

CPS – GPS Regulation Crosswalk – 3490

DEFINITIONSⁱ

Child Protective Services

§ 3490.4. Definitions.

Accept for service—The county agency decides on the basis of the needs and problems of an individual to admit or receive the individual as a client of the agency or as required by a court order entered under the Juvenile Act.

Child abuse—

(i) The term child abuse means any of the following:

(A) Any recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child.

(B) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or exploitation of a child.

(C) A recent act, failure to act or series of the acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or exploitation of a child.

(D) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child’s life or development or impairs the child’s functioning.

(ii) A child will not be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child’s welfare, such as inadequate housing, furnishings, income, clothing and medical care.

(iii) If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of seriously held religious beliefs of the child’s parents, guardian or person responsible for the child’s welfare, which beliefs are consistent with those of a bona fide religion, the child will not be deemed to be physically or mentally abused. The county agency shall closely monitor the child and shall seek court-ordered medical

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§ 3490.223. Definitions.

In addition to the definitions in § 3490.4 (relating to definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Assessment—An evaluation by the county agency to determine whether or not a child is in need of general protective services.

Custodial parent—The parent responsible for the day-to-day care and supervision of the child.

General protective services—Services to prevent the potential for harm to a child who meets one of the following conditions:

(i) Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals.

(ii) Has been placed for care or adoption in violation of law.

(iii) Has been abandoned by his parents, guardian or other custodian.

(iv) Is without a parent, guardian or legal custodian.

(v) Is habitually and without justification truant from school while subject to compulsory school attendance.

<p style="text-align: center;">Child Protective Services</p>	<p style="text-align: center;">General Protective Services</p>
<p>intervention when the lack of medical or surgical care threatens the child’s life or long-term health. In cases involving religious circumstances, all correspondence with a subject of the report and the records of the Department and the county agency may not reference “child abuse” and shall acknowledge the religious basis for the child’s condition, and the family shall be referred for general protective services, under Subchapter C of the CPSL (relating to general protective services), if appropriate.</p> <p><i>Serious bodily injury</i>—Injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of a body member or organ.</p> <p><i>Serious mental injury</i>—A psychological condition as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does either of the following:</p> <ul style="list-style-type: none"> (i) Renders the child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child’s life or safety is threatened. (ii) Seriously interferes with the child’s ability to accomplish age-appropriate developmental and social tasks. <p><i>Serious physical injury</i>—An injury that does either of the following:</p> <ul style="list-style-type: none"> (i) Causes the child severe pain. (ii) Significantly impairs the child’s physical functioning, either temporarily or permanently. <p><i>Serious physical neglect</i>—A physical condition caused by the act or failure to act of a perpetrator which endangers the child’s life or development or impairs the child’s functioning and is the result of one of the following:</p> <ul style="list-style-type: none"> (i) Prolonged or repeated lack of supervision. (ii) Failure to provide essentials of life, including adequate medical and dental care. <p><i>Sexual abuse or exploitation</i>—</p> <ul style="list-style-type: none"> (i) Any of the following if committed on a child by a perpetrator: <ul style="list-style-type: none"> (A) The employment, use, persuasion, inducement, enticement or 	<ul style="list-style-type: none"> (vi) Has committed a specific act of habitual disobedience of the reasonable and lawful commands of his parent, guardian or other custodian and who is ungovernable and found to be in need of care, treatment or supervision. (vii) Is under 10 years of age and has committed a delinquent act. (viii) Has been formerly adjudicated dependent under section 6341 of the Juvenile Act (relating to adjudication), and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in subparagraph (vi). (ix) Has been referred under section 6323 of the Juvenile Act (relating to informal adjustment), and who commits an act which is defined as ungovernable in subparagraph (vi). <p><i>Parent</i>—A biological parent, adoptive parent, legal guardian or primary person responsible for a child.</p> <p><i>Potential for harm</i>— (i) Likely, if permitted to continue, to have a detrimental effect on the child’s health, development or functioning.</p> <ul style="list-style-type: none"> (ii) The term does not include imminent risk as defined in the definition of “child abuse” in § 3490.4. <p><i>Primary person who is responsible for the care of a child</i>—A person who provides or arranges ongoing care and supervision to a child in lieu of parental care and supervision.</p> <p><i>Report</i>—A verbal or written statement to the county agency from someone alleging that a child is in need of general protective services.</p>

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coercion of a child to engage in or assist another person to engage in sexually explicit conduct.

(B) A simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct.

(C) Any of the following offenses as defined by the crimes code:

- (1) Rape as defined by section 3121 (relating to rape).
- (2) Statutory sexual assault as defined by section 3122.1 (relating to statutory sexual assault).
- (3) Involuntary deviate sexual intercourse as defined by section 3123 (relating to involuntary deviate sexual intercourse).
- (4) Sexual assault as defined by section 3124.1 (relating to sexual assault).
- (5) Aggravated indecent assault as defined by section 3125 (relating to aggravated indecent assault).
- (6) Indecent assault as defined by section 3126 (relating to indecent assault).
- (7) Indecent exposure as defined by section 3127 (relating to indecent exposure).
- (8) Incest as defined by section 4302 (relating to incest).
- (9) Prostitution as defined by section 5902 (relating to prostitution and related offenses).

