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CHILD AND SEXUAL ABUSE BOARD ADOPTED MAY 15, 2023

1054 CHILD AND SEXUAL ABUSE

A. PURPOSE

1. Carbon Lehigh Intermediate Unit 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 – injury to the body which creates an impairment of physical condition or substantial pain.
 - b. Child – 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 III sexual offender relating to registration of sexual offers, where the victim of the sexual offense was under eighteen (18) years of age when the crime was committed; has been

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50 and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear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

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76 **C. GUIDELINES**

77 1. CLIU Employees Duty to Report

78 a. A Mandated Reporter (an individual who is a CLIU employee) shall immediately make an
79 oral or written report to the Department of Human Services of suspected child abuse when the
80 Mandated Reporter has reasonable cause to suspect, that a student coming before the
81 Mandated Reporter is a victim of bodily injury, serious mental injury or sexual exploitation
82 by a perpetrator.

83 b. A Mandated Reporter making an initial oral report to the Department of Human Services of
84 suspected child abuse must also submit an electronic written report within forty-eight (48)
85 hours after the oral report. Upon receipt of the electronic report, an automatic response will
86 be generated with a confirmation, providing the Mandated Reporter with a written record.
87 Receipt of such confirmation shall relieve the Mandated Reporter of any duty to make an
88 additional oral or written report of the same suspected abuse to the Department of Human
89 Services.

90 c. A Mandated Reporter who makes a report of suspected child abuse shall immediately, after
91 making the initial report, notify their Supervisor and if the initial report was made
92 electronically, also provide the Supervisor with a copy of the report confirmation. The
93 Supervisor will notify the Executive Director, or designee, that a child abuse report has been
94 made and if the initial report was made electronically also provide a copy of the report
95 confirmation.

96 d. When a report of suspected child abuse is required to be made, no more than one (1)
97 Mandated Reporter affiliated with the CLIU is required to make a report to the Department of
98 Human Services. An individual otherwise required to make a report who is aware that an
99 initial report has already been made by a Mandated Reporter or the Executive Director, or
100 designee, is not required to make a report to the Department of Human Services.

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

104 2. Content of Report to the Department of Human Services by a CLIU Employee

105 a. The child abuse report to the Department of Human Services and shall include: the name,
106 age, address and school of the child; the name and address of the child's parent or person
107 responsible for the welfare of child; where the suspected abuse occurred; the age and sex of
108 each subject of the report; the nature and extent of the suspected child abuse, including
109 evidence of prior abuse to the child or any sibling of the child; the name and relationship of
110 each individual responsible for causing the suspected abuse and any evidence of prior abuse
111 by each individual; family composition; the source of the report; name, telephone number,

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112 and email address of the person making the report; and the actions taken by the person
113 making the report.

114 3. Independent Investigation

115 a. The requirement, under the Child Protective Services Law, not to divulge the existence of the
116 report of suspected student abuse or sexual abuse or its content should not be read as limiting
117 the Executive Director's, or designee's, responsibility to use the information they received to
118 initiate and conduct an independent investigation into the allegations.

119 b. Under no circumstances will an independent investigation be conducted in lieu of mandatory
120 reporting to the Department of Human Resources.

121 4. Investigation

122 a. The Executive Director, or designee, shall develop procedures for investigating allegations of
123 a suspected child abuse/sexual abuse which may include the following:

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

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

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

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

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

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