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CHILD AND SEXUAL ABUSE BOARD ADOPTED SEPTEMBER 21, 2015

4054. CHILD AND SEXUAL ABUSE

A. PURPOSE

1. Carbon Lehigh Intermediate Unit (“CLIU”) employees are mandated to report suspected child abuse in accordance with state law. The CLIU Board adopts this policy to inform employees of their obligation to identify possible child abuse or victimization and to report suspected child abuse in accordance with the requirements under the Child Protective Services Law.

B. DEFINITIONS: The following words and phrases, when used in this policy, shall have the meaning given to them in this section:

1. Bodily Injury - is defined as bodily injury which creates an impairment of physical condition or substantial pain.
2. Child - an individual under eighteen (18) years of age.
3. Child Abuse - intentionally, knowingly or recklessly doing any of the following: causing bodily injury to a child through any recent act or failure to act, 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, 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, causing sexual abuse or exploitation of a child through any act or failure to act, creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act, creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act, causing serious physical neglect of a child.

Engaging in any of the following recent acts: kicking, biting, throwing, burning, stabbing, or cutting a child in a manner that endangers the child. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement. Forcefully shaking a child under one (1) year of age. Forcefully slapping or otherwise striking a child under one (1) year of age. Interfering with the breathing of a child. Causing a child to be present at a location while a violation relating to the operation of methamphetamine laboratory is occurring, provided that the violation is being investigated by law enforcement.

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39 Leaving a child unsupervised with an individual, other than the child's parent, who the
40 actor knows or reasonably should have known: is required to register as a Tier II or Tier
41 III sexual offender relating to registration of sexual offers, where the victim of the sexual
42 offense was under eighteen (18) years of age when the crime was committed; has been
43 determined to be a sexually violent predator relating to assessments or any of its
44 predecessors; or has been determined to be a sexually violent delinquent child.

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46 Causing the death of the child through any act or failure to act.

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48 4. Perpetrator - a person who has committed child abuse and is a parent/guardian of the
49 child, a spouse or former spouse of the child's parent/guardian, a paramour of former
50 paramour of the child's parent/guardian, a person responsible for the child's welfare, an
51 individual residing in the same home as a child, an individual fourteen (14) years of age
52 or older who is responsible for the child's welfare or who resides in the same home as the
53 child, or an individual eighteen (18) years of age or older who does not reside in the same
54 home as the child but is related within the third degree of consanguinity or affinity by
55 birth or adoption of the child.

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57 5. Serious Mental Injury - a psychological condition as diagnosed by a physician or licensed
58 psychologist, including the refusal of appropriate treatment that renders a child
59 chronically and severely anxious agitated, depressed, socially withdrawn, psychotic or in
60 reasonable fear that the child's life or safety is threatened or seriously interferes with a
61 child's ability to accomplish age-appropriate developmental and social tasks.

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63 6. Serious Physical Neglect - any of the following when committed by a perpetrator that
64 endangers a child's life or health, threatens a child's well-being, causes bodily injury or
65 impairs a child's health, development or functioning. Repeated, prolonged or egregious
66 failure to supervisor a child in a manner that is appropriate considering the child's
67 developmental age and abilities. The failure to provide a child with adequate essentials
68 of life, including food, shelter and medical care.

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70 7. Sexual Abuse or Exploitation - sexual abuse or exploitation is defined as the
71 employment, use, persuasion, inducement, enticement, or coercion of any child to engage
72 in or assist any another individual to engage in any sexually explicit conduct or any
73 simulation, of any sexually explicit conduct, which includes, but is not limited to, the
74 following: looking at the sexual or other intimate parts of a child or another individual for

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75 the purpose of arousing or gratifying sexual desire in any individual. Participating in
76 sexually explicit conversation either in person, by telephone by computer or by a
77 computer-aided device for the purpose of sexual stimulation or gratification of any
78 individual. Actual or simulated sexual activity or nudity for the purpose of sexual
79 stimulation or gratification of any individual. Actual or simulated sexual activity for the
80 purpose of producing any visual depiction, including photographing, videotaping,
81 computer depicting or filming. Any of the following offences committed against a child:
82 rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault,
83 institutional sexual assault, aggravated indecent assault, indecent assault, indecent
84 exposure, incest, prostitution, sexual abuse, unlawful contact with a minor or sexual
85 exploitation.
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C. GUIDELINES