(D) Exploitation which includes any of the following:

- (1) Looking at the sexual or other intimate parts of a child for the purpose of arousing or gratifying sexual desire in either person.
- (2) Engaging or encouraging a child to look at the sexual or other intimate parts of another person for the purpose of arousing or gratifying sexual desire in any person involved.
- (3) Engaging or encouraging a child to participate in sexually explicit conversation either in person, by telephone, by computer or by a computer aided device.

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Child protective services—Those services and activities provided by the Department and each county agency for child abuse cases.

Founded report—A child abuse report made under the CPSL and 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.

Indicated report—A child abuse report made under the CPSL and this chapter if an investigation by the county agency or the Department determines that substantial evidence of the alleged abuse exists based on any of the following:

- (i) Available medical evidence.
- (ii) The child protective service investigation.
- (iii) An admission of the acts of abuse by the perpetrator.

Pending criminal court action—The status assigned to a report when the county agency cannot complete the investigation within 30-calendar days because criminal court action has been initiated.

Pending juvenile court action—The status assigned to a report when the county agency cannot complete the investigation within 30-calendar days because juvenile court action has been initiated.

Perpetrator—A person who has committed child abuse and is a parent of a child, a person responsible for the welfare of a child, an individual residing in the same home as the child or a paramour of the child’s parent.

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.

Person responsible for the child’s welfare—

- (i) A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.
- (ii) The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or

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area vocational-technical school.

Protective services—Services and activities provided by the Department and each county agency for children who are abused or in need of general protective services under this chapter.

Recent act or failure to act—An act or failure to act committed within 2 years of the date of the report of suspected child abuse to the Department or county agency.

Status determination—The decision made by the county agency that a child abuse or student abuse report is founded, indicated, unfounded, pending juvenile court action or pending criminal court action.

Subjects of the report—A child, parent, guardian or other person responsible for the welfare of a child or any alleged or actual perpetrator or school employee named in a report made to the Department or county agency under this subchapter.

Substantial evidence—Evidence which outweighs inconsistent evidence and which a reasonable person would accept as adequate to support a conclusion.

Unfounded report—A report made under the CPSL and this chapter unless the report is a founded report or an indicated report.

FUNCTIONS

Child Protective Services

§ 3490.53. Functions of the county agency for child protective services.

(a) The county agency is the sole civil agency responsible for receiving and investigating reports of child abuse except reports of abuse allegedly perpetrated by an agent. The county agency shall investigate allegations of abuse of children residing in facilities operated directly by the Department.

(b) The county agency shall protect the safety of the subject child and other children in the home or facility and shall provide or arrange appropriate services when necessary during the investigation period.

(c) The county agency shall determine the status of reports of suspected child abuse.

(d) If the county agency concludes that the child is in danger of further child abuse, the county agency shall do the following:

- (1) Accept the case for service.
- (2) Provide direct case management.
- (3) Monitor the provision of services, whether provided directly by the county agency or through purchase or agreement.

(e) The county agency shall provide direct case management of services provided to abused children and their families until the county agency is reasonably assured that the child is no longer in danger of child abuse. The reasons for termination of the county agency involvement shall be recorded in the case record.

Source

The provisions of this § 3490.53 adopted December 20, 1985, effective January 1, 1986, 15 Pa.B. 4547; amended July 2, 1999, effective July 3, 1999, 29 Pa.B. 3513. Immediately preceding text appears at serial pages (211728) to (211729).

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§ 3490.231. Functions of the county agency for general protective services.

Each county agency is responsible for administering a program of general protective services to children that is consistent with the agency’s objectives to:

- (1) Keep children safely in their own homes, whenever possible.
- (2) Prevent abuse, neglect and exploitation of children.
- (3) Overcome problems that could result in dependency.
- (4) Provide temporary, substitute placement in the home of a relative, other individual who has a significant relationship with the child or the child’s family, a foster family home or residential child-care facility for children in need of this care.
- (5) Reunite children safely with their families, whenever possible, when children are in temporary, substitute placement.
- (6) Provide a permanent, legally assured family for children in temporary, substitute care who cannot be returned to their own home.
- (7) Provide services and care ordered by the court for children who have been adjudicated dependent.

Source

- (1) The provisions of this § 3490.231 adopted July 2, 1999, effective July 3, 1999, 29 Pa.B. 3513.

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Notes of Decisions

Expunction Proceedings

Expunction proceedings before the Department of Public Welfare, Bureau of Hearings and Appeals are civil proceedings as opposed to criminal proceedings; therefore, the Sixth Amendment right for the accused to confront the witnesses against him does not apply. *Dauphin County Social Services for Children and Youth v. Department of Public Welfare*, 855 A.2d 159, 163 (Pa. Cmwlth. 2004)

INVESTIGATION - ASSESSMENT

Child Protective Services

§ 3490.55. Investigation of reports of suspected child abuse.

(a) Except as provided in subsection (b), the county agency shall begin its investigation within 24 hours of receiving a report of suspected child abuse. Upon beginning its investigation, the county agency shall see the child within 24 hours of receipt of the report.

