

Child Abuse Prevention and Treatment Act State Plan

The Child Protective Services Law (CPSL) establishes the statutory purposes of the child protective service system. These purposes include:

1. encouraging more complete reporting of suspected child abuse;
2. involving law enforcement agencies in responding to child abuse, to the extent permitted under the law;
3. establishing in each county protective services for the purpose of investigating the reports swiftly and competently;
4. providing protection for children from further abuse;
5. providing rehabilitative services for children and parents involved so as to ensure the child's well-being;
6. preserving, stabilizing and protecting the integrity of family life wherever appropriate or to provide another alternative permanent family when the unity of the family cannot be maintained; and
7. ensuring that each county children and youth agency establishes a program of protective services with procedures to assess risk of harm to a child and with the capabilities to respond adequately to meet the needs of the family and child who may be at risk and to prioritize the response and services to children most at risk.

Pennsylvania law defines child abuse as any of the following when committed upon a child under 18 years of age by a perpetrator:

1. Any recent act or failure to act which causes non-accidental serious physical injury.
2. An act of failure to act which causes non-accidental serious mental injury or sexual abuse or sexual exploitation.
3. Any recent act, failure to act or series of such acts or failures to act which creates an imminent risk of serious physical injury, sexual abuse or sexual exploitation.
4. Serious physical neglect which endangers a child's life or development or impairs a child's functioning.

A perpetrator is defined under the law as a parent, paramour of a parent, individual (age 14 or older) residing in the same home as a child, or a person responsible for the welfare of a child, including a person who provides mental health diagnosis or treatment. A recent act under the law is defined as occurring within two years of the date of the report.

The Department's ChildLine and Abuse Registry is the central clearinghouse for all investigated reports. Staff of the county agencies investigate the reports of suspected abuse. The investigation must determine within 30 days whether the report is:

1. Founded – there is a judicial adjudication that the child was abused;
2. Indicated – county agency or Office of Children, Youth and Families regional staff find abuse has occurred based on medical evidence, the child protective services investigation or an admission by the perpetrator;
or
3. Unfounded – there is lack of evidence that the child was abused.

County agencies have a maximum of 60 days from the date a report is registered with ChildLine to submit their findings.

Mandated reporters are individuals whose occupation or profession brings them into contact with children. Mandated reporters are required by law to report suspected child abuse to ChildLine when they have reason to suspect that a child coming before them in their official capacity has been abused. Suspected abuse of students by school employees is reported to ChildLine by the county agency after they receive the report from law enforcement officials. Mandated reporters are critically important to the child abuse prevention effort. This group of reporters has consistently provided the most accurate and reliable information on abused and neglected children. While many reports made by this group do not rise to the level of abuse, they may still require services to the reported child.

County agencies are the sole civil entity charged with investigating reports of suspected child abuse and student abuse under the CPSL. The county agencies must have the cooperation of the community for other essential programs, such as encouraging more complete reporting of child abuse and student abuse, adequately responding to meet the needs of the family and child who may be at risk, and encouraging innovative and effective prevention programs.

Upon receipt of a report of suspected child abuse, the county agency must immediately assure the child's safety. If the agency determines that the child is safe based upon information presented at the time of referral, then the child must be seen within 24 hours. If the safety of the child can not be determined, then the agency must see the child immediately. Cases come to the attention of the agency in two ways:

1. Through direct reports from hospitals, teachers, neighbors, relatives and others; and
2. Through reports made to the statewide ChildLine and Abuse Registry.

General protective services assessments are conducted for those incidents that do not rise to the level of child abuse as defined above. The majority of the cases that come to the attention of the county agency are those involving non-serious injury or neglect. These cases can include inadequate shelter, truancy, inappropriate discipline, hygiene issues, abandonment or other problems that threaten a child's opportunity for healthy growth and development.

General protective services are defined as services to prevent the potential for harm to a child who:

1. is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals;
2. has been placed for care or adoption in violation of law;
3. has been abandoned by his parents, guardian, or other custodian;
4. is without a parent, guardian, or legal custodian;
5. while subject to compulsory school attendance is habitually and without justification truant from school;
6. has committed a specific act or acts of habitual disobedience of the reasonable and lawful commands of his parent, guardian or other custodian and who is ungovernable and found to be in need of care, treatment or supervision;
7. is under the age of ten years and has committed a delinquent act;
8. has been formerly adjudicated dependent under section 6341 of the juvenile act (relating to adjudication), and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in paragraph (6); or
9. has been referred pursuant to section 6323 of the juvenile act (relating to informal adjustment), and who commits an act which is defined as ungovernable in paragraph (6).

