

# **Greensburg Hempfield Area Library**

## **Child Protection Policy**

**Policy Number: 8**

**Date Last Updated: August 9, 2019**

**Purpose:** To protect our young people (ages 17 and under) from undue risk of verbal, physical or sexual abuse or misconduct, and to protect staff and volunteers who work with children and youth and our library as an institution from false accusations.

**References:** ALA Code of Ethics; ALA Library Bill of Rights; Pa. Code Chapter 42 §42.42.

**Statement of Policy:** Library patrons are expected to use the Library, including its facilities, grounds, resources and material, in a responsible, appropriate and courteous manner. Illegal acts or conduct in violation of Federal, State or local laws, ordinances or regulations are prohibited. Behavior that disturbs or infringes on the rights of other Library patrons and staff is prohibited. This policy applies to patrons of all ages.

### **GENERAL REQUIREMENTS FOR STAFF**

1. All employees are required to pass a **Pennsylvania Criminal Background Check, ChildLine Child Abuse Clearance and FBI Criminal Background Check.**
2. Prospective employees must complete and submit a Pennsylvania Criminal Background Check, ChildLine Child Abuse Clearance and FBI Criminal Background Check prior to commencement of employment. No person will be hired if the information indicates the person has committed acts of child abuse or acts that are harmful or adverse to the interest of minors.
3. The Library Director will maintain copies of the required documents and require the individual to produce the original documents prior to employment. The results of the checks and clearances will only be shared with the Library Director and the employee or prospective employee.
4. All checks and clearances must be obtained every 5 years.
5. All checks and clearances for employees will be paid for by the library. New employees will be reimbursed for checks and clearances after six months of successful employment.

### **GENERAL REQUIREMENTS FOR VOLUNTEERS**

1. The Library welcomes and encourages members of the community to volunteer their time and talents to enrich and expand library services. Volunteers are expected to conform to all library policies. Volunteers are selected on the basis of need and they are retained as long as the library needs their services. Volunteers may be used for special events, projects and activities, or on a regular basis to assist staff. Services

provided by volunteers will supplement, not replace, regular services performed by library employees.

2. All volunteers 18 years and older will be required to pass a Criminal Background Check and a ChildLine Child Abuse Clearance. Volunteers who have not lived in the state of Pennsylvania for 10 years will also be required to pass the FBI Criminal Background Check. Volunteers who are not required to obtain the FBI Clearance because they are applying for an unpaid position and have been a continuous resident of Pennsylvania for the past 10 years must swear or affirm in writing that they are not disqualified from service based upon a conviction of an offense under §6344.
3. Prior to being offered a volunteer position, prospective volunteers who are 18 years or older must complete and submit a Pennsylvania Criminal Background Check and ChildLine Child Abuse Clearance. No person will be considered for volunteer service if the information indicates the person has committed acts of child abuse or acts that are harmful or adverse to the interest of minors.
4. The Library Director will maintain copies of the required original documents.
5. All checks and clearances must be obtained every five (5) years.
6. The Pennsylvania Criminal Background Check and ChildLine Child Abuse Clearance are free for volunteers. Volunteers requiring the FBI Clearance Background Check will be reimbursed for their costs after six months of service.
7. Youth Volunteers under age 18 who have been convicted of or is currently under suspicion of either sexual or physical abuse of a minor, or who have a history of inappropriate conduct involving a minor, will not be accepted as volunteers.

#### **SELF-REPORTING FOR STAFF AND VOLUNTEERS**

1. If an employee or volunteer is arrested for or convicted of an offense that would constitute grounds for denying employment, or is named as a perpetrator in a founded or indicted report, that employee or volunteer must provide the Library Director with written notice no later than 72 hours after the arrest, conviction or notification that the person has been listed as a perpetrator in the statewide database.
2. An employee or volunteer who willfully fails to disclose information as required above commits a misdemeanor of the third degree and will be subject to discipline up to and including termination or denial of employment or termination or denial of a volunteer position.

## **GENERAL RULES FOR THE PROTECTION OF CHILDREN AND YOUTH**

1. The **"two person rule"** will apply in any situations involving a single minor. No employee or volunteer of the library is to be alone in a room with a minor, unless both parties are clearly visible at all times via a window or an open door.
2. In the event that a minor is left at the library at closing, under no circumstances is the child to be permitted to wait in a staff or volunteer's car. Two adults must wait with the child until the parent, legal guardian or police arrive to pick up the child.