(b) The county agency shall begin the investigation immediately upon receipt of a report of suspected child abuse and see the child immediately if one of the following applies:

- (1) Emergency protective custody has been taken or is needed.
- (2) It cannot be determined from the report whether or not emergency protective custody is needed.
- (c) After ensuring the immediate safety of the child and other children in the home, the county agency shall verbally notify ChildLine of the receipt of the report, if it was not received initially from ChildLine.
- (d) When conducting its investigation, the county agency shall, if possible, conduct an interview with those persons who are known to have or may reasonably

be expected to have, information relating to the incident of suspected child abuse including, but not limited to, all of the following:

- (1) The child, if appropriate.
- (2) The child’s parents or other person responsible for the child’s welfare.
- (3) The alleged perpetrator of the suspected child abuse.
- (4) The reporter of the suspected child abuse, if known.
- (5) Eyewitnesses to the suspected child abuse.
- (6) Neighbors and relatives who may have knowledge of the abuse.
- (7) Day care provider or school personnel, or both, if appropriate.

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§ 3490.232. Receiving reports and assessing the need for services.

(a) The county agency shall be the sole civil agency responsible for receiving and assessing all reports alleging a need for general protective services. Nothing in this subchapter limits section 6304 or 6334 of the Juvenile Act (relating to powers and duties of probation officers; and petition).

(b) The county agency shall provide 24-hours-per-day/7-day-per-week telephone access to receive reports alleging a need for general protective services.

(c) The county agency shall see the child immediately if emergency protective custody has been taken, is needed, or if it cannot be determined from the report whether or not emergency protective custody is needed. Otherwise, the county agency shall prioritize the response time for an assessment to assure that children who are most at risk receive an assessment first.

(d) The county agency shall use a State-approved risk assessment process for general protective services as required by § 3490.321 (relating to standards for risk assessment) to:

- (1) Aid in its assessment of whether to accept the family for services.
- (2) Insure that its assessment is comprehensive.
- (3) Help determine the need for general protective services.
- (4) Assist in the development of the family service plan.

(e) The county agency shall complete an assessment within 60-calendar days to determine whether or not the child and family should be accepted for general protective services, be referred to another agency for services or close the case.

(f) The county agency shall see the child and visit the child’s home during the assessment period. The home visits shall occur as often as necessary to

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(e) The county agency shall record in writing the facts obtained as a result of the interviews conducted under subsection (d) and any other interviews it conducts.

(1) When conducting its investigation, the county agency shall maintain a written record of the facts obtained from each interview it conducts.

(2) At the conclusion of its investigation, when the report is determined indicated, founded or unfounded and accepted for services, under § 3490.59 (relating to action by the county agency after determining the status of the report), the county agency shall enter a written summary of the facts obtained from each interview in the case record.

(f) When investigating a report of suspected child abuse in which a child has sustained visible injury, the county agency shall, whenever possible and appropriate,

take, cause to be taken or obtain color photographs of the injury.

(1) Photographs shall include one snapshot in which the child is clearly identifiable with the injured part of the body visible to establish the identity of the child and the actual location and extent of the injury. More than one photograph of the injury shall be taken if it is necessary to obtain a clear close-up of the injury.

(2) The county agency shall maintain photographs it secures in the case record. Photographs shall be identified by all of the following:

(i) The name of the child.

(ii) The age of the child.

(iii) The date and time of day the photograph was taken.

(iv) The location at which the photograph was taken.

(v) The names of witnesses present.

(vi) The name of the photographer.

(g) When investigating a report of suspected serious mental injury, sexual abuse or exploitation or serious physical neglect, the county agency shall,

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complete the assessment and insure the safety of the child. There shall be a least one home visit.

(g) The county agency shall interview the child, if age appropriate, and the parents or the primary person who is responsible for the care of the child. The county agency shall also conduct interviews with those persons who are known to have or may reasonably be expected to have information that would be helpful to the county agency in determining whether or not the child is in need of general protective services.

(h) The county agency may make unannounced home visits.

(i) The county agency shall provide or arrange appropriate services to assure the safety of the child during the assessment period.

(j) The county agency shall initiate the appropriate court proceedings and assist the court during all stages of the court proceedings if the county agency determines that general protective services are in the best interest of a child and if an offer of an assessment, a home visit or services is refused by the parent.

Source

The provisions of this § 3490.232 adopted July 2, 1999, effective July 3, 1999, 29 Pa.B. 3513.

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whenever appropriate, obtain medical evidence or expert consultation, or both. The county agency shall maintain a record of medical evidence or expert consultation, or both, obtained during its investigation, including one of the following:

(1) The reasons why medical examination or expert consultation, or both, was secured and the results of the examination/consultation.

(2) The reasons why medical examination or expert consultation, or both, was determined not to be necessary.

(h) If the investigation indicates serious physical injury, a medical examination shall be performed on the subject child by a certified medical practitioner. If there is reasonable cause to suspect there is a history of prior or current abuse, the medical practitioner has the authority to arrange for further medical tests or the county agency has the authority to request further medical tests.

(i) When conducting its investigation, the county agency shall visit the child's home, at least once during the investigation period. The home visits shall occur as often as necessary to complete the investigation and to assure the safety of the child.

(j) When investigating cases of suspected child abuse and a subject is located in a county other than where the abuse occurred, the county agency shall either make contact in the county where the subject is located or request the county where the subject is located to conduct the interview. The county agency where the subject is located shall assist in the investigation as required by this section.

Source

The provisions of this § 3490.55 adopted December 20, 1985, effective January 1, 1986, 15 Pa.B.4547; amended December 27, 1985, effective January 1, 1986, 15 Pa.B. 4629; amended July 2, 1999, effective July 3, 1999, 29 Pa.B. 3513. Immediately preceding text appears at serial pages (211729) to (211731).

