



Myths & Misperceptions on PA Mandated Reporting

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Mandated Reporter Training Requirements, Adult Survivors & Reporting, and Child-on-Child Reporting

Introduction

In our 2014/2015 web-published series CHANGES FOR PA CHURCHES, we provided some “plain English” clarification on the massive changes to PA’s Child Protective Services Law that impact all child-serving organizations, including churches. Our final update was in September 2015 on *Non-resident volunteers, Minor Employees, Exchange Visitors, and Swear or Affirm Statements*.

Although we provide on-going policy and other support to Samaritan SafeChurches participating in our one-year Cluster program, we also realize there are many congregations and not-for-profit child-serving organizations that are still trying to ‘catch-up’ with the new laws. Many of them, at best, have implemented the new background check requirements. While these may be the most well-known requirements, implementing them is only ONE SMALL STEP in complying with the new laws.

Many churches and organizations we come in contact with are using outdated and incorrect language about the new requirements in their policies; fail to train their administrators on the organizational compliance issues and liability risks; and have inadequate internal prevention standards in place. We are also concerned about the misperceptions many organizational or church leaders, as well as staff and volunteers who are mandated reporters, have about requirements under PA’s revised laws.

In this article on PA Mandated Reporting Myths and Misperceptions, we’ll address three of the most common problematic issues we come across in churches and child-serving organization. There are more than three, and these may be the subject of a future article.

MISPERCEPTION #1:

All mandated reporters are required by the state to get training

While it is important for staff and volunteers who are mandated reporters in churches and other youth-serving organizations to get trained, only certain mandated reporters are required by the State to be trained. These are summarized below and [here](#) on the PA informational website.

If you are required by the State to get trained, you need to find an approved provider for state training that meets the requirement of the specific category you fall under. Most mandated reporters in church settings do NOT fall into any of the categories for which training (state approved or otherwise) is required.

Certain mandated reporters are required to obtain training in accordance with **Act 31**. This includes:

- Certain individuals applying or holding a license or certification through the Department of State
- Current operators of child-serving institutions, facilities or agencies that the Department of Human Services licenses, approves or registers
- Current employees having direct contact with children in child-serving institutions, facilities, or agencies that the Department Human Services licenses, approves, or registers
- Current caregivers and employees in family day care homes
- Current foster parents

Act 126 requires that all school entities, public and private, and independent contractors of school entities provide child abuse recognition and reporting training to all employees, including contracted substitute teachers who have direct contact with children.

Professional licensees identified as mandated reporters are required to get training approved by the Department of State and Department of Health & Human Services.

Our Samaritan SafeChurch/SafePlaces [Mandated Reporting](#) training includes detailed information about reporting in PA, including information for administrative record keepers. We use faith-based frameworks for our trainings with churches and religious organizations and secular approaches for others. Since most of our work is in church settings, we are not Act 126 or Act 31 training providers.

MISPERCEPTION #2:

If an adult discloses sexual abuse as a child to a mandated reporter, it must be reported under PA's Child Protective Services Law (CPSL)

The CPSL requires a report to be made when a child (defined as person under the age of 18) discloses abuse, or is suspected of having been abused. This is not applicable once a person reaches the age of 18. At that point, disclosure of abuse during younger years does NOT trigger the obligation to report, unless the disclosure includes information that indicates a child currently under age 18 is endangered or suspected of being abused.

Once a person reaches age 18, he or she may have multiple options to report the abuse to the police or file civil charges. **However, that choice belongs to the survivor.** Along with other organizations in PA, we are working to extend the amount of time victims of child sexual abuse have to file criminal and civil charges by encouraging legislation to reform the PA Statute of Limitations.

MISPERCEPTION #3:

Child on child sexual abuse is not required to be reported unless the child causing the harm is 14 or older.

In many cases, it is reportable. Since more than one third of those who sexually abuse children are under age 18 themselves, this is an important issue. Many people have been confused by the CPSL language defining who can be a "perpetrator" of abuse. Perpetrator, as defined in CPSL, means something very specific and has to do with relationship to or responsibility for the child, which agency

(police or child protective services) has primary responsibility, and potential listing on the state wide registry. This does not mean that mandated reporters have no obligation to report someone who falls outside that definition. For example, if a mandated reporter learns that a neighbor may be molesting a child, it is reportable – even though the neighbor does not fall within the definition of “perpetrator.”

Title 23 § 6303, effective 12/31/14, includes 5 definitions of who can be a perpetrator; two of these reference age 14:

- **A person 14 years of age or older** and responsible for the child’s welfare or having direct contact with children as an employee of child-care services, a school or through a program, activity or service.
- An individual **14 years of age or older** who resides in the same home as the child.

Just as abuse by a neighbor – or anyone else – who does not fall within the CPSL definitions of “perpetrator” triggers an obligation to report, so does abuse by a person under age 14.

So – why did the new law include an age?

Prior to 2014, there were no references to the age of who could be defined as a perpetrator. This meant that a youth of any age could be added to the statewide registry of named perpetrators because there was no specific age reference in the definition of “perpetrator.” The addition of “age 14” limits placement on the registry of those under age 14. It does NOT exclude them from being subjects of mandated reports.

Conclusion:

We hope this has been a useful clarification! We provide on-going technical support to answer questions about policy and practice from congregations that have participated in our one year [Cluster](#) process and are listed on our [website](#), or from organizations for which we provide comprehensive training and policy review. However, we cannot provide technical support on these issues to others.

Our periodic articles are intended to be a general resource, not legal advice.