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CHILD AND SEXUAL ABUSE BOARD ADOPTED SEPTEMBER 21, 2020

454. 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.

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 determined to be a sexually violent predator relating to assessments or any of its predecessors; or has been determined to be a sexually violent delinquent child.

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

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47 severely anxious agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the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

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70 **C. GUIDELINES**

- 71 1. CLIU Employees Duty to Report:
- 72 a. A Mandated Reporter (an individual who is a CLIU employee) shall immediately make an
73 oral or written report to the Department of Welfare of suspected child abuse when the
74 Mandated Reporter has reasonable cause to suspect, that a student coming before the
75 Mandated Reporter is a victim of bodily injury, serious mental injury or sexual exploitation
76 by a perpetrator.

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- 77 b. A Mandated Reporter making an initial oral report to the Department of Welfare of suspected
78 child abuse must also submit an electronic written report within forty-eight (48) hours after
79 the oral report. Upon receipt of the electronic report, an automatic response will be generated
80 with a confirmation, providing the Mandated Reporter with a written record. Receipt of such
81 confirmation shall relieve the Mandated Reporter of any duty to make an additional oral or
82 written report of the same suspected abuse to the Department of Welfare.
- 83 c. A Mandated Reporter who makes a report of suspected child abuse shall immediately, after
84 making the initial report, notify their Supervisor and if the initial report was made
85 electronically, also provide the Supervisor with a copy of the report confirmation. The
86 Supervisor will notify the Executive Director and/or his/her designee that a child abuse report
87 has been made and if the initial report was made electronically also provide a copy of the
88 report confirmation.
- 89 d. When a report of suspected child abuse is required to be made, no more than one (1)
90 Mandated Reporter affiliated with the CLIU is required to make a report to the Department of
91 Welfare. An individual otherwise required to make a report who is aware that an initial report
92 has already been made by a Mandated Reporter or the Executive Director and/or his/her
93 designee is not required to make a report to the Department of Welfare.
- 94 e. If the accused perpetrator is the Executive Director, then the Mandated Reporter shall
95 immediately report to law enforcement officials and the district attorney. The Mandated
96 Reporter shall not reveal the existence or content of the report to any other individual.
- 97 2. Content of Report to the Department of Welfare by a CLIU Employee:
- 98 a. The child abuse report to the Department of Welfare and shall include: the name, age,
99 address and school of the child; the name and address of the child's parent or person
100 responsible for the welfare of child; where the suspected abuse occurred; the age and sex of
101 each subject of the report; the nature and extent of the suspected child abuse, including
102 evidence of prior abuse to the child or any sibling of the child; the name and relationship of
103 each individual responsible for causing the suspected abuse and any evidence of prior abuse
104 by each individual; family composition; the source of the report; name, telephone number,
105 and email address of the person making the report; and the actions taken by the person
106 making the report.
- 107 3. Independent Investigation:
- 108 a. The requirement, under the Child Protective Services Law, not to divulge the existence of the
109 report of suspected student abuse or sexual abuse or its content should not be read as limiting
110 the Executive Director's and/or his/her designee's responsibility to use the information he/she
111 received to initiate and conduct an independent investigation into the allegations.
- 112 4. Investigation: The Executive Director and/or his/her designee shall develop procedures for
113 investigating allegations of a suspected child abuse/sexual abuse which may include the
114 following:

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- 115 a. Written notice of this policy and CLIU procedures for reporting and investigating such
116 allegations against perpetrators. If the perpetrator is an employee of the CLIU, a plan for
117 communication to parents and CLIU employee. A copy of this policy shall be made available
118 to all CLIU employees.
- 119 b. The Executive Director and/or his/her designee shall facilitate cooperation with the County
120 Agency investigating a report of suspected child abuse, including permitting authorized
121 personnel to interview the child while in attendance at school. A system of communication
122 with local law enforcement to coordinate, among other things, the interviews for the
123 victimized student and if applicable, CLIU employee.
- 124 c. A process to coordinate the collection of evidence with the County Agency and law
125 enforcement so that necessary physical evidence and medical records are identified and
126 shared, if legally permissible.
- 127 d. Procedures for placing on administrative leave, with or without pay, any CLIU employee
128 identified under this policy.
- 129 e. A requirement to request from the County Agency the disposition of its investigation with an
130 indication of whether the report of student abuse was unfounded, indicated, or founded.
- 131 f. A final written report which is a summary of the independent investigation, including a brief
132 summary of the number of persons questioned, their statements, and a conclusion regarding
133 whether substantial evidence exists to discipline the employee or exonerate the employee.
134 The final report should also include the disposition received from the County Agency.