

# 1054

## CHILD AND SEXUAL ABUSE BOARD ADOPTED OCTOBER 16, 2017

---

### 1054 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

1. The following words and phrases, when used in this policy, shall have the meaning given to them in this section:
  - a. Bodily Injury
    - i. Defined as bodily injury which creates an impairment of physical condition or substantial pain.
  - b. Child
    - i. An individual under eighteen (18) years of age.
  - c. Child Abuse
    - i. 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.
    - ii. 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.
    - iii. Leaving a child unsupervised with an individual, other than the child’s parent, who the actor knows or reasonably should have known: is required to register as a Tier II or Tier

# 1054

## CHILD AND SEXUAL ABUSE BOARD ADOPTED OCTOBER 16, 2017

---

- 38 III sexual offender relating to registration of sexual offers, where the victim of the sexual  
39 offense was under eighteen (18) years of age when the crime was committed; has been  
40 determined to be a sexually violent predator relating to assessments or any of its  
41 predecessors; or has been determined to be a sexually violent delinquent child.
- 42 iv. Causing the death of the child through any act or failure to act.
- 43 d. Perpetrator
- 44 i. A person who has committed child abuse and is a parent/guardian of the child, a spouse  
45 or former spouse of the child's parent/guardian, a paramour of former paramour of the  
46 child's parent/guardian, a person responsible for the child's welfare, an individual  
47 residing in the same home as a child, an individual fourteen (14) years of age or older  
48 who is responsible for the child's welfare or who resides in the same home as the child,  
49 or an individual eighteen (18) years of age or older who does not reside in the same home  
50 as the child but is related within the third degree of consanguinity or affinity by birth or  
51 adoption of the child.
- 52 e. Serious Mental Injury
- 53 i. A psychological condition as diagnosed by a physician or licensed psychologist,  
54 including the refusal of appropriate treatment that renders a child chronically and  
55 severely anxious agitated, depressed, socially withdrawn, psychotic or in reasonable fear  
56 that the child's life or safety is threatened or seriously interferes with a child's ability to  
57 accomplish age-appropriate developmental and social tasks.
- 58 f. Serious Physical Neglect
- 59 i. Any of the following when committed by a perpetrator that endangers a child's life or  
60 health, threatens a child's well-being, causes bodily injury or impairs a child's health,  
61 development or functioning. Repeated, prolonged or egregious failure to supervisor a  
62 child in a manner that is appropriate considering the child's developmental age and  
63 abilities. The failure to provide a child with adequate essentials of life, including food,  
64 shelter and medical care.
- 65 g. Sexual Abuse or Exploitation
- 66 i. Sexual abuse or exploitation is defined as the employment, use, persuasion, inducement,  
67 enticement, or coercion of any child to engage in or assist any another individual to  
68 engage in any sexually explicit conduct or any simulation, of any sexually explicit  
69 conduct, which includes, but is not limited to, the following: looking at the sexual or  
70 other intimate parts of a child or another individual for the purpose of arousing or  
71 gratifying sexual desire in any individual. Participating in sexually explicit conversation  
72 either in person, by telephone by computer or by a computer-aided device for the purpose  
73 of sexual stimulation or gratification of any individual. Actual or simulated sexual  
74 activity or nudity for the purpose of sexual stimulation or gratification of any individual.  
75 Actual or simulated sexual activity for the purpose of producing any visual depiction,

# 1054

## CHILD AND SEXUAL ABUSE BOARD ADOPTED OCTOBER 16, 2017

---

76 including photographing, videotaping, computer depicting or filming. Any of the  
77 following offences committed against a child: rape, statutory sexual assault, involuntary  
78 deviate sexual intercourse, sexual assault, institutional sexual assault, aggravated indecent  
79 assault, indecent assault, indecent exposure, incest, prostitution, sexual abuse, unlawful  
80 contact with a minor or sexual exploitation.

### 81 82 C. GUIDELINES

#### 83 1. CLIU Employees Duty to Report

84 a. A Mandated Reporter (an individual who is a CLIU employee) shall immediately make an  
85 oral or written report to the Department of Welfare of suspected child abuse when the  
86 Mandated Reporter has reasonable cause to suspect, that a student coming before the  
87 Mandated Reporter is a victim of bodily injury, serious mental injury or sexual exploitation  
88 by a perpetrator.

