

# 2054

## CHILD AND SEXUAL ABUSE BOARD ADOPTED JULY 17, 2023

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### 2054 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.

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- 34           iii. Leaving a child unsupervised with an individual, other than the child's parent, who the  
35           actor knows or reasonably should have known: is required to register as a Tier II or Tier  
36           III sexual offender relating to registration of sexual offers, where the victim of the sexual  
37           offense was under eighteen (18) years of age when the crime was committed; has been  
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 or 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 supervise 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

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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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75 **C. GUIDELINES**

- 76       1. CLIU Employee's Duty to Report:
- 77           a. A Mandated Reporter (an individual who is a CLIU employee) shall immediately make an  
78           oral or written report to the Department of Human Services of suspected child abuse when the  
79           Mandated Reporter has reasonable cause to suspect, that a student coming before the  
80           Mandated Reporter is a victim of bodily injury, serious mental injury or sexual exploitation  
81           by a perpetrator.
- 82           b. A Mandated Reporter making an initial oral report to the Department of Human Services of  
83           suspected child abuse must also submit an electronic written report within forty-eight (48)  
84           hours after the oral report. Upon receipt of the electronic report, an automatic response will  
85           be generated with a confirmation, providing the Mandated Reporter with a written record.  
86           Receipt of such confirmation shall relieve the Mandated Reporter of any duty to make an  
87           additional oral or written report of the same suspected abuse to the Department of Human  
88           Services.
- 89           c. A Mandated Reporter who makes a report of suspected child abuse shall immediately, after  
90           making the initial report, notify their Supervisor and if the initial report was made  
91           electronically, also provide the Supervisor with a copy of the report confirmation. The  
92           Supervisor will notify the Executive Director, or designee, that a child abuse report has been  
93           made and if the initial report was made electronically also provide a copy of the report  
94           confirmation.
- 95           d. When a report of suspected child abuse is required to be made, no more than one (1)  
96           Mandated Reporter affiliated with the CLIU is required to make a report to the Department of  
97           Human Services. An individual otherwise required to make a report who is aware that an  
98           initial report has already been made by a Mandated Reporter or the Executive Director, or  
99           designee, is not required to make a report to the Department of Human Services.
- 100          e. If the accused perpetrator is the Executive Director, then the Mandated Reporter shall  
101          immediately report to law enforcement officials and the district attorney. The Mandated  
102          Reporter shall not reveal the existence or content of the report to any other individual.

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- 103 2. Content of Report to the Department of Human Services by a CLIU Employee:
- 104 a. The child abuse report to the Department of Human Services shall include: the name, age,  
105 address and school of the child; the name and address of the child's parent or person  
106 responsible for the welfare of child; where the suspected abuse occurred; the age and sex of  
107 each subject of the report; the nature and extent of the suspected child abuse, including  
108 evidence of prior abuse to the child or any sibling of the child; the name and relationship of  
109 each individual responsible for causing the suspected abuse and any evidence of prior abuse  
110 by each individual; family composition; the source of the report; name, telephone number,  
111 and email address of the person making the report; and the actions taken by the person  
112 making the report.
- 113 3. Independent Investigation:
- 114 a. The requirement, under the Child Protective Services Law, not to divulge the existence of the  
115 report of suspected student abuse or sexual abuse or its content should not be read as limiting  
116 the Executive Director's, or designee's, responsibility to use the information they received to  
117 initiate and conduct an independent investigation into the allegations.
- 118 b. Under no circumstances will an independent investigation be conducted in lieu of mandatory  
119 reporting to the Department of Human Services.
- 120 4. Investigation:
- 121 a. The Executive Director, or designee, shall develop procedures for investigating allegations of  
122 a suspected child abuse/sexual abuse which may include the following:
- 123 i. Written notice of this policy and CLIU procedures for reporting and investigating such  
124 allegations against perpetrators. If the perpetrator is an employee of the CLIU, a plan for  
125 communication to parents and CLIU employee. A copy of this policy shall be made  
126 available to all CLIU employees.
- 127 ii. The Executive Director, or designee, shall facilitate cooperation with the County Agency  
128 investigating a report of suspected child abuse, including permitting authorized personnel  
129 to interview the child while in attendance at school. A system of communication with  
130 local law enforcement to coordinate, among other things, the interviews for the  
131 victimized student and if applicable, CLIU employee.
- 132 iii. A process to coordinate the collection of evidence with the County Agency and law  
133 enforcement so that necessary physical evidence and medical records are identified and  
134 shared, if legally permissible.

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- iv. Procedures for placing on administrative leave, with or without pay, any CLIU employee identified under this policy.
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- v. A requirement to request from the County Agency the disposition of its investigation with an indication of whether the report of student abuse was unfounded, indicated, or founded.
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- vi. A final written report which is a summary of the independent investigation, including a brief summary of the number of persons questioned, their statements, and a conclusion regarding whether substantial evidence exists to discipline the employee or exonerate the employee. The final report should also include the disposition received from the County Agency.