
MANDATED REPORTERS

Mandated Reporters are defined under the **Pennsylvania Child Protective Services Law (CPSL), Section 6311. Persons required to report suspected child abuse:**

1. **Mandated Reporters.** – The following adults shall make a report of suspected child abuse, subject to subsection (B), if the person has reasonable cause to suspect that a child is a victim of child abuse:
 1. A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State,
 2. A medical examiner, coroner or funeral director,
 3. 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,
 4. A school employee,
 5. An employee of a child care service, who has direct contact with the children in the course of employment,
 6. A clergyman, priest, rabbi, minister, Christian science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization,
 7. 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, is a person responsible for the child's welfare or has direct contact with children,
 8. An employee of a social services agency, who has direct contact with children in the course of employment,
 9. A peace officer or law enforcement official,
 10. An emergency medical services provider certified by the Department of Health,
 11. An employee of a public library, who has direct contact with children in the course of employment,
 12. An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (13) who has direct contact with children in the course of employment,
 13. An independent contractor,
 14. 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,
 15. A foster parent,
 16. An adult family member who is a person responsible for the child's welfare and provides services to a child in a family living home, community home for individuals with an intellectual disability or host home for children which are subject to supervision or licensure by the department under Articles IX and X of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

2. Basis to Report. –

1. A mandated reporter enumerated in subsection (A) shall make a report of suspected child abuse or cause a report to be made in accordance with Section 6313 (relating to reporting procedure), if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:
 1. 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 of service,
 2. 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 there entity that is directly responsible for the care, supervision, guidance or training of the child,
 3. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse,
 4. An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.
2. Nothing in this section shall require a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse,
3. Nothing in this section shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.

3. Staff members of institutions, etc.-

4. Whenever a person is required to report under subsection (B) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that person shall report immediately in accordance with section 6313 and shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge. Upon notification, the person in charge or the designated agent, if any, shall Facilitate the cooperation of the institution, school, and facility or agency with the investigation of the report. Any Intimidation, retaliation or obstruction in the investigation of the report is subject to the provisions of 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases). This chapter does not require more than one report from any such institution, school, facility or agency.

FAILURE TO REPORT PENALTIES

IAW House Bill 436:

1. Failure to report or refer. -

1. A person or official require by this chapter to report a case of suspected child abuse or to make a referral to the appropriate authorities commits an offense if the person or official willfully fails to do so.

2. An offense under this section is a felony of the third degree if
 1. The person or official willfully fails to report;
 2. The child abuse constitutes a felony of the first degree or higher; and
 3. The person or official has direct knowledge of the nature of the abuse.
 3. An offense not otherwise specified in paragraph (2) is a misdemeanor of the second degree.
 4. A report of suspected child abuse to law enforcement or the appropriate county agency by a mandated reporter, made in lieu of a report to the department, shall not constitute an offense under this subsection, provided that the report was made in a good faith report to comply with the requirements of this chapter.
 2. **Continuing course of action.** – If a person’s willful failure under subsection (A) continues while the person knows or has reasonable cause to believe the child is actively being subjected to child abuse, the person commits a misdemeanor of the first degree except that if the child abuse constitutes a felony of the first degree or higher, the person commits a felony of the third degree.
 3. **Multiple offenses.** – A person who commits a second or subsequent offense under subsection (A) commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the penalty for the second or subsequent offenses is a felony of the second degree.
 4. **Statute of limitations.** – The statute of limitations for an offense under subsection (A) shall be either the statute of limitation for the crime committed against the minor child or five years, whichever is greater.
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GOOD FAITH PROTECTION

Under the Pennsylvania Child Protective Services Law (CPSL), Section 6311.4 Immunity from liability, as amended:

1. **Presumption of good faith.**- For the purpose of any civil or criminal proceeding, the good faith of a person required to report pursuant to section 6311 (relating to persons required to report suspected child abuse) and of any person required to make a referral to law enforcement officers under this chapter shall be presumed unless actual malice is proven.
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FALSE REPORTING PENALTIES

Under the Pennsylvania Child Protective Services Law (CPSL), Section 6311.4 Immunity from liability, as amended:

1. **False reports.**- Any person who intentionally makes a false report of suspected child abuse against a school, private residential rehabilitative institution, detention facility, school employee,

private residential rehabilitative institution employee or detention facility employee commits a misdemeanor of the second degree.

A false report is a report of child abuse and/or neglect that is made to the ChildLine, which is not true and is maliciously made for the purpose of:

- Harassing, embarrassing, or harming another person;
- Personal benefit for the reporting person in any other private dispute involving a child;
- Personal financial gain for the reporting person;
- Acquiring custody of a child.
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