



Understanding Child Abuse and Neglect in Pennsylvania:

A General Guide that Can Be Adapted for Parents in Other States

In Pennsylvania, the **Child Protective Services Law** establishes agencies in every county that investigate all reports of child abuse or neglect, and refer families for services. These agencies accept all reports. Intake workers determine if a report meets the criteria for investigation. Mandated reporters should report child abuse to **ChildLine** at **1-800-932-0313**, which will determine if action is warranted. If accepted for investigation, the case will be numbered and forwarded to the county agency for mandatory investigation.

- Pennsylvania law requires that **child abuse** includes a **child** (someone under 18), a **perpetrator** (a parent or someone 14 years of age or older living in the same home as the child, a caregiver of the child, or a paramour of the parent), and an **act** as listed below:
 1. **Serious Physical Injury** within the last 2 years that causes severe pain OR significantly impairs the child's functioning (either temporarily or permanently) AND was NOT an accident.
 2. **Neglect:** anything that threatens a child's life or functioning such as:
 - **Physical Neglect **:** *Leaving a young child alone; Not feeding a child; Leaving a child with a person who ignores their physical needs*
 - **Medical Neglect:** *Not taking a child for medical check-ups or immunizations; Not following doctor's instructions*
 - **Educational Neglect:** *Not registering a child 8 or older for school; Not working with the school to insure the child's attendance*

**** Professionals are not "REQUIRED" to report neglect under the law, but MAY make referrals to the county agency and that agency can choose to investigate and offer services. For the purposes of "mandated" reporting, the category is **Serious Physical Neglect**, which is a *physical condition caused by the act or failure to act of a perpetrator that endangers the child's life or development, or impairs the child's functioning.***
 3. **Sexual Abuse or Exploitation:** Any act that gives an adult sexual gratification from a child; Always considered a criminal act; A parent is held accountable if they are aware that anyone over 14 living in the house with a child sexually abuses or exploits that child (*Examples include showing pornography to a child, touching a child's genitals, engaging or filming a child in sexual acts*)
 4. **Mental Injury:** A psychological condition, diagnosed by a physician or licensed psychologist, that renders the child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic, or in reasonable fear that his/her life or safety is threatened, or seriously interferes with the child's ability to accomplish age appropriate developmental and social tasks. (*This is a very high standard and constitutes only 1% of substantiated cases.*)



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5. **Putting A Child in Imminent Risk:** A recent (within two years) act, failure to act or series of such acts or failures to act by a perpetrator, which creates an imminent risk of serious physical injury to or sexual abuse or exploitation of a child. (*Examples include shooting a gun at a child and missing or leaving a child with a known sexual perpetrator.*)
- Anybody can report child abuse/neglect, but PA law requires anyone who comes into contact with children as part of their job to report suspected child abuse. Such people are called “**mandated reporters**” and include people in health care, schools, clergy, and social services.
 - Once **ChildLine** accepts a report for investigation, it will be forwarded to the county where the abuse occurred for investigation. The agency must immediately assure the child’s safety. If they can’t do so, they must see the child immediately. If they can assure that they are safe, they have 24 hours to begin their investigation. They must also assure the safety of any other children in the home. Interviews of the child are often done at school or daycare without the parent knowing. Caseworkers can take pictures of any physical injuries to use as evidence in court. Investigations must be completed within 60 days, and can include inspecting the home and other children in the home, as well as speaking to neighbors, relatives, teachers or babysitters who know the child.

Parents have some rights and options:

- Parents can refuse to allow the investigators to enter their home to do the home investigation, in which case they can return with the police. However, refusing entry is not advisable.
- Parents can refuse to sign the “voluntary placement agreement” (VPA). (*The VPA allows the investigators to remove a child and gives the child protective system 30 days until a court hearing to prove that out-of-home placement should continue.*)

The advantages of NOT signing the VPA are:

- 1) Having time to call Community Legal Services, and
 - 2) Waiting only 72 hours rather than 30 days for a hearing to prove that out-of-home placement should continue.
- ⇒ **(CAUTION -** *If a parent refuses to sign the VPA, the investigators can file for an emergency court order and return with the police to remove the child at least until the court hearing in 72 hours.*



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- **Parents have the right to a lawyer**, who can be appointed or obtained through calling Community Legal Services if they cannot afford one.
- **Parents are expected to attend meetings about their Family Service Plan (FSP)**, which will outline what services they need to complete in order to close their case.

If parents lose custody of their children, they can make choices that will improve their chances of regaining custody, such as:

- **Trying to stay calm and be nice to all people involved** even when feeling angry and when disagreeing, doing so in a respectful way.
- **Calling Community Legal Services** if they do not want to wait till a lawyer is appointed by the court. *(They should tell the judge if their lawyer is not working with them and document examples.)*
- **Not sharing any information with anyone involved (other than their lawyer) that can be used against them in court** because everything they say and do can/will be used against them.
- Showing everyone they care about keeping their family together by **attending all meetings, especially all Family Service Plan (FSP) meetings and court hearings..** *(Make sure the child protective system has their correct address and phone number so they are notified of all meetings.)*
- **Meeting their FSP goals FAST**, including treatment for mental health issues and/or substance abuse, because if their children are still **placed out of their home after one year**, the child protective system can begin seeking permanent care for their children, including termination of parental rights (*adoption*), due to new federal laws.
- **Asking for resources** to help them cope with custody loss and/or support them in regaining custody.

* Adapted with permission by Edie Mannion, Mental Health Association of Southeastern PA, from the pamphlet, *Now What: A Guide for Parents*, produced by the Pennsylvania Family Support Alliance, 2003