

DIAKON LUTHERAN SOCIAL MINISTRIES
POLICY AND PROCEDURES

Subject: Act 31 of 2014/Mandated Reporter Policy for
Diakon Resource Parents/Volunteers/Interns/Employees

Policy Number: P R I V

Issued by: Diakon Child Family & Community Ministries

Effective Date: 4 / 2 7 / 0 7

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I. Standard:

DCFCM (Diakon Child, Family and Community Ministries) will educate Diakon Resource Parents/Volunteers/Interns/Employees about their status as mandated reporters of suspected child abuse, the training requirements related to mandated reporting, the process for reporting suspected abuse, the Child Protective Services Law and the updated clearance requirement associated with Act 31 of 2014.

II. Purpose:

To comply with Pennsylvania state law designed to protect children.

III. Implementation:

A. Definitions.

1. “ **Child abuse**” - according to the CPSL, means intentionally, knowingly or recklessly doing any of the following:
 - a. Causing bodily injury to a child through any recent act or failure to act.
 - b. 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.
 - c. 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.
 - d. Causing sexual abuse or exploitation of a child through any act or failure to act.
 - e. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
 - f. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
 - g. Causing serious physical neglect of a child.
 - h. Causing the death of the child through any act or failure to act.

- i. Child abuse also includes certain acts in which the act itself constitutes abuse without any resulting injury or condition. These recent acts include any of the following:
 - j. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - k. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - l. Forcefully shaking a child under one year of age.
 - m. Forcefully slapping or otherwise striking a child under one year of age.
 - n. Interfering with the breathing of a child.
 - o. Causing a child to be present during the operation of a methamphetamine laboratory, provided that the violation is being investigated by law enforcement.
 - p. Leaving a child unsupervised with an individual, other than the child's parent, who the parent knows or reasonably should have known was required to register as a Tier II or III sexual offender or has been determined to be a sexually violent predator or sexually violent delinquent.
 - q. Abuse defined as “recent” is an abusive act within two years from the date the report is made to ChildLine. Sexual abuse, serious mental injury, serious physical neglect and deaths have no time limit.
2. **“Mandated Reporter”** - The following adults are considered mandated reporters and are required to report suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse:
- a. A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
 - b. A medical examiner, coroner or funeral director.
 - c. An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
 - d. A school employee.
 - e. An employee of a child-care service who has direct contact with children in the course of employment.
 - f. A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.
 - g. An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.
 - h. An employee of a social services agency who has direct contact with children in the course of employment.
 - i. A peace officer or law enforcement official.

- j. An emergency medical services provider certified by the Department of Health.
- k. An employee of a public library who has direct contact with children in the course of employment.
- l. An individual supervised or managed by a person listed above, who has direct contact with children in the course of employment.
- m. An independent contractor who has direct contact with children.
- n. An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.
- o. **A Foster parent** (AKA Resource Parents)

B. When to Report Suspected Child Abuse

1. A mandated reporter must make a report of suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:
 - a. The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service.
 - b. The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.
 - c. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
 - d. An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

C. How to Report Suspected Child Abuse

1. Mandated reporters must make an immediate and direct report of suspected child abuse to ChildLine either electronically at www.compass.state.pa.us/cwis or by calling 1-800-932-0313.
2. After the call is made to ChildLine or submitted through the state database, the Diakon mandated reporter should immediately inform their case manager and/or supervisor of the report of suspected abuse if the child “at risk” or family is related to program operations.
3. Mandated reporters have the option of calling ChildLine and subsequently submitting a hard copy CY47 or submitting electronically, without additional documentation to follow.

4. Diakon case manager/supervisor/on-call staff member will report to county who has jurisdiction over child and cooperate with county and regional DHS Office.
5. If a safety plan is necessary, program staff will work cooperatively with the county agency overseeing placement to assure safety of the child or plan removal, depending on the placement status.
6. If the allegation involves abuse in a prior non-Diakon placement or past abuse by someone who is not currently involved in the child's care, the development of a safety plan or removal of the child may not be necessary.
7. All Diakon resource parents, volunteers, interns and staff members shall cooperate with the authorities during investigations into suspected child abuse.

IV. Child Abuse Recognition and Reporting Training:

- A. In accordance with Act 31 of 2014, the following individuals are required to participate in child abuse recognition and reporting training that has been approved by the Pennsylvania Department of Human Services:
 1. **Effective December 31, 2014, new employees and new foster parents** must receive **3** hours of training within 90 days of hire or approval and **3** hours of training every five years thereafter.
 2. **Effective December 31, 2014**, prospective operators of child-serving institutions, facilities or agencies or family day care homes must receive **3** hours of training **prior** to the issuance of a license, approval or registration certificate and three hours of training every five years thereafter.
 3. Beginning July 1, 2015, the following must receive **3** hours of training prior to the re-issuance of a license, approval or registration certificate and three hours of training every five years thereafter:
 - a. **Current operators;**
 - b. **Current employees having direct contact with children;**
 - c. **Current caregivers and employees in family day care homes; and**
 - d. **Current foster parents.**
- B. Diakon resource parents/volunteers/interns/staff that fall under the definition of mandated reporter shall acknowledge receipt of this policy and sign the Acknowledgement of the PA Child Protective Services Law which indicates their understanding of their status as mandated reporters. Free training is available at the following website: <http://www.reportabusepa.pitt.edu>
 1. The three-hour training is required within the first 90 days of employment or 90 days prior to resource parent approval and every 5 years thereafter. Those completing the training should print out the

- Certificate of Completion before logging out of the training and provide Diakon with a copy.
2. Diakon licensed staff should complete the Act 31 of 2014 training at the time of licensure renewal.
 3. New employees who completed the training prior to employment with Diakon can submit their Act 31 of 2014 Certificate of Completion as long as the training is not older than 5 years.

