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CHILDLINE AUDIT REPORT 2016

REGULATORY COMPLIANCE &
INTELLIGENCE UNIT
OFFICE OF ATTORNEY GENERAL
COMMONWEALTH OF PENNSYLVANIA

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2016 CHILDLINE AUDIT REPORT

The Child Protective Services Law (CPSL), 23 Pa. C.S.A. §6301 et seq., provides the basis for a complete reporting system for suspected incidents of child abuse within the Commonwealth. Section 6302 outlines the purpose of Chapter 63, detailing the responsibilities of law enforcement, parents, and children and youth service agencies throughout the state.¹

In an effort to monitor the effectiveness of the Department of Public Welfare (DPW) system of evaluating suspected/alleged incidents of child abuse Chapter 63, Section 6345 specifically requires the Office of the Attorney General (OAG) to conduct random audits “at least one per year,”² for purposes of determining statewide agency compliance with the statutory obligation to expunge “unfounded” cases of child abuse.³

The program of the OAG consists of an annual review of DPW data subject to the provisions of the CPSL. This year’s audit, which covers 2015 data, represents an analysis of data obtained from statewide, unfounded cases reported to Children and Youth Service agencies and examined by agents of the OAG electronically throughout the Commonwealth. This study measures the compliance by the county and statewide agencies with the responsibilities as set forth in the CPSL.

¹ Child Protective Services Law (CPSL), 23 Pa. C.S.A. §6302(b)

Purpose – It is the purpose of this chapter to encourage more complete reporting of suspected child abuse; to the extent permitted by this chapter, to involve law enforcement agencies in responding to child abuse; and to establish in each county protective services for the purpose of investigating the reports swiftly and competently, providing protection for children from further abuse and providing rehabilitative services for children and parents involved so as to ensure the child’s well-being and to preserve, stabilize and protect the integrity of family life wherever appropriate or to provide another alternative permanent family when the unity of the family cannot be maintained. It is also the purpose of this chapter to ensure that each county children and youth agency establish a program of protective services with procedures to assess risk of harm to a child and with the capabilities to respond adequately to meet the needs of the family and child who may be at risk and to prioritize the response and services to children most at risk.

² CPSL 23 Pa. C.S.A. §6345

Audits by Attorney General. The Attorney General shall conduct a mandated audit done randomly but at least once during each year on an unannounced basis to ensure that the expunction requirements of this chapter are being fully and properly conducted. This is now being done electronically (Email, Phone, and Fax)

³ Under CPSL CPSL 23 Pa. C.S.A. §6303(b)(1)

“Child abuse”: shall mean any of the following: (i) any recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age. (ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age. (iii) Any recent act, failure to act or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age. (iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide essentials of life, including adequate medical care, which endangers a child’s life or development or impairs the child’s functioning.

BACKGROUND

Section 6332 of the CPSL provides for the establishment of a toll-free number statewide to report allegations of child abuse as defined in the CPSL. In addition certain enumerated persons are required under the law to report incidents of child abuse.⁴

While the reporting of cases can be by written or initially by oral report⁵ the responsibility of the OAG under this Chapter is to determine that a suspected case of child abuse is properly categorized to ensure, in cases when a report is not “founded” or “indicated” that the privacy rights of the individual are protected by requiring the expunction of information that may falsely accuse or identify the individual that is contained in DPW system records within the Commonwealth.

Section 6303 of the CPSL provides for the cataloging of reports obtained by DPW’s Child Protective Services reporting procedure.⁶ It is the “unfounded” reports that are the subject of the random audits of the OAG.

⁴ CPSL 23 Pa. C.S.A. §6311(b)

Enumeration of persons required to report. – Persons required to report under subsection (a) include, but are not limited to, any licensed physician, osteopath, medical examiner, coroner, funeral director, dentist, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, Christian Science practitioner, member of the clergy, school administrator, school teacher, school nurse, social services worker, day-care center worker or any other child-care or foster-care worker, mental health professional, peace officer or law enforcement official.

⁵ CPSL 23 Pa. C.S.A. §6313

(a) **General rule.**-Reports from persons required to report under section 6311 (relating to persons required to report suspected child abuse) shall be made immediately by telephone and in writing within 48 hours after the oral report.

(b) **Oral reports.**-Oral reports shall be made to the department pursuant to Subchapter C (relating to powers and duties of department) and may be made to the appropriate county agency. When oral reports of suspected child abuse are initially received at the county agency, the protective services staff shall, after seeing to the immediate safety of the child and other children in the home, immediately notify the department of the receipt of the report, which is to be held in the pending complaint file as provided in Subchapter C. The initial child abuse report summary shall be supplemented with a written report when a determination is made as to whether a report of suspected child abuse is a founded report, an unfounded report or an indicated report.

(c) **Written reports.**-Written reports from persons required to report under section 6311 shall be made to the appropriate county agency in a manner and on forms the department prescribes by regulation. The written reports shall include the following information if available:

- (1) The names and addresses of the child and the parents or other person responsible for the care of the child if known.
- (2) Where the suspected abuse occurred.
- (3) The age and sex of the subjects of the report.
- (4) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or siblings of the child.
- (5) The name and relationship of the person or persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by that person or persons.
- (6) Family composition.
- (7) The source of the report.
- (8) The person making the report and where that person can be reached.
- (9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.
- (10) Any other information which the department may require by regulation.

