

Policy Clarification Number: 3490-25-03
POLICY CLARIFICATION REQUEST FORM

REGIONAL OR DIVISION USE ONLY

Regulation Title/Chapter:

Date: 11/14/2024

55 PA C.S., Chapter 3490. Protective Services

Request Prepared By:

Tammy McCullough

Issue:

The Northeast Regional Office (NERO) is requesting clarification pertaining to Section 3490.223 (relating to definitions), “*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.
- (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).”

Specifically, whether or not Non-CPS concerns pertaining to privately run camps meet the definition of General Protective Services, thus requiring the county agencies to assess these concerns instead of the concerns being brought to the attention of law enforcement. The request is being made as contradictory practice has been noted by county agencies and the NERO especially in regard to similar allegations at schools and other private/public agencies and programs. Numerous counties report their interpretation of 23, PA C.S., Chapter 63 (Child Protective Services Law/CPSL) and 3490 Regulations as lacking any jurisdiction in these situations.

Regional Children & Youth Director: Brian T. Waugh

Date:

Response Prepared By:

Erik Walters

Clarification:

In addition to 55 PA Code, § 3490.223 (relating to definitions), “*General protective services*” (GPS) provided above and for the purpose of providing clarification, the Office of Children, Youth and Families (OCYF) provides the following sections of Regulation and Statute:

55, PA Code, § 3490.4 (relating to definitions):

"Child protective services" (CPS) Those services and activities provided by the Department and each county agency for child abuse cases.

23, PA C.S., Chapter 63. Child Protective Services (Child Protective Services Law; CPSL), Section 6303, (relating to definitions):

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

"General protective services" Those services and activities provided by each county agency for cases requiring protective services, as defined by the department in regulations.

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

(1) The term includes only the following:

...

(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.

...

OCYF recognizes that concerns alleging "child abuse" committed by staff of privately run camps who meet the CPSL definition of "perpetrator," also fall under the definition of "child protective services", therefore requiring CPS investigations.

However, when concerns involving privately run camps do not allege "child abuse" committed by a "perpetrator" and the definition of "child protective services" is not met ("non-CPS concerns"), the definition of "general protective services" as provided by the CPSL and Chapter 3490 Regulation cannot be met, and therefore GPS assessments cannot be required.

While the CPSL does not provide statutory authority for CCYAs to assess GPS reports involving privately run camps, these same camps, depending on the type of program, may not be able to release any information to CCYAs or may choose to not cooperate with CCYAs, making assessments difficult.

Effective immediately:

When ChildLine receives concerns involving privately run camps that do not allege "child abuse" committed by a "perpetrator" and the definition of "child protective services" is not met, ChildLine will categorize and transmit the concerns as follows:

- If the reported concerns suggest that a crime may have been committed, but more information is needed, ChildLine will classify and transmit the concerns as a Law Enforcement Officials (LEO) report to the District Attorney's Office where the incident occurred. The county where the child primarily resides will be added as a secondary recipient.
- If the reported concerns do not suggest that a crime has been committed, ChildLine will classify the concerns as an Information Only report to the county where the child primarily resides.

Bureau Director: Amanda Dorris

Date: 4/4/2025

C: Natalie Bates
Caitlin Robinson
Regional Children & Youth Directors
Division Directors

NEXT STEP: Regions disseminate copies of this clarification to affected agencies.