NOTIFICATIONS

Child Protective Services

§ 3490.58. Notifications.

(a) Except for the subject child, the county agency shall notify the subject who is about to be interviewed of:

- (1) The existence of the report and the type of suspected abuse.
- (2) The subject’s rights under sections 6337 and 6338 of the Juvenile Act (relating to right to counsel; and other basic rights) when a case goes to Juvenile Court. Those rights are:

- (i) The right to counsel.
 - (ii) The right to introduce evidence and cross examine witnesses.
- (3) The perpetrator’s rights regarding amendment and expunction.

(b) Within 72 hours of interviewing the subject, the county agency shall notify the subject in writing of:

- (1) The existence of the report and type of alleged abuse.
- (2) The rights under sections 6337 and 6338 of the Juvenile Act, when a case goes to juvenile court. Those rights are:

- (i) The right to counsel.
- (ii) The right to introduce evidence and cross examine witnesses.

(3) The perpetrator’s rights regarding amendment and expunction.

(4) The right to obtain a copy of the report from the Statewide Central Register or the county agency.

(5) The fact that the report, if determined unfounded, will be expunged from the pending complaint file within 120-calendar days from the date the report was received at ChildLine.

(6) The purpose of the law, the implications of the status determination of the report and the services available through the county agency.

(7) The effect that a founded or indicated report of child abuse will have on a person seeking employment in a child care service or in a school.

(8) That the agency has, will or may make a report to law enforcement

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§ 3490.234. Notifications.

(a) The county agency shall notify the parent of the receipt of the report alleging the need for general protective services and that the county agency will

do an assessment to determine the need for general protective services. The notification shall be made verbally at the time of the initial interview.

(b) The county agency shall provide written notice to the parents and the primary person who is responsible for the care of the child of the county agency’s decision to accept or not accept the family for general protective services within 7-calendar days of making the decision. If the county agency accepts the family for services, it shall include the following information in the notice:

- (1) The reasons why the county agency accepted the family for services.
- (2) The right of the custodial parent or the primary person responsible for the care of the child to appeal the county agency’s decision that the child is in need of general protective services.
- (3) The request for an appeal shall be received by the county agency within 45-calendar days of the mailing date of the written notice in subsection (b).
- (4) How to appeal the county agency’s decision that the child is in need of general protective services.
- (5) The written appeal request shall specify the reasons why the child is not in need of general protective services.

Source

The provisions of this § 3490.234 adopted July 2, 1999, effective July 3, 1999, 29 Pa.B. 3513.

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officials.

(c) The written notice required by subsection (b) may be reasonably delayed if notification is likely to threaten the safety of the victim, the safety of a nonperpetrator subject or the safety of an investigating county agency worker, to cause the perpetrator to abscond or to significantly interfere with the conduct of a criminal investigation. The written notice shall be provided to all subjects prior to the county agency determining the status of the report and regardless of where the person lives.

(d) Except for the subject child, the county agency shall notify all subjects in writing of one of the following when the county agency determines that the report is unfounded:

(1) The information will be kept on file at the county agency and clearly identified as an unfounded report of suspected child abuse when the family has been accepted for services.

(2) The report is unfounded and because the family has not been accepted for services that all information will be expunged at the county agency upon notification from ChildLine and that the report will be expunged from the pending complaint file within 120-calendar days of receipt of the report at ChildLine.

(e) The county agency shall provide the notification required under subsection (d) when it notifies ChildLine of the status of the report.

Source

The provisions of this § 3490.58 adopted December 20, 1985, effective January 1, 1986, 15 Pa.B. 4547; amended July 2, 1999, effective July 3, 1999, 29 Pa.B. 3513. 4547; amended July 2, 1999, effective July 3, 1999, 29 Pa.B. 3513. Immediately preceding text appears at serial page (211733).

SERVICES

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§ 3490.60. Services available through the county agency.

In addition to those services required in Chapter 3130 (relating to administration of county children and youth social service programs) the county agency shall provide, arrange or otherwise make available the following services for the prevention and treatment of child abuse:

- (1) Emergency medical services which include appropriate emergency medical care for examination, evaluation and treatment of children suspected of being abused.
- (2) Self-help groups to encourage self-treatment of present and potential abusers.
- (3) Multidisciplinary teams composed of professionals from a variety of disciplines who are consultants to the county agency in its case management responsibilities as required by Chapter 3130 who perform one of the following functions:
 - (i) Pool their knowledge and skills to assist the county agency in diagnosing child abuse.
 - (ii) Provide or recommend comprehensive coordinated treatment.
 - (iii) Periodically assess the relevance of the treatment and the progress of the family.
 - (iv) Participate in the State or local child fatality review team authorized under section 6340(a)(4) and 6343(b) of the CPSL (relating to release of information in confidential reports; and performance audit), convened by a professional, organization and the county agency for the purpose of investigating a child fatality or the development and promotion of strategies to prevent child fatality.

Source

The provisions of this § 3490.60 adopted December 20, 1985, effective

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§ 3490.235. Services available through the county agency for children in need of general protective services.