⁶ CPSL 23 Pa. C.S.A. §6303 Definitions:

“Founded report.” A child abuse report made pursuant to this chapter if there has been any judicial adjudication based on a finding that a child who is a subject of the report has been abused, including the entry of a plea of guilty or nolo contendere or a finding of guilt to a criminal charge involving the same factual circumstances involved in the allegation of child abuse.

“Founded report for school employee.” A report under Subchapter C.1 (relating to students in public and private schools) if there has been any judicial adjudication based on a finding that the victim has suffered serious bodily injury or sexual abuse or exploitation, including the entry of a plea guilty or nolo contendere or a finding of guilt to a criminal charge involving the same factual circumstances involved in the allegations of the report.

“Indicated report.” A child abuse report made pursuant to this chapter if an investigation by the county agency or the Department of Public Welfare determines that substantial evidence of the alleged abuse exists based on any of the following:

- (1) Available medical evidence.

During this annual period 500 cases were determined by DPW personnel responsible for tracking state and county reports to be unfounded. The CPSL requires that any such case determined to be “unfounded” be expunged⁷ by personnel assigned to the agency.⁸

The results of the audit are provided to DPW to improve the reporting and record keeping efficiency of the Child Protection Services procedures, throughout the Commonwealth.

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- (2) The child protective service investigation.
 - (3) An admission of the acts of abuse by the perpetrator.

“Indicated report for school employee.” A report made under Subchapter C.1 (relating to students in public and private schools) if an investigation by the county agency determines that substantial evidence of serious bodily injury or sexual abuse or exploitation exists based on any of the following:

- (1) Available medical evidence.
- (2) The county agency’s investigation.
- (3) An admission of the acts of abuse by the school employee.

“Individual residing in the same home as the child.” An individual who is 14 years of age or older and who resides in the same home as the child.

“Unfounded report.” Any report made pursuant to this chapter unless the report is a “founded report” or an “indicated report.”

⁷ CPSL 23 Pa. C.S.A. §6303 Definitions:

“Expunge.” To strike out or obliterate entirely so that the expunged information may not be stored, identified or later recovered by any mechanical or electronic means or otherwise.

⁸ CPSL 23 Pa. C.S.A. §6337(a) and (c) Disposition of unfounded reports

(a) **General rule.**- When a report of suspected child abuse is determined by the appropriate county agency to be an unfounded report, the information concerning that report of suspected child abuse shall be maintained for a period of one year. Following the expiration of one year after the date the report was received by the department, the report shall be expunged from the pending complaint file, as soon as possible, but no later than 120 days after the one-year period following the date the reports was received by the department, and no information other than that authorized by subsection (b), which shall not include any identifying information or any subject of the report, shall be retained by the department.

(c) **Expunction of information.**-All information identifying the subjects of any report of suspected child abuse and of any report under Subchapter C.1 (relating to students in public and private schools) determined to be an unfounded report shall be expunged from the pending complaint file pursuant to this section. The expunction shall be mandated and guaranteed by the department.

AUDIT PROCEDURE

The OAG Regulatory Compliance & Intelligence Section (RCIS) is charged with the responsibility to conduct the annual random audits under the CPSL.

Compliance is measured by each analyst reviewing the agencies unfounded Childline cases and verifying the expungement of data from the agency system. Penalties for failure to expunge or remove data are set forth in the CPSL and include specific criminal sanctions for failure to comply.⁹

In order to achieve +5% accuracy of the audit sample the OAG consulted with the statistical section of the Pennsylvania Commission on Crime and Delinquency (PCCD).¹⁰ It was determined that a true sample to achieve the accuracy required should be a minimum of 500 randomly selected cases.

For each year in the study the OAG and DPW collaborated on the selection of 500 cases drawn from the statewide registry. The current audit of approximately 500 cases was drawn from a universe of 36,946 cases determined by the DPW to be unfounded cases referred during the audit period.

The statewide analysis for 2015, by county is as follows:

**RESULTS OF STATEWIDE REGISTRY AUDIT
UNFOUNDED CASES = 500**

⁹ CPSL 23 Pa. C.S.A. §6349(a)

Failure to amend or expunge information.—(1) A person or official authorized to keep the records mentioned in section 6337 (relating to disposition of unfounded reports) or 6338 (relating to disposition of founded and indicated reports) who willfully fails to amend or expunge the information when required commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation. (2) A person who willfully fails to obey a final order of the secretary or designated agent of the secretary to amend or expunge the summary of the report in the Statewide central register or the contents of any report filed pursuant to section 6313 (relating to reporting procedure) commits a summary offense.

¹⁰ The results of the Audit with a deviation of $\pm 5\%$ signifies a statistical sampling large enough to draw certain conclusions regarding the effectiveness and accuracy of the records among the agencies involved in the Child Protective Service system.