89 b. A Mandated Reporter making an initial oral report to the Department of Welfare of suspected  
90 child abuse must also submit an electronic written report within forty-eight (48) hours after  
91 the oral report. Upon receipt of the electronic report, an automatic response will be generated  
92 with a confirmation, providing the Mandated Reporter with a written record. Receipt of such  
93 confirmation shall relieve the Mandated Reporter of any duty to make an additional oral or  
94 written report of the same suspected abuse to the Department of Welfare.

95 c. A Mandated Reporter who makes a report of suspected child abuse shall immediately, after  
96 making the initial report, notify their Supervisor and if the initial report was made  
97 electronically, also provide the Supervisor with a copy of the report confirmation. The  
98 Supervisor will notify the Executive Director and/or his/her designee that a child abuse report  
99 has been made and if the initial report was made electronically also provide a copy of the  
100 report confirmation.

101 d. When a report of suspected child abuse is required to be made, no more than one (1)  
102 Mandated Reporter affiliated with the CLIU is required to make a report to the Department of  
103 Welfare. An individual otherwise required to make a report who is aware that an initial report  
104 has already been made by a Mandated Reporter or the Executive Director and/or his/her  
105 designee is not required to make a report to the Department of Welfare.

106 e. If the accused perpetrator is the Executive Director, then the Mandated Reporter shall  
107 immediately report to law enforcement officials and the district attorney. The Mandated  
108 Reporter shall not reveal the existence or content of the report to any other individual.

#### 109 2. Content of Report to the Department of Welfare by a CLIU Employee

110 a. The child abuse report to the Department of Welfare and shall include: the name, age,  
111 address and school of the child; the name and address of the child's parent or person  
112 responsible for the welfare of child; where the suspected abuse occurred; the age and sex of  
113 each subject of the report; the nature and extent of the suspected child abuse, including

# 1054

## CHILD AND SEXUAL ABUSE BOARD ADOPTED OCTOBER 16, 2017

---

114 evidence of prior abuse to the child or any sibling of the child; the name and relationship of  
115 each individual responsible for causing the suspected abuse and any evidence of prior abuse  
116 by each individual; family composition; the source of the report; name, telephone number,  
117 and email address of the person making the report; and the actions taken by the person  
118 making the report.

119 3. Independent Investigation

120 a. The requirement, under the Child Protective Services Law, not to divulge the existence of the  
121 report of suspected student abuse or sexual abuse or its content should not be read as limiting  
122 the Executive Director's and/or his/her designee's responsibility to use the information he/she  
123 received to initiate and conduct an independent investigation into the allegations.

124 4. Investigation

125 a. The Executive Director and/or his/her designee shall develop procedures for investigating  
126 allegations of a suspected child abuse/sexual abuse which may include the following:

127 i. Written notice of this policy and CLIU procedures for reporting and investigating such  
128 allegations against perpetrators. If the perpetrator is an employee of the CLIU, a plan for  
129 communication to parents and CLIU employee. A copy of this policy shall be made  
130 available to all CLIU employees.

131 ii. The Executive Director and/or his/her designee shall facilitate cooperation with the  
132 County Agency investigating a report of suspected child abuse, including permitting  
133 authorized personnel to interview the child while in attendance at school. A system of  
134 communication with local law enforcement to coordinate, among other things, the  
135 interviews for the victimized student and if applicable, CLIU employee.

136 iii. A process to coordinate the collection of evidence with the County Agency and law  
137 enforcement so that necessary physical evidence and medical records are identified and  
138 shared, if legally permissible.

139 iv. Procedures for placing on administrative leave, with or without pay, any CLIU employee  
140 identified under this policy.

141 v. A requirement to request from the County Agency the disposition of its investigation  
142 with an indication of whether the report of student abuse was unfounded, indicated, or  
143 founded.

144 vi. A final written report which is a summary of the independent investigation, including a  
145 brief summary of the number of persons questioned, their statements, and a conclusion  
146 regarding whether substantial evidence exists to discipline the employee or exonerate the  
147 employee. The final report should also include the disposition received from the County  
148 Agency.