- (a) The county agency shall provide, arrange or otherwise make available the same services for children in need of general protective services as for abused children under § 3490.60 (relating to services available through the county agency).
- (b) The county agency shall develop a family service plan as required by § 3130.61 (relating to family service plans) for each family accepted for general protective services.
- (c) The county agency shall monitor the provision of services and evaluate the effectiveness of the services provided under the family service plan under § 3130.63 (relating to review of family service plans). The county agency worker shall visit the family in performing the case management responsibilities as required by § 3130.63 as often as necessary for management of the service provision at least every 180-calendar days.
- (d) The county agency may purchase and use the services of any appropriate public or private agency under Chapter 3130 (relating to the administration of county children and youth social service programs).
- (e) The county agency supervisor shall review each report alleging a need for general protective services which is being assessed on a regular and ongoing basis to assure that the level of services are consistent with the level of risk to the child, to determine the safety of the child and the progress made toward reaching a determination on the need for protective services. The supervisor shall maintain a log of these reviews which at a minimum shall include an entry at 10-calendar day intervals during the assessment period.
- (f) When a case has been accepted for service and a family service plan has been developed under Chapter 3130, the county agency supervisor shall,

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January 1, 1986, 15 Pa.B. 4547; amended July 2, 1999, effective July 3, 1999, 29 Pa.B. 3513. Immediately preceding text appears at serial page (211734).

Cross References

This section cited in 55 Pa. Code § 3490.62 (relating to repeated child abuse); and 55 Pa. Code § 3490.235 (relating to services available through the county agency for children in need of general protective services).

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within 10-calendar days of the completion of the family service plan, review the plan to assure that the level of activity, in person contacts with the child, oversight, supervision and services for the child and family which are contained in the plan, are consistent with the level of risk determined by the county agency for the case. Documentation of this review shall be in the case record.

(g) When a case has been accepted for services, the county agency shall monitor the safety of the child and assure that contacts are made with the child, parents and service providers. The contacts may occur either directly by a county agency worker or through purchase of service, by phone or in person but face-to face contacts with the parent and the child shall occur as often as necessary for the protection of the child but at least as often as:

(1) Once a week until the case is no longer designated as high risk by the county agency, if the child remains in or returns to the home in which the need for general protective services was established and the county agency has determined a high level of risk exists for the case.

(2) Once a month for 6 months or case closure when the child is either:

(i) Placed out of the home or setting in which the need for general protective services was established.

(ii) No longer determined to be at a high risk by the county agency.

(h) A periodic assessment of the risk of harm to the child shall be conducted as required by the State-approved risk assessment process.

(i) Except when ordered by the court in a proceeding brought under the Juvenile Act, a county agency is not required to duplicate services which are the statutory responsibility of any other agency.

(j) The county agency shall aid the child and the family in obtaining benefits and services for which they may qualify under Federal, State and local programs.

(k) The family service plan shall contain a provision that requires the parents advise the county agency, within 24 hours, when the child or family move from one residence to another.

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Source

The provisions of this § 3490.235 adopted July 2, 1999, effective July 3, 1999, 29 Pa.B. 3513.

§ 3130.61. Family service plans.

- (a) The county agency shall prepare, within 60 days of accepting a family for service, a written family service plan for each family receiving services through the county agency.
- (b) The service plan shall be a discrete part of the family case record and shall include:
 - (1) Identifying information pertaining to both the child and other family members.
 - (2) A description of the specific circumstances under which the case was accepted.
 - (3) The service objectives for the family, identifying changes needed to protect children in the family in need of protection from abuse, neglect and exploitation and to prevent their placement.
 - (4) The services to be provided to achieve the objectives of the plan.
 - (5) The actions to be taken by the parents, children, the county agency or other agencies, and the dates when these actions will be completed.
 - (6) Placement amendments as required by § 3130.67 (relating to placement planning).
 - (7) The results of family service plan reviews and placement reviews as required by § § 3130.63 and 3130.73 (relating to review of family service plans; and recording the results of reviews and hearings).
- (c) The service plan shall be signed by the county agency staff person responsible for management of the case. The parent or legal guardian and the child, if 14 years of age or older, shall be given the opportunity to sign the service plan. The county agency shall inform the parent or guardian that signing the plan constitutes agreement with the service plan.

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(d) The county agency shall provide family members, including the child, their representatives and service providers, the opportunity to participate in the development and amendment of the service plan if the opportunity does not jeopardize the child’s safety. The method by which these opportunities are provided shall be recorded in the plan.

(e) The county agency shall provide family members, their legal counsel, other representatives and agencies or facilities providing services to the child and family with a copy of the service plan, including service plan amendments and results of reviews when the amendments or reviews change the previously agreed upon plan.

(f) [Reserved].

(g) [Reserved].

Authority

The provisions of this § 3130.61 amended under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. § § 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3130.61 amended January 23, 1987, effective January 24, 1987, except subsection (b) effective April 24, 1987, 17 Pa.B. 392. Immediately preceding text appears at serial pages (75144) to (75145).

Notes of Decisions

Dependency

Considering enormous implications of dependency finding, such a determination can only be made in compliance with statutory requirements regarding dependency determinations and cannot be made by trial court *sua sponte* without petition for dependency having been filed. *Fallaro v. Yeager*, 528 A.2d 222 (Pa. Super. 1987).