General protective services referrals may be made to either ChildLine or the county agency, however; information on general protective service referrals are not maintained in the state-wide central registry. When a report alleging the need for general protective services is received, the children and youth agency conducts an assessment to determine if the child or children are safe and whether or not the family is in need of services. If the safety of the children in the home cannot be determined, the county agency sees the child immediately. Otherwise, the agency prioritizes the response time based on the risk of the children.

Regardless of the type of report, within 60-calendar days, the caseworker completes an assessment to determine if the family will be accepted for services, referred to a community agency for services or to close the case. These assessments are conducted by the county children and youth agency in the county where the incidents occurred. During the assessment period, the caseworker visits the family's home as often as necessary to complete the assessment and to assure the safety of the children. The caseworker may make unannounced home visits. Services will be provided or arranged to assure the safety of the children during the assessment period.

In addition, for both child protective services and general protective services, the child's safety is assessed and assured. Safety is the condition of being free from immediate physical or emotional harm and is assessed at every

contact. The caseworker systematically evaluates the conditions in which a child resides in order to determine whether or not it is safe for the child to remain in those current conditions. A written safety plan is developed with the family that identifies the immediate steps that must be undertaken in order for a child to remain safe in the current living situation (in home or out of home) and includes a method for monitoring compliance with the plan.

The county children and youth agency also conducts a risk assessment to determine if the child is at future risk of maltreatment. The Pennsylvania Risk Assessment Model assesses 15 core factors associated with risk of future harm, including, child vulnerability, severity of abuse or neglect, family cooperation, prior abuse/neglect, family violence, substance abuse and other situational stressors.

The children and youth agency will work with families where there is risk of abuse to decrease risk factors by providing them with counseling, education and other supportive services. When a need for services exists, cases can be handled in two ways depending upon the risk to the child. Cases where the risk is greater are opened by the children and youth agency and a family service plan that identifies goals, services and the actions to be taken for the family is developed. Cases where the risk of abuse is low may be closed and the family may be referred to services within the community.

Risk is also assessed at other times during the life of the case including, every six months at the family service plan review, 30 days before and after a child is returned home and within thirty days of case closure. Risk and safety are also assessed when circumstances change within the child's environment regardless of the required time frame.

The county agency is also responsible for developing and providing services designed to treat and prevent child abuse, neglect, and exploitation including services to help overcome problems that result in dependency and delinquency. Services provided by the county agencies include:

1. Services to parents and children to enable children to remain safely in their own homes and communities;
2. Temporary placement service for children who cannot live safely with their own families;
3. Services designed to reunite children and their families when children are in temporary placement;
4. Permanency services designed to provide a permanent family for any child who cannot be returned to his/her birth family; and
5. Any service or care ordered by the court for children who have been adjudicated dependent or delinquent.

Services are provided to children and families who have been accepted for service by the county children and youth agency. Services are also provided to those persons for whom the court orders services. In most cases, the county agency determines who will be accepted for service based on its evaluation of the family's situation. Some families are self-referred, but most are referred by neighbors, relatives and other agencies.

Services are provided to both parents and children, to enable the children to remain safely in their own home. Some of these services include protective supervision, counseling, parenting education and other skills training. Most in-home services are provided without regard to cost, although agencies may charge a fee based on the family's ability to pay. A family will continue to receive services as long as the agency or the court feels that there is significant risk to the health and safety of the child.

Program Areas Selected For Improvement:

Improve legal preparation and representation:

- Expansion of the Court Improvement Project statewide.
- Through the Court Improvement Project (CIP) develop and provide training to Guardians Ad Litem regarding their role in representing children in juvenile dependency matters. This training is included in the CIP strategic plan.

Enhance the child protective services system by developing, improving and implementing risk and safety assessment tools:

- Review and revise risk and safety assessment tools through the Risk Assessment Task Force.
- Provide skill-based training to state, public and private agency staff on revised risk and safety assessment tools through regional trainings and/or through the Pennsylvania Child Welfare Training Program.
- Strengthen the skills-based practice of linking risk/safety/family assessment to case planning outcomes and activities.
- Assess the effectiveness of the risk and safety assessment skills of public and private agency staff and compliance with Departmental bulletins through regional technical assistance and licensing visits.