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COUNTY	COUNTY CODE	NUMBER OF CASES SELECTED	EXPUNGED	PRESENT IN: File, Log or Computer	MAINTAINED FOR SERVICES
<i>Adams</i>	01	5	5	0	0
<i>Allegheny</i>	02	27	27	0	0
<i>Armstrong</i>	03	4	4	0	0
<i>Beaver</i>	04	5	5	0	0
<i>Bedford</i>	05	2	2	0	0
<i>Berks</i>	06	15	15	0	0
<i>Blair</i>	07	6	5	0	1
<i>Bradford</i>	08	4	4	0	0
<i>Bucks</i>	09	11	11	0	0
<i>Butler</i>	10	6	6	0	0
<i>Cambria</i>	11	4	4	0	0
<i>Cameron</i>	12	0	0	0	0
<i>Carbon</i>	13	0	0	0	0
<i>Centre</i>	14	4	4	0	0
<i>Chester</i>	15	12	12	0	0
<i>Clarion</i>	16	2	2	0	0
<i>Clearfield</i>	17	5	5	0	0
<i>Clinton</i>	18	0	0	0	0
<i>Columbia</i>	19	2	2	0	0
<i>Crawford</i>	20	4	4	0	0
<i>Cumberland</i>	21	11	11	0	0
<i>Dauphin</i>	22	16	16	0	0
<i>Delaware</i>	23	13	11	0	2
<i>Elk</i>	24	2	2	0	0
<i>Erie</i>	25	24	21	0	3
<i>Fayette</i>	26	9	9	0	0
<i>Forest</i>	27	0	0	0	0
<i>Franklin</i>	28	6	6	0	0
<i>Fulton</i>	29	2	2	0	0
<i>Greene</i>	30	2	2	0	0
<i>Huntingdon</i>	31	3	3	0	0
<i>Indiana</i>	32	5	5	0	0
<i>Jefferson</i>	33	2	2	0	0
<i>Juniata</i>	34	3	3	0	0
<i>Lackawanna</i>	35	10	10	0	0
<i>Lancaster</i>	36	19	19	0	0

AUDIT RESULTS, CONTINUED

COUNTY	COUNTY CODE	NUMBER OF CASES SELECTED	EXPUNGED	PRESENT IN: File, Log or Computer	MAINTAINED FOR SERVICES
<i>Lawrence</i>	37	3	3	0	0

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<i>Lebanon</i>	38	8	8	0	0
<i>Lehigh</i>	39	15	15	0	0
<i>Luzerne</i>	40	14	14	0	0
<i>Lycoming</i>	41	5	5	0	0
<i>McKean</i>	42	4	4	0	0
<i>Mercer</i>	43	3	3	0	0
<i>Mifflin</i>	44	4	4	0	0
<i>Monroe</i>	45	6	6	0	0
<i>Montgomery</i>	46	25	25	0	0
<i>Montour</i>	47	0	0	0	0
<i>Northampton</i>	48	15	15	0	0
<i>Northumberland</i>	49	10	8	0	2
<i>Perry</i>	50	3	3	0	0
<i>Philadelphia</i>	51	66	47	0	19
<i>Pike</i>	52	3	3	0	0
<i>Potter</i>	53	1	1	0	0
<i>Schuylkill</i>	54	4	3	0	1
<i>Snyder</i>	55	3	3	0	0
<i>Somerset</i>	56	2	2	0	0
<i>Sullivan</i>	57	0	0	0	0
<i>Susquehanna</i>	58	1	1	0	0
<i>Tioga</i>	59	1	1	1	0
<i>Union</i>	60	3	3	0	0
<i>Venango</i>	61	5	5	0	0
<i>Warren</i>	62	2	2	0	0
<i>Washington</i>	63	7	7	0	0
<i>Wayne</i>	64	2	2	0	0
<i>Westmoreland</i>	65	10	10	0	0
<i>Wyoming</i>	66	1	1	0	0
<i>York</i>	67	29	29	0	0
Totals	-	500	482	0	28

The results of the audits of the regional DPW offices were as follows:

Region	Location	Result
Northeast	Scranton	All cases were expunged
Central	Harrisburg	All cases were expunged
Western	Pittsburgh	All cases were expunged
Southeastern	Philadelphia	All cases were expunged

FINDINGS

No systematic failure on the part of any agency exists based on our findings. Agencies are generally performing in accordance with the mandates of the statutes. Where minor issues regarding the necessity to expunge have been identified the agencies were informed of the necessity to correct these errors. Agencies were advised to continue a high degree of vigilance with regard to the performance of their statutory responsibilities. The Audit showed a 94.4% compliance rate.

COMMENT

As demonstrated by this audit, personnel of the applicable agencies are educated about their responsibility under the CPSL to maintain accurate files. Training provided for staff personnel includes better reference to the expungement responsibility requirement for each unfounded case. We see an improvement in the file maintenance process throughout the Commonwealth, even though there was a slight increase in cases for this reporting period. There should be continued vigilance in each Agency office regarding the expungement requirements set forth in CPSL.

Respectfully submitted,