

## Pennsylvania Child Abuse Reporting Requirements

The basic rule, as applied to camps, is that:

*Any camp or camp employee must make a report if there is reasonable cause to suspect that a child at camp has been a victim of child abuse at any time in the last two years.*

### What is “Child Abuse?”

Under the Pennsylvania statute, abuse can be the result of several types of events and injuries.<sup>1</sup>

#### **1. A report must be made when a “perpetrator” intentionally injures a child**

Any act committed by a “perpetrator” which causes non-accidental bodily injury to a child must be reported. For our purposes, a “perpetrator” is a parent or someone who is responsible for the child’s welfare. Bodily injury is now defined as “impairment of physical condition or substantial pain.” A “recent” act is one that occurred in the last two years. **So, the basic rule is that you must make a child abuse report whenever a parent or someone who is responsible for the child’s welfare does something intentional that causes a child to suffer substantial pain.**

Are you required to report an incident if a camper is injured in a fight? Several provisions in the Pennsylvania statute suggest that a fight among campers need not be reported. The statute states that no child shall be deemed a “perpetrator” of child abuse based solely on physical or mental injuries caused to another child in the course of a dispute, fight, or scuffle entered into by mutual consent. So, if two campers square off and fight, this is an incident that need not be reported.

What if the fight is not entered into by “mutual consent?” The statute does not require this incident to be reported because a “perpetrator” for this purpose is defined as a parent (or similarly situated adult) or a person who is 14-years-old or older and is responsible for the child’s welfare. **Therefore, fights among campers are not child abuse and need not be reported.** However, if a counselor intentionally injures a child, that must be reported because a counselor is responsible for the child’s welfare.

#### **2. A report must be made when a “perpetrator” intentionally causes serious mental injury or commits sexual abuse**

Once again, the statute excludes campers from the definition of a “perpetrator.” In addition, the statute excludes “consensual activities” between children who are 14-years-old or older, provided that their ages are within four years of each other. Therefore, consensual sexual contact between campers need not be reported. Involuntary sexual contact must be reported.

What if a camper viciously taunts another camper? Must this be reported based on the “serious mental injury” provision? The answer is no, because a camper is not a “perpetrator.” In addition, to be reportable, the serious mental condition must have been diagnosed by a physician or licensed psychologist. Of course, sex abuse committed by a staff member must be reported.

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<sup>1</sup> This newsletter addresses issues that are of general concern to camps. It is not a comprehensive discussion of the Pennsylvania reporting requirements.

## How Do I Report Child Abuse in Pennsylvania?

Suspected child abuse can be reported to the Pennsylvania Department of Public Welfare's "ChildLine" hotline 24-hours a day at 1-800-932-0313. Suspected abuse can also be reported to the department of public welfare for the specific county in which the abuse occurred or is suspected. A written report must follow the oral report made to ChildLine or a local agency.

## What If I Fail To Report?

For those who are mandated by law to report suspected child abuse, failure to do so carries serious consequences. Any person who is required to report suspected child abuse who *willfully* fails to do so will be found to have committed a misdemeanor offense of the third degree for the first violation. Any second or subsequent willful failure to report will carry with it a charge of a misdemeanor of the second degree.

## What If I'm Wrong About The Suspected Abuse?

Pennsylvania law protects individuals who make a good-faith attempt to report suspected child abuse. Whether or not the individual is required by law to report suspected child abuse by law, he or she will be protected from any and all civil or criminal liability that could potentially arise from the report. The presence of a "good faith effort" will be presumed on behalf of those who are required to report child abuse under the law.

## Relevant And Useful Links

- Pennsylvania's Child Abuse Reporting Statute ([Pa. C.S.A. § 6303](#), full text):
  - <http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/23/00.063..HTM>
- Pennsylvania House Bill 726 of 2013, amending and updating "child abuse" definition language:
  - <http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2013&sessInd=0&billBody=H&billTyp=B&billNbr=0726&pn=2778>
- Pennsylvania Senate Bill 23 (2013), broadening the language of those required to report:
  - <http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2013&sessInd=0&billBody=S&billTyp=B&billNbr=0023&pn=1586>
- Pennsylvania Department of Public Welfare – Child Line & Abuse Registry:
  - <http://www.dpw.state.pa.us/provider/childwelfareservices/childlineandabuseregistry/>

For additional information please contact:



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