V. Staff/Employees Clearances

- A. Certain individuals, in order to work, are required to obtain clearances upon hire and then again every 60 months, which include the following:
1. Pennsylvania Child Abuse History Clearance;
www.compass.state.pa.us/cwis
 - a. New staff/employees who completed a Child Abuse History Clearance prior to employment with Diakon can submit the clearance as long as it was completed within 60 months of date of hire/orientation.
 2. Pennsylvania State Police Criminal Record Check;
www.epatch.state.pa.us
 - b. New staff/employees must complete the pre-employment paperwork included with the offer letter that will then be processed by Diakon Human Resources by date of hire/orientation.
 3. Federal Bureau of Investigation Criminal Background Check (Human Services); <https://uenroll.identogo.com/>
 - c. New staff/employees who completed a Federal Bureau of Investigation Criminal Background Clearance thru the Department of Human Services FBI website prior to employment with Diakon can submit the clearance as long as it was completed within 60 months of date of hire/orientation.
 4. New employees must complete and sign the PA Disclaimer again at time of hire if all 3 clearances have not been received by date of hire/orientation and that until we receive all 3 clearances employees may not work alone with children and must work in the immediate vicinity of a permanent employee.

VI. Student Interns, Volunteers, and Resource Family Clearances

- A. Certain individuals, in order to volunteer or work with children as resource parents, are required to obtain clearances upon approval and then again every 60 months, which include the following:
1. Pennsylvania Child Abuse History Clearance;
www.compass.state.pa.us/cwis
 - a. Student interns, volunteers, and resource families who completed a

child abuse clearance prior to volunteering or licensing should submit a clearance no older than one year from the start of volunteering/licensure.

2. Pennsylvania State Police Criminal Record Check; www.epatch.pa.us
 - a. Student interns, volunteers, and resource families must complete the Pennsylvania State Police Request for Criminal Record Check form that will then be processed by the individual/program before the date of volunteering/licensure and can be no older than one year.
3. Federal Bureau of Investigation Criminal Background Check (Human Services); <https://uenroll.identogo.com>
 - a. Student interns, volunteers, and resource families should complete a Federal Bureau of Investigation Criminal Background Clearance through the Department of Human Services FBI website prior to volunteering/licensure
4. Student interns, volunteers, and resource parents must have all 3 clearances completed prior to approval/licensure.

B. Individuals requiring clearances include those that fall under the definition of having “routine interaction with children”, which would include repeated, regular or planned contact with a role related to the care, guidance, supervision or control of children.

1. This would include, but not be limited to the following groups:
 - a. Staff working in programs related to Diakon Adoption and Foster Care, Diakon Youth Services, Diakon Family Life Services fall under this requirement.
 - b. Resource Families licensed by Diakon Adoption and Foster Care and anyone 18 years or older who resides in home 30 days in a calendar year.
 - c. Volunteers/Interns who work in the programs and have planned contact with youth.

VII. Sign-Off on Acknowledgement of PA Child Protective Services Law

A. All staff members in the following business units and Diakon Resource Parents/Interns/Volunteers must complete the Acknowledgment of the PA Child Protective Services Law for Mandated Reporters:

1. Diakon Permanency Services
2. Diakon Family Life Services
3. Diakon Youth Services

VIII. Required Notifications

- A. If any of the above individuals from Section VI, B (1) a-c are arrested or convicted of an offense or are named a perpetrator, that person must provide written notice to Diakon no later than 72 hours after arrest, conviction, or notification that they are listed as a perpetrator in statewide database.
- B. Resource parents must also report any change in household composition to Diakon within 30 days.

IX. Documentation:

Pa Child Abuse Criminal History Clearance
Pa State Policy Criminal Record Check
Federal Bureau of Investigation Criminal Background Check.

X. References:

TITLE 23, Chapter 63, The Child Protective Services Act
Act 160 of 2004 amending the Child Protective Services Law
Act 179 of 2006 amending the Child Protective Services Law
Act 31 of 2014
TITLE 55, Chapter 2250, Adoption Services
TITLE 55, Chapter 3700, Foster Family Care Agency
TITLE 55, Chapter 3680, Administration and Operation of a Children and Youth Service Agency
HR 212, Child Abuse and Criminal History Record Policy

XI. Important Websites

<https://epatch.state.pa.us/home.jsp>
www.compass.state.pa.us/cwis
<https://uenroll.identogo.com/>
www.dhs.pa.gov
www.keepkidssafe.gov

DIAKON CHILD FAMILY AND COMMUNITY MINISTRIES

**ACKNOWLEDGMENT OF THE PENNSYLVANIA
CHILD PROTECTIVE SERVICES LAW**

I understand that, as a resource parent, volunteer, intern or employee under DCFCM and a mandated reporter under Pennsylvania law, I am required to report suspected child abuse when I have reasonable cause to suspect that a child is a victim of abuse. I understand how to report suspected abuse and the consequences for failing to do so.

I have received and understand DCFCM policy related to Act 31 of 2014 and Mandating Reporting and understand my duty under Pennsylvania's Child Protective Services Law.

I understand that, in the event I fail to fulfill my duty as a mandated reporter of suspected child abuse, I may be subject to discipline, up to and including termination.

Signature

Date

Printed name

- Resource Parent
- Intern/Volunteer
- Employee

Signature

Date

Printed name

- Resource Parent
- Intern/Volunteer
- Employee