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## **Reporting Suspected Child Abuse - Requirements for Public and Private Schools**

In April, Governor Rendell released Pennsylvania's 2007 Annual Child Abuse Report. In spite of continuing efforts by the legislature, advocates, courts and professionals, nearly 4,000 children in Pennsylvania are victims of child abuse each year.<sup>i</sup> Last year 46 children died in Pennsylvania as a result of abuse.<sup>ii</sup> The number of children victimized each year demonstrates a continued need for vigilance by everyone who educates, cares for, and works with children. Child abuse is a problem that permeates our society at all levels. It is not a problem that exists only in economically depressed areas. The victims live in all 67 counties in the Commonwealth and one third of the 3,982 victims in 2007 lived in two parent families.<sup>iii</sup>

As part of the Commonwealth's effort to protect children from abuse, the Child Protective Services Law requires anyone who, in the course of their profession, comes into contact with children, to make a report when there is reasonable cause to suspect that a child is a victim of child abuse.<sup>iv</sup> Those professionals, which include school administrators, teachers and school nurses, are mandated reporters and consistently report the highest number of suspected child abuse cases each year.<sup>v</sup> Seventy-five percent of the reports from mandated reporters were substantiated, leading to intervention to stop the abuse and provide services for the victims and their families.<sup>vi</sup> These statistics demonstrate the invaluable role school professionals play in protecting child victims from continued abuse.

While responsible professionals want to do whatever they can to stop abuse from happening, concerns may arise in attempting to assess a particular situation to determine whether abuse has occurred and whether a report is necessary. If a school professional is faced with a situation where abuse is suspected, it is important to remember that it is not the school professional's role to determine if abuse has in fact occurred. The school professional must merely have "reasonable cause to suspect" that the child is a victim of abuse. It is the job of the investigating agency to determine whether or not abuse has actually occurred. School professionals should be aware that reasonable cause for suspicion can arise from any one or a number of signs including unexplained injury, suspicious injury, an atypical pattern of behavior or a report of alleged abuse. Information and training is available from a variety of sources to assist school professionals in recognizing signs of potential abuse.

When the teacher, administrator, or nurse reasonably suspects abuse has occurred that person is required by law to immediately notify the head of the school.<sup>vii</sup> The head of school then has the legal obligation to make the required report immediately by telephone to the Department of Public Welfare's (DPW) Childline.<sup>viii\*</sup> The oral report must be followed in writing within 48 hours to the county agency on forms prescribed by the DPW.<sup>ix</sup> The DPW and the county agency then conduct the investigation and determine if the report of abuse was founded or unfounded. The investigation will, in most cases, include an interview with the individual who reported the suspected abuse and any school employees who come in contact with the child at the school.

The decision to report suspected child abuse can be a difficult one. Individuals may fear the consequences from reporting suspected abuse if the suspicion turns out to be unfounded. School professionals realize that they may need to have an ongoing relationship with the parents and child during and after the investigation. This anticipation of consequences may lead school professionals to hesitate in reporting their suspicions if they are not absolutely sure that abuse

is occurring, or who the abuser may be. The law neither requires absolute certainty, nor allows the school professional to hesitate. The law requires immediate action once there is reasonable cause to suspect that abuse has occurred.

In recognition of the reality that exists for school professionals and other mandated reporters, the law provides immunity from civil and criminal liability that might otherwise arise from the good faith making of the report, cooperating in the investigation and testifying in proceedings arising out of the suspected child abuse.<sup>x</sup> The good faith of the person required to make a report is presumed.<sup>xi</sup> The law also prohibits any retaliation by an employer against any person who, in good faith, makes a report of suspected abuse.<sup>xii</sup> Conversely, criminal penalties are prescribed for those who willfully fail to make a report of suspected child abuse when they are required to do so.<sup>xiii</sup> Training and information are available to assist educators in making the right decision.

Last year caring school professionals in Pennsylvania made nearly 6,000 reports of suspected abuse.<sup>xiv</sup> More than 500 of those were founded reports, and action was taken to stop the abuse and protect the child victims.<sup>xv</sup> Although it is hoped that the situation never arises, schools need to be prepared to handle a case of suspected abuse in a competent and professional manner. Education is the best way to learn to how recognize child abuse and make the right decision in reporting suspected abuse. By being properly prepared, schools in Pennsylvania can continue in their role as leaders in identifying and protecting the most vulnerable victims.

### **\*Childline Hotline 1-800-932-0313**

*Please contact Nicolson Associates LLC for further information, questions and comments about this article.*

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<sup>i</sup> Pennsylvania Department of Public Welfare  
2007 Annual Child Abuse Report

<sup>ii</sup> Id.

<sup>iii</sup> Id.

<sup>iv</sup> 23 Pa.C.S.A. § 6311.

<sup>v</sup> Pennsylvania Department of Public Welfare  
2007 Annual Child Abuse Report

<sup>vi</sup> Id.

<sup>vii</sup> 23 Pa.C.S.A. § 6311.

<sup>viii</sup> 23 Pa.C.S.A. § 6313(b).

<sup>ix</sup> 23 Pa.C.S.A. § 6313(c).

<sup>x</sup> 23 Pa.C.S.A. § 6318(a).

<sup>xi</sup> 23 Pa.C.S.A. § 6318(b).

<sup>xii</sup> 23 Pa.C.S.A. § 6311(d).

<sup>xiii</sup> 23 Pa.C.S.A. § 6319.

<sup>xiv</sup> Pennsylvania Department of Public Welfare  
2007 Annual Child Abuse Report

<sup>xv</sup> Id.