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Family Participation in Plan Development

Family members must be afforded the opportunity to participate in the development and amendment of the service plan for a dependent child, so long as that does not jeopardize the child’s safety; however, that mandate does not convey the right of the family member to attend or participate in the county agency’s internal placement meetings. By asking the parents for input into the placement plan being formulated, the Agency complied with the family participation requirement. *In re R.T.*, 778 A.2d 670 (Pa. Super. 2001); appeal denied 792 A.2d 1254 (Pa. 2001).

Family Service Plan

It was improper for the trial court to rely exclusively on the “psychological parent” doctrine given Federal and State legislative intent that every reasonable effort be made to retain a child in the parental home by utilization of court and social services to improve parenting and ameliorate deficiencies before a child is removed. *Burke v. Pope*, 531 A.2d 782, 788 (Pa. Super. 1987).

The county children and youth service agency was responsible for formulating a family service plan which identified an ultimate goal for the child, including return home, placement in the home of another relative, adoption, placement with a legal guardian, independent living or long term placement. *Walker v. Johnson*, 891 F.Supp. 1040 (M. D. Pa. 1995).

Goal

Goal of family service plan may be changed from reunification to adoption where parent is incapable of mastering basic parenting skills. *In re M. B., K. B., J. B., L. B.*, 565 A.2d 804, 810 (Pa. Super. 1989); appeal denied 589 A.2d 692 (Pa. 1990).

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Cross References

This section cited in 55 Pa. Code § 3130.31 (relating to responsibilities of the county agency); 55 Pa. Code § 3130.38 (relating to other required services); 55 Pa. Code § 3130.40 (relating to delivery of services through other service providers); 55 Pa. Code § 3130.43 (relating to family case records); 55 Pa. Code § 3130.66 (relating to case planning for children in emergency placement); 55 Pa. Code § 3140.22 (relating to reimbursable services and reimbursement rates); and 55 Pa. Code § 3490.235 (relating to services available through the county agency for children in need of general protective services).

§ 3130.63. Review of family service plans.

(a) Except as provided in subsection (b), the county agency shall review service plans at least every 6 months. The service plan review shall be recorded in the plan and shall include:

- (1) An assessment of the progress made toward alleviating the conditions necessitating service.
 - (2) An assessment of whether planned actions have occurred and services have been provided.
 - (3) An assessment of whether the children continue to be safe in the home.
 - (4) Amendment to the plan as determined by the review.
- (b) If a child is in placement, the county agency shall follow the requirements of § 3130.71 (relating to placement reviews).

Authority

The provisions of this § 3130.63 amended under Articles II, VII, IX and X of the Public Welfare Code (62 P.S. § 201-211, 701-744, 901-922 and 1001-1080).

	<p style="text-align: center;">General Protective Services</p> <p>Source The provisions of this § 3130.63 amended January 23, 1987, effective January 24, 1987, 17 Pa.B. 392. Immediately preceding text appears at serial pages (75146) and (109557).</p> <p>Notes of Decisions <i>Dependency</i> Considering enormous implications of dependency finding, such a determination can only be made in compliance with statutory requirements regarding dependency determinations and cannot be made by trial court sua sponte without petition for dependency having been filed. <i>Fallaro v. Yeager</i>, 528 A.2d 222 (Pa. Super. 1987).</p> <p>Cross References This section cited in 55 Pa. Code § 3130.31 (relating to responsibilities of the county agency); 55 Pa. Code § 3130.38 (relating to other required services); 55 Pa. Code § 3130.61 (relating to family service plans); 55 Pa. Code § 3490.61 (relating to supervisory review and child contacts); and 55 Pa. Code § 3490.235 (relating to services available through the county agency for children in need of general protective services).</p>
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SUPERVISORY ROLE

Child Protective Services

§ 3490.61. Supervisory review and child contacts.

(a) The county agency supervisor shall review each report of suspected child abuse which is under investigation on a regular and ongoing basis to ensure that the level of services are consistent with the level of risk to the child, to determine the safety of the child and the progress made toward reaching a status determination. The supervisor shall maintain a log of these reviews which at a minimum shall include an entry at 10-calendar day intervals during the investigation period.

(b) When a case has been accepted for service and a family service plan has been developed under Chapter 3130 (relating to the administration of county children and youth social service programs), the county agency supervisor shall, within 10-calendar days of the completion of the family service plan, review the plan to assure that the level of activity, in person contacts with the child, oversight, supervision and services for the child and family contained in the plan, are consistent with the level of risk determined by the county agency for the case. Documentation of this review shall be in the case record.

(c) When a case has been accepted for service, the county agency shall monitor the safety of the child and assure that contacts are made with the child, parents and service providers. The contacts may occur either directly by a county agency worker or through purchase of service, by phone or in person but face-to face contacts with the parent and the child must occur as often as necessary for the protection of the child but no less often than:

(1) Once a week until the case is no longer designated as high risk by the county agency, if the child remains in or returns to the home in which the abuse occurred and the county agency has determined a high level of risk exists for the case.

(2) Once a month for 6 months or case closure when the child is either:

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§ 3490.235. Services available through the county agency for children in need of general protective services.

(a) The county agency shall provide, arrange or otherwise make available the same services for children in need of general protective services as for abused children under § 3490.60 (relating to services available through the county agency).

(b) The county agency shall develop a family service plan as required by § 3130.61 (relating to family service plans) for each family accepted for general protective services.