Developing and facilitating training protocols for individuals mandated to report suspected child abuse or neglect:

- Encourage more complete reporting of child abuse, in part, through expanded access to required training for all mandated reporters.
- Provide information on the Child Protective Services Law (23 Pa. C.S.A. § 6301, et seq.) to target audiences that are considered mandated reporters under the law. The target audiences include, but are not limited to, primary care practice office personnel, school nurses, hospital staff and EMS providers.

- Create a network of skilled child abuse evaluators throughout the state who are available for consultations and examinations on cases of suspected child physical and sexual abuse.

Develop and deliver information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting of suspected incidents of child abuse and neglect:

- Develop and distribute public education materials to encourage and engage the public in the prevention of child abuse and enhance their understanding of the child welfare system.
- Develop and distribute a guide to child welfare services for families.
- Improve the knowledge and awareness of the nature and scope of child abuse in Pennsylvania through data and statistical analysis and publication of information.
- Improve the knowledge and awareness of fatalities and near fatalities that are the result of a case of child abuse by providing a summary and analysis of the findings of each fatality or near fatality in the annual child abuse report.

Develop and update systems of technology that support the program and track reports of child abuse and neglect from intake through final dispositions and allow interstate and intrastate information exchange:

- Develop an information and case management system that supports the case management process, provides accurate data on clients, program activities, and results, while also meeting the federal reporting requirements through a Statewide Automated Child Welfare System.

Support and enhance collaboration among public health agencies, the child protection system and private community based programs to provide child abuse and neglect prevention and treatment services (including linkages to education systems) and to address the health needs, including the behavioral health needs of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.

- Establish state policy and procedure that supports and enables the development of local integrated children's services plans.
- Establish protocols for coordination and consultation within health care facilities for cases of medical neglect.
- Develop and implement protocols for referral of infants born exposed to illegal substances.
- Develop and implement protocols for referral of children under age 3 who are the victims of substantiated abuse to early intervention services funded under part C of the Individuals with Disabilities Education Act.
- Establish and implement protocols for citizen review panels to provide recommendations for necessary systemic change.

Activities Supported with CAPTA Funds:

- Establishment and operation of Citizen Review Panels, including hiring or contracting with a citizen review panel program manager.
- Services for Substance Exposed Infants
- Investment in proven effective Child Maltreatment Treatment and Prevention Services.
- Development and distribution of Child Maltreatment Prevention and Education Materials, including the role of the child welfare system.
- Development and distribution of a Guide to Child Welfare Services for Families.
- Develop and provide training to mandated reporters under the Child Protective Services Law.
- Develop and provide training to child welfare professionals and the general public on the new CAPTA requirements.
- Travel for State Liaison Officer and/or designee to attend annual State Liaison Officers Meeting
- Travel for State Liaison Officer, other program staff and community partner representative to travel to CPS-related conferences and training seminars.

Description of Services and Training:

- The county agency is permitted to provide certain services either directly through its own staff, or by arranging or purchasing services from another agency (private agency). Any service or facility used by a county agency to provide children and youth services must meet state and local requirements for licensure or certification.
- Through the Pennsylvania Child Welfare Training Program, training is provided to all county agency staff. New workers are required to complete a series of CORE Trainings in order to be certified as a Direct Service Worker. This certification must occur within 18 month of employment. Workers must complete 20 hours of training annually to maintain this certification.
- Supervisory staff is also required to complete a Supervisory Training Series within 12 months of becoming a supervisor. Supervisors must also complete 20 hours of training annually.
- In addition to training that is currently provided to county agency staff, training will be provided to direct line and supervisory personnel to support implementation of the new requirements under CAPTA.
- Provide information on the Child Protective Services Law (23 Pa. C.S.A. § 6301, et seq.) to target audiences that are considered mandated reporters under the law. The target audiences include, but are not limited to primary care practice office personnel, school nurses, hospital staff and EMS providers.

Legislative Change:

- Promote the development of legislation related to child abuse and neglect prevention.
- Propose amendment to the CPSL regarding citizen review panels; public disclosure of fatalities and near fatalities; providing access to confidential information to federal agency staff; and referrals regarding infants exposed to illegal substances.
- Propose language to the existing grounds for termination of parental rights currently held within Pennsylvania's Adoption Act, to be more consistent with the provisions of CAPTA and ASFA.
- Act 160 of 2004 amended the Child Protective Services Law to require that foster and adoptive parent applicants and all household members receive criminal and child abuse background clearances every two years. A Departmental bulletin was issued establishing implementation policy and procedure.