1. CLIU Employees Duty to Report:

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91 a. A Mandated Reporter (an individual who is a CLIU employee) shall immediately
92 make an oral or written report to the Department of Welfare of suspected child abuse
93 when the Mandated Reporter has reasonable cause to suspect, that a student coming
94 before the Mandated Reporter is a victim of bodily injury, serious mental injury or
95 sexual exploitation by a perpetrator.
96
97 b. A Mandated Reporter making an initial oral report to the Department of Welfare of
98 suspected child abuse must also submit an electronic written report within forty-eight
99 (48) hours after the oral report. Upon receipt of the electronic report, an automatic
100 response will be generated with a confirmation, providing the Mandated Reporter
101 with a written record. Receipt of such confirmation shall relieve the Mandated
102 Reporter of any duty to make an additional oral or written report of the same
103 suspected abuse to the Department of Welfare.
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105 c. A Mandated Reporter who makes a report of suspected child abuse shall immediately,
106 after making the initial report, notify their Supervisor and if the initial report was
107 made electronically, also provide the Supervisor with a copy of the report
108 confirmation. The Supervisor will notify the Executive Director and/or his/her
109 designee that a child abuse report has been made and if the initial report was made
110 electronically also provide a copy of the report confirmation.
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- 112 d. When a report of suspected child abuse is required to be made, no more than one (1)
113 Mandated Reporter affiliated with the CLIU is required to make a report to the
114 Department of Welfare. An individual otherwise required to make a report who is
115 aware that an initial report has already been made by a Mandated Reporter or the
116 Executive Director and/or his/her designee is not required to make a report to the
117 Department of Welfare.
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- 119 e. If the accused perpetrator is the Executive Director, then the Mandated Reporter shall
120 immediately report to law enforcement officials and the district attorney. The
121 Mandated Reporter shall not reveal the existence or content of the report to any other
122 individual.
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- 124 2. Content of Report to the Department of Welfare by a CLIU Employee:
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- 126 a. The child abuse report to the Department of Welfare and shall include: the name,
127 age, address and school of the child; the name and address of the child's parent or
128 person responsible for the welfare of child; where the suspected abuse occurred; the
129 age and sex of each subject of the report; the nature and extent of the suspected child
130 abuse, including evidence of prior abuse to the child or any sibling of the child; the
131 name and relationship of each individual responsible for causing the suspected abuse
132 and any evidence of prior abuse by each individual; family composition; the source of
133 the report; name, telephone number, and email address of the person making the
134 report; and the actions taken by the person making the report.
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- 136 3. Independent Investigation:
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- 138 a. The requirement, under the Child Protective Services Law, not to divulge the
139 existence of the report of suspected student abuse or sexual abuse or its content
140 should not be read as limiting the Executive Director's and/or his/her designee's
141 responsibility to use the information he/she received to initiate and conduct an
142 independent investigation into the allegations.
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- 144 4. Investigation: The Executive Director and/or his/her designee shall develop procedures
145 for investigating allegations of a suspected child abuse/sexual abuse which may include
146 the following:
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- 148 a. Written notice of this policy and CLIU procedures for reporting and investigating
149 such allegations against perpetrators. If the perpetrator is an employee of the CLIU, a
150 plan for communication to parents and CLIU employee. A copy of this policy shall
151 be made available to all CLIU employees.
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- 153 b. The Executive Director and/or his/her designee shall facilitate cooperation with the
154 County Agency investigating a report of suspected child abuse, including permitting
155 authorized personnel to interview the child while in attendance at school. A system
156 of communication with local law enforcement to coordinate, among other things, the
157 interviews for the victimized student and if applicable, CLIU employee.
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- 159 c. A process to coordinate the collection of evidence with the County Agency and law
160 enforcement so that necessary physical evidence and medical records are identified
161 and shared, if legally permissible.
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- 163 d. Procedures for placing on administrative leave, with or without pay, any CLIU
164 employee identified under this policy.
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- 166 e. A requirement to request from the County Agency the disposition of its investigation
167 with an indication of whether the report of student abuse was unfounded, indicated, or
168 founded.
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- 170 f. A final written report which is a summary of the independent investigation, including
171 a brief summary of the number of persons questioned, their statements, and a
172 conclusion regarding whether substantial evidence exists to discipline the employee
173 or exonerate the employee. The final report should also include the disposition
174 received from the County Agency.
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