report a concern that would fall under the area General Protective Services they may be violating professional confidentiality as this type of report is not required. If we truly want to prevent abuse, should we offer protection to those that report a child who is at risk of serious harm?

Recommendations:

- Mandated reporters need training. They need initial training as part of their education or job preparation and they need ongoing training to ensure that their skills in identifying child abuse and comfort level in reporting remain sharp.

- Support legislation requiring ongoing training for school professionals. For years, PFSA has been working to have this type of legislations passed. SB 449 unanimously passed the Senate and we are looking for it to come out of committee soon and be introduced in the House.
 - Once this legislation is passed, we need to address training as part of initial and ongoing certification and licensure requirements of individuals and organizations.
- Pennsylvania should consider all situations where a child has been harmed or is at risk of serious harm to be required to be reported by those professionals who have contact with children.
- Include volunteers who have frequent and ongoing contact with children as those required to report.
- CPSL should be amended to include requiring mandated reporters to report concerns regarding children at serious risk of harm. At a minimum, the same protections need to be established for mandated reporters who do report these concerns.
- Consider providing additional information necessary for the mandated reporter to be able to meet the child's safety and well- being needs to the mandated reporter who made a report of suspected abuse in a way that does not overtax the caseworker or impede on the family's right to privacy.
- Provide specific protections for mandated reporters who report when the person in charge or the designee fails to make the report.

- Cross walk the Child Protective Services Law, Public School Code of 1949 and the Crimes Code to ensure language and requirements are consistent.
- Include institutional sexual assault to the definition of sexual abuse or exploitation.
- Ensure that all licensed child serving agencies have a written child abuse reporting policy and that staff have reviewed and understand the requirements of the policy and the protections and liability for mandated reporters.
- Align the process for school administrators to make the required reports to ChildLine and to DOE.
- The language for mandatory reporting of suspected student abuse was not updated as the language for mandated reporting of child abuse was. (Still reads child coming before them in their official capacity).
- Increase the penalty for failure to report and amend the crimes code to ensure a corresponding crime exists.