(c) The county agency shall monitor the provision of services and evaluate the effectiveness of the services provided under the family service plan under § 3130.63 (relating to review of family service plans). The county agency worker shall visit the family in performing the case management responsibilities as required by § 3130.63 as often as necessary for management of the service provision at least every 180-calendar days.

(d) The county agency may purchase and use the services of any appropriate public or private agency under Chapter 3130 (relating to the administration of county children and youth social service programs).

(e) The county agency supervisor shall review each report alleging a need for general protective services which is being assessed on a regular and ongoing basis to assure that the level of services are consistent with the level of risk to the child, to determine the safety of the child and the progress made toward reaching a determination on the need for protective services. The supervisor shall maintain a log of these reviews which at a minimum shall include an entry at 10-calendar day intervals during the assessment period.

f) When a case has been accepted for service and a family service plan has been developed under Chapter 3130, the county agency supervisor shall,

<p style="text-align: center;">Child Protective Services</p>	<p style="text-align: center;">General Protective Services</p>
<p>(i) Placed out of the home or setting in which the abuse occurred.</p> <p>(ii) Not at a high risk of abuse or neglect.</p> <p>(d) A periodic assessment of the risk of harm to the child shall be conducted as required by the State-approved risk assessment process.</p> <p>(e) The county agency shall monitor the provision of services and evaluate the effectiveness of the services provided under the family service plan under § 3130.63 (relating to review of family service plans). The county agency worker shall visit the family in performing the case management responsibilities as required by § 3130.63 as often as necessary for management of the services provided but at least every 180-calendar days.</p> <p>(f) The family service plan shall contain a provision that requires the parents advise the county agency, within 24 hours, when the child or family move from one residence to another.</p> <p>Source The provisions of this § 3490.61 adopted December 20, 1985, effective January 1, 1986, 15 Pa.B. 4547; amended July 2, 1999, effective July 3, 1999, 29 Pa.B. 3513. Immediately preceding text appears at serial pages (211734) to (211735).</p>	<p>within 10-calendar days of the completion of the family service plan, review the plan to assure that the level of activity, in person contacts with the child, oversight, supervision and services for the child and family which are contained in the plan, are consistent with the level of risk determined by the county agency for the case. Documentation of this review shall be in the case record.</p> <p>(g) When a case has been accepted for services, the county agency shall monitor the safety of the child and assure that contacts are made with the child, parents and service providers. The contacts may occur either directly by a county agency worker or through purchase of service, by phone or in person but face-to face contacts with the parent and the child shall occur as often as necessary for the protection of the child but at least as often as:</p> <p>(1) Once a week until the case is no longer designated as high risk by the county agency, if the child remains in or returns to the home in which the need for general protective services was established and the county agency has determined a high level of risk exists for the case.</p> <p>(2) Once a month for 6 months or case closure when the child is either:</p> <p>(i) Placed out of the home or setting in which the need for general protective services was established.</p> <p>(ii) No longer determined to be at a high risk by the county agency.</p> <p>(h) A periodic assessment of the risk of harm to the child shall be conducted as required by the State-approved risk assessment process.</p> <p>(i) Except when ordered by the court in a proceeding brought under the Juvenile Act, a county agency is not required to duplicate services which are the statutory responsibility of any other agency.</p> <p>(j) The county agency shall aid the child and the family in obtaining benefits and services for which they may qualify under Federal, State and local programs.</p> <p>(k) The family service plan shall contain a provision that requires the parents advise the county agency, within 24 hours, when the child or family move from one residence to another.</p>

	<p style="text-align: center;">General Protective Services</p> <p>Source The provisions of this § 3490.235 adopted July 2, 1999, effective July 3, 1999, 29 Pa.B. 3513.</p>
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RECORDS & INFORMATION

Child Protective Services

§ 3490.67. Written reports to ChildLine.

(a) The county agency shall send the Child Protective Service Investigation Report form (CY-48) to ChildLine within 30-calendar days of the receipt of the report of suspected child abuse.

(b) To avoid expunction of a case as required by § 3490.69 (relating to reports not received within 60-calendar days) when a status determination cannot be made and the county agency has petitioned the juvenile court, an arrest has been made or there is criminal court action pending, the county agency shall send a copy of the CY-48 to ChildLine with one of the following status determinations:

- (1) Pending juvenile court action.
- (2) Pending criminal court action.
- (3) Indicated, when there is substantial evidence that the child was abused.

(c) The county agency shall submit a new CY-48 to ChildLine as required in subsection (a) when a final status determination is made under subsection (b).

(d) A supplemental child abuse report form shall be submitted to ChildLine on founded and indicated reports when additional case information is obtained, including dates of birth, identity of the subjects, additional information about the nature of the abuse, or the case is presented before a court and there is a change in the status of the report.

Source

The provisions of this § 3490.67 adopted December 20, 1985, effective January 1, 1986, 15 Pa.B. 4547; amended July 2, 1999, effective July 3, 1999, 29 Pa.B. 3513. Immediately preceding text appears at serial pages (211736) to (211737).

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§ 3490.236. General protective services records.

(a) Records for reports that are accepted for general protective services shall be maintained under § 3130.43 (relating to family case records). In addition to the information required by § 3130.43, the records shall contain the following information:

- (1) The nature of each report for general protective services.
- (2) The date and source of the report.
- (3) The names and addresses of the persons interviewed in conducting the assessment of each report.
- (4) The services provided by the county agency during the assessment of the report.
- (5) How the level of services provided are consistent with the level of risk to the child.