## **MANDATED REPORTING REQUIREMENTS FOR STAFF AND VOLUNTEERS**

1. It is the mission of the Westmoreland County Children's Bureau to protect children from abuse and neglect, preserve families whenever possible and ensure that every child under their care and supervision has a safe, stable and permanent home in which to grow.
2. PA SB 21 expands the list of persons who are required by law to report suspected child abuse to include professionals and volunteers who work in public libraries. This law also eliminates a chain of command in cases of suspected abuse. All cases of alleged or suspected abuse **MUST** be **IMMEDIATELY** reported. The following steps must be taken:

A Call the following agencies to file a verbal report

- Westmoreland County Children's Bureau: 724-830-3300  
(Monday thru Friday 8:30am to 8:00pm)
- ChildLine-Pennsylvania State Child Abuse Hotline:  
1-800-932-0313

B. After you have made a report to WCCB or ChildLine, you must fill out an incident report ( attached) and submit it to the Library Director or Board President.

C. Within 48 hours after making a verbal report to WCCB or ChildLine, one copy of a completed CY-47 report (attached) must be submitted to ChildLine for the county in which the abuse occurred. Form CY-47 may be completed online at:

[http: //lookoutforchildabuse.org/reporting/legal-forms /cy-4 7-online /](http://lookoutforchildabuse.org/reporting/legal-forms/cy-47-online/)

*D. If a situation is occurring in the library that constitutes abuse, call 911 to have the police handle and report it. You must also follow-up and report the suspected abuse to WCCB or ChildLine. The police may not report the incident and you must still report as required by law.*

## ACTIONS BY MANDATED REPORTERS

A mandated reporter **must** in good faith:

- Make a report
- Cooperate with an investigation
- Notify police, if appropriate
- Testify in proceedings that result from their report
- Mandated reporters can request certain information about a child who was the subject of a report of suspected child abuse that they made. Information can be requested verbally or in writing from the county agency. The information that can be released to the mandated reporter is limited to:

- ▶ The final status of the child abuse report; in other words, whether it is indicated, founded or unfounded; and
- ▶ Any services provided, arranged for or to be provided by the county agency to protect the child.
- ▶ Before releasing the allowable information, the county agency must verify the identity of the required reporter.

## DEFINING CHILD ABUSE

Categories of child abuse specifically defined by the Child Protective Services Law (CPSL) include:

- A **Serious Physical Injury-Recent** (within the last two years), causes severe pain and significantly impairs functioning, either temporarily or permanently. This includes kicking, biting, throwing, burning, stabbing or cutting a child **in** a manner that endangers the child.
- B. **Fabricating Medical Symptom or Disease-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.
- C. **Serious Mental Injury-A** psychological condition that is diagnosed by a physician or licensed psychologist.
- D. **Sexual Abuse or Exploitation-Please** see the attached copy of the Child Protective Services Law for everything that constitutes sexual abuse or exploitation as well as exceptions.
- E. **Serious Physical Neglect-Any** of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's wellbeing, causes bodily injury or impairs a child's health, development or functioning: a repeated, prolonged or unconscionable egregious failure to supervise a child in a manner that is appropriate considering the child's

developmental age and abilities or the failure to provide a child with the adequate essentials of life including food, shelter or medical care.

- F. **Imminent Risk**-Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- G. While you are required to report suspected abuse, you are not to investigate abuse. You may ask a child a question regarding an obvious physical injury, but you do not need to pursue further if they do not answer in a way that indicates the injury fits the definitions of abuse. If a child reports abuse to you, you must then call WCCB or ChildLine and follow the reporting procedure outlined above.

## **PROTECTIONS AND PENAL TIES**

1. Certain protections are afforded those who become involved in situations of child abuse. Immunity from civil and criminal liability is given to a person, hospital, institution, school, facility or agency employee who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse, taking photographs or removing or keeping a child in protective custody. For the purpose of any civil or criminal proceeding, the good faith of a mandated reporter is presumed.
2. Mandated reporters who, in good faith, make or cause a report of suspected abuse to be made can take action in the court of common pleas for appropriate relief if they are discharged from employment, or in any other manner are discriminated against with respect to compensation, hire, tenure, terms, conditions or privileges. The court may issue an order granting appropriate relief if it finds that action was taken against a person who, in good faith, made or caused to be made a report of suspected child abuse. The Department of Public Welfare may intervene in any such action.
3. The new law protects mandated reporters from retaliation and protects their rights to privacy in making a mandated report.
4. A person who is required to report a case of suspected child abuse and willfully fails to do so may be penalized. Charges include a third degree felony for the first violation. A person who fails to report a second or subsequent time commits a felony of the third degree, except in the case that the child abuse constitutes a first degree felony or higher, then the second or subsequent failures to report is a felony of the second degree. A person found guilty of willful failure to report is punishable by fines and/or a jail sentence.
5. Reporting procedures are to be in accordance with Pennsylvania law. Anyone observing suspected harm to a minor child should report it immediately to the nearest librarian, supervisor or the Library Director.

6. In order for staff and volunteers to be easily identified, designated Greensburg Hempfield Area Library badges must be worn at all times when representing the library.