

## Mandated Updates to the Child Abuse Recognition and Reporting Curricula

*Additional legislation has been passed since the development of this content. Please use the following updates for the **ECELS Child Abuse and Neglect (Child Abuse Mandated Reporter) Self-Learning Module**.*

### **ACT 15 of 2015**

Perpetrator (add to definition) - (iv) A person 14 years of age or older and responsible for the child's welfare **or having direct contact with children as an employee of child-care services, a school or through a program, activity or service.**

"School employee." (add to definition) - An individual who is employed by a school or who provides a program, activity or service sponsored by a school. The term [excludes an individual who has no] **does not apply to administrative or other support personnel unless the administrative or other support personnel have** direct contact with children.

Mandated reporter: (add to definition) 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] **is a person responsible for the child's welfare or has direct contact with children.**

Mandated reporter: (add to definition)(12)An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) [and], (11) **and (13)**, who has direct contact with children in the course of employment.

Mandated reporter: (add to definition) **(16) An adult family member who is a person responsible for the child's welfare and provides services to a child in a family living home, community home for individuals with an intellectual disability or host home for children which are subject to supervision or licensure by the department under Articles IX and X of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.**

Source: (accessed 7/6/17)

<http://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2015&sessInd=0&act=15>

## **ACT 115 of 2016**

§ 6303. Definitions. (Add the following to the definitions.)

(a) General rule. The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Perpetrator." A person who has committed child abuse as defined in this section. The following shall apply:

(1) The term includes only the following:

**(vii) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).**

b.1) Child abuse.--The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:

**(10) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).**

Definition of human trafficking: The recruitment, harboring, transportation, provision or obtaining of a child for labor or services through the use of force, fraud, or coercion. Under federal law, sex trafficking (such as prostitution, pornography, exotic dancing, etc.) does not require there be force, fraud or coercion if the victim is under 18.

Discussion and examples of labor trafficking: Labor trafficking is labor obtained by use of threat of serious harm, physical restraint, or abuse of legal process. Examples: being forced to work for little or no pay from (frequently in factories or farms); domestic servitude (providing services within a household from 10 – 16 hours per day such as but not limited to: child care, cooking, cleaning, yard work, gardening)

Discussion and examples of severe forms of trafficking in persons:

- ✓ Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- ✓ The recruitment , harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to slavery, bonded labor or services for a debt or other obligation(, or slavery (a condition compared to that of a slave in respect of exhausting labor or restricted freedom)

Definition of commercial sex act

- i. Means any sex act on account of which anything of value is given to or received by any person

At risk youth populations for human trafficking

- ✓ Youth in the foster care system
- ✓ Youth who identify as LGBTQ
- ✓ Youth who are homeless or runaway

- ✓ Youth with disabilities
- ✓ Youth with mental health or substance abuse disorders
- ✓ Youth with a history of sexual abuse
- ✓ Youth with a history of being involved in the welfare system
- ✓ Youth who identify as native or aboriginal
- ✓ Youth with family dysfunction

Victim Identification / warning signs are but not limited to:

- ✓ A youth that has been verified to be under 18 and in any way involved in the commercial sex industry, or has a record of prior arrest for prostitution or related charges
- ✓ Has an explicitly sexual online profile
- ✓ Excessive frequenting of internet chat rooms or classified sites
- ✓ Depicts elements of sexual exploitation in drawing, poetry, or other modes of creative expression
- ✓ Frequent or multiple sexually transmitted diseases or pregnancies
- ✓ Lying about or not being aware of their true age
- ✓ Having no knowledge of personal data, such as but not limited to: age, name, and/or date of birth
- ✓ Having no identification
- ✓ Wearing sexually provocative clothing
- ✓ Wearing new clothes of any style, getting hair and/or nails done with no financial means
- ✓ Secrecy about whereabouts
- ✓ Having late nights or unusual hours
- ✓ Having a tattoo that she/he is reluctant to explain
- ✓ Being in a controlling or dominating relationship
- ✓ Not having control of own finances
- ✓ Exhibit hyper-vigilance or paranoid behaviors
- ✓ Express interest in or in relationships with adults or much older men/women

Source: (accessed 7/6/17)

<http://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2016&sessInd=0&act=115>