(b) Records for reports that are not accepted for service shall be maintained for 5 years following the receipt of the latest report alleging the need for general protective services. The following information shall be maintained:

- (1) The name and address of the children.
- (2) The names and addresses of the parents.
- (3) The names and addresses of the primary persons who are responsible for the care of the child.
- (4) The allegations of the need for general protective services.
- (5) The date and source of the report.
- (6) The names and addresses of the persons interviewed in conducting the assessment.
- (7) The services provided by the county agency during the assessment.
- (8) Referral to other community agencies.

<p style="text-align: center;">Child Protective Services</p>	<p style="text-align: center;">General Protective Services</p>
<p>Notes of Decisions <i>Accrual Date</i> A judicial adjudication in a criminal case occurs when an appealable judgment of sentence is imposed; under this interpretation, a suspension of the 60-day investigation/final determination period does not end with the entry of a plea in a criminal case, rather, the suspension may continue until a final, appealable judgment of sentence is imposed. <i>J.C. v. Department of Public Welfare</i>, 980 A.2d 743, 748 (Pa. Cmwlth. 2009). Denial of mother’s request for expungement of child-abuse report from State-wide registry was appropriate even though County and Youth Services (CYS) filed final child-abuse report as “founded” more than 60 days after mother pleaded no contest to two counts of aggravated assault against child; while abuse case was pending in criminal court, the 60-day reporting requirement was suspended until mother was sentenced. <i>J.C. v. Department of Public Welfare</i>, 980 A.2d 743, 748 (Pa. Cmwlth. 2009).</p> <p>Cross References This section cited in 55 Pa. Code § 3490.56 (relating to county agency investigation of suspected child abuse perpetrated by persons employed or supervised by child care agencies and residential facilities).</p> <p>§ 3490.68. Retention of information on unfounded reports. (a) When a county agency determines that a report of suspected child abuse is unfounded but accepts the family for services, the agency shall maintain the records under Chapter 3130 (relating to administration of county children and youth social service programs). (b) If the county agency has determined that a report is unfounded, the status of the report may not be changed subsequently to founded or indicated. If additional information surrounding the incident becomes available, the county agency shall file a new report with ChildLine.</p>	<p>(9) A summary of the assessment and reasons for not accepting the family for general protective services. Source The provisions of this § 3490.236 adopted July 2, 1999, effective July 3, 1999, 29 Pa.B. 3513.</p> <p>§ 3130.43. Family case records. (a) The county agency shall establish and maintain a family case record for each family accepted for service. (b) The family case record shall contain the following: (1) The date the family was accepted for services. (2) The name and address of the parents. (3) The name, race, sex and date of birth of each family member. (4) A family service plan as defined in § 3130.61 (relating to family service plans), including the results of plan reviews. (5) A record of service activity, including the following: (i) The dates of the contact with family members. (ii) The parties involved in the contact. (iii) The action taken. (iv) The results of the actions. (6) Correspondence between agencies and individuals involved in the case. (7) Appropriate medical information on family members. (c) A section of the family case record that includes the following shall be established for each child in placement: (1) The court order placing the child or the voluntary placement agreement. (2) Copies of each document filed by the county agency with the court, including petitions, motions and attachments. These documents shall have the date on which they were sent to the court noted thereon by date stamp. (3) Date stamped copies of the documents maintained under paragraph (2) that were sent to each party required by this chapter to receive them. (4) Other notifications required by this chapter.</p>

Child Protective Services

Source

The provisions of this § 3490.68 adopted December 20, 1985, effective January 1, 1986, 15 Pa.B. 4547; amended July 2, 1999, effective July 3, 1999, 29 Pa.B. 3513. Immediately preceding text appears at serial page (211737).

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- (5) The date the child was placed.
- (6) The location of the child’s placement, including the name and address of the placement.
- (7) An emergency telephone number where parents or guardian can be reached.
- (8) Amendments to the service plan as required in § 3130.67 (relating to placement planning) and the results of reviews of children in placement as required in § § 3130.71 and 3130.72 (relating to placement reviews; and dispositional review hearings).
- (9) Copies of applications for Federal and other benefits. (10) Educational reports and records.
- (11) Indication if the child is disabled and, if so, the type of physical, mental or emotional disability.
- (d) The county agency shall retain family case records for 5 years following closure of the family’s case. Adoption records and child abuse records shall be handled in the manner specified in Chapters 3350 and 3490 (relating to adoption services; and protective services) pertaining to those services.

Authority

The provisions of this § 3130.43 amended under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. § § 201—211, 701—774, 901—922 and 1001—1080); 42 Pa.C.S. § § 6301—6365; and section 405 of the County Institution District Law (62 P. S. § 2305).

Source

The provisions of this § 3130.43 amended January 23, 1987, effective January 24, 1987, except subsection (c)(7) and (8) effective April 24, 1987, 17 Pa.B. 392; amended December 14, 1990, effective December 15, 1990, 20 Pa.B. 6175; amended December 21, 1990, effective December 22, 1990, 20 Pa.B. 6269. Immediately preceding text appears at serial pages (124171) to (124172).

	<p style="text-align: center;">General Protective Services</p> <p>Cross References This section cited in 55 Pa. Code § 3490.236 (relating to general protective services records).</p>
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ⁱ Text taken directly from 55 Pa. Code § 3490.