

Cumberland County Library System

Child Abuse Affirmative Action Policy

(Creation & revision: 12/15/2008; 9/15/2014; 4/20/2015; 8/17/2015; 9/18/2017)

This policy affirms the obligation of library system staff, member library system staff [hereinafter referred to as “library staff members”], and required volunteers to assist in identifying suspected child abuse and establish procedures for reporting such in compliance with the Pennsylvania Child Protective Services Law. (23 Pa. C.S. § 6301)

Under the law, a mandated reporter is a person who is required to make a report of suspected child abuse. The law includes the following individuals required to make a report of suspected child abuse, if the person has reasonable cause to suspect that a child is a victim of child abuse (23 Pa. C.S. § 6311 (a)):

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 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, accepts responsibility for a child.
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) and (11), who has direct contact with children in the course of employment.
13. An independent contractor.

Definitions

Adult shall mean an individual 18 years of age and older (23 Pa. C.S. §6303 (a)).

Child Abuse shall mean intentionally, knowingly or recklessly doing the following (23 Pa. C.S. §6303 (b.1)):

1. Causing bodily injury to a child through any recent act or failure to act.
2. 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.
3. 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.
4. Causing sexual abuse or exploitation of a child through any act or failure to act.
5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
7. Causing serious physical neglect of a child.
8. Engaging in any of the following recent acts:
 - i. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - ii. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - iii. Forcefully shaking a child under one year of age.
 - iv. Forcefully slapping or otherwise striking a child under one year of age.
 - v. Interfering with the breathing of a child.
 - vi. Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
 - vii. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
 - a. Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.
 - b. Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.
 - c. Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).
9. Causing the death of the child through any act or failure to act.

Direct contact by library system staff with children shall mean the care, supervision, guidance or control of children, or routine interaction with children (23 Pa. C.S. §6303 (a)).

Direct contact by volunteers with children shall mean the care, supervision, guidance or control of children and routine interaction with children (23 Pa. C.S. §6303 (a))

Independent contractor shall mean an individual who provides a program, activity or service to 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. The term does not include an individual who has no direct contact with children (23 Pa. C.S. §6303 (a)).

Guidelines to Report Regarding Child Abuse By Perpetrator

Duty to Report

All mandated reporters, as defined above, who have reasonable cause to suspect child abuse will make a report following procedures outlined below.

In all cases, if physical danger is imminent, call Emergency Officials first for assistance.

Library card registration information may be obtained from authorized library staff as long as any information about materials borrowed by the individual is not disclosed.

Any person required to report suspected child abuse who, in good faith, reports or causes the report to be made shall have immunity from civil and criminal liability related to those actions (23 Pa. C.S. §6318).

Failure to Report

As required by law, a mandated reporter who willfully fails to report a case of suspected child abuse following procedures listed below is subject to criminal prosecution for committing a felony of various degrees (23 Pa. C.S. §6319). In addition, if the mandated reporter is library system staff, the individual is subject to disciplinary action, up to and including termination.

Protection from Employment Discrimination

The law provides protection from employment discrimination when a person has acted in good faith in making a report of suspected child abuse (23 Pa. C.S. §6320).

Training

Approved trainings are listed on the Department of Human Services website (www.keepkidssafe.pa.gov/training). Upon completion of in-person, virtual or on-line training, a certificate of completion will be made available. Library system staff will give proof of completed Act 126 (associated with school employees) or Act 31 training to be

filed in personnel folder. Training for new hires must be completed within 60 days of start date and recertified every 60 months.

Mandated Reporting Procedures

1. If physical danger is imminent, call 911 to get protection for the child.
2. If physical danger is not imminent, immediately call ChildLine at 1-800-932-0313 or file an electronic report at www.compass.state.pa.us/cwis (23 Pa. C.S. §6313 (a) (1)).
3. If a call was made to ChildLine, within 48 hours a written report must be submitted using Form CY47 (www.keepkidssafe.pa.gov/forms) to the County Children and Youth agency. Contact the Cumberland County agency at 717-240-6120 Monday through Friday between 8:00 am and 4:30 pm or call Cumberland County Communications at 717-243-4121 from the Carlisle area; 717-238-9676 from the West Shore; 717-532-8878 from the Shippensburg area before faxing a report. Fax number to send Form CY47 is 717-240-6433.
4. Complete incident report and submit to supervisor and /or Library Director after steps 1 and 2. This report is to be submitted on the day of the incident.

Policy Notice

This policy is subject to change at any time without notice. Updates to the policy may be obtained from the Library System