



Children's Justice & Advocacy Report

To promote community responsibility so every Pennsylvania child is protected from child abuse, including sexual abuse.

Child Protection Check-up

What got done  and what didn't get done 



ASSAULTS AGAINST CHILDREN

[Senate Bill 28](#) (Senator Pat Browne), increased the penalties for simple assault and aggravated assault of a child. With regard to simple assault, the legislation now captures offenses committed a perpetrator who is 18, 19 or 20 year olds. Aggravated assault now

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BACKGROUND CHECKS

The Task Force on Child Protection's recommendations released in November 2012 sought to require comprehensive background checks for all persons having "contact with children" regardless of whether that contact was in a paid or unpaid capacity.

The Task Force also intended to strengthen and clarify current law, identifying what should constitute a ban – permanent or temporary – from working or volunteering with children.

The General Assembly tackled background checks requirements via two pieces of

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CHILD PORNOGRAPHY

[House Bill 321](#) (Representative Marcy Toepel) provided for sentencing enhancements in child pornography cases that have "aggravating circumstances" (e.g., age of the child or number of images).

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CHILD PROTECTION OMBUDSMAN (AKA CHILD ADVOCATE)

Pennsylvania children, youth and families benefit from child-welfare services delivered by public and private providers as part of a state-supervised and county-administered system that has many strengths. Still, too often the child welfare system does not function as needed to effectively assess and assure the safety of a child as well as guard the rights of parents, children and alleged perpetrators.

Decisions made and public resources spent have a profound impact on the safety, liberty and custody of children and families.

Mechanisms to respond to child-welfare complaints or to report concerns about specific decisions for an individual child or a class of

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CHILDREN'S ADVOCACY CENTER DEDICATED FUNDING STREAM

[House Bill 316, which was signed into law on April 7th](#), that is projected to bring \$2.86 million in annual funding to further the child-centered, coordinated and specialized interventions that occur as part of a Children's Advocacy Center or to further the investigative work of Multidisciplinary Investigative Teams (MDITs).

Legislation to develop a dedicated funding stream for CACs was first introduced in 2004.

House Bill 316 increases the cost of a certified birth certificate from \$10 to \$20 beginning July 1st. Initially the revenue generated, which is expected to be \$3.813 million annually, will be directed to the Department of Human Services
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CHILDREN'S JUSTICE ACT TASK FORCE

Among the recommendations of the PA Task Force on Child Protection in 2012 was to statutorily create the Children's Justice Act (CJA) Task Force. They noted that such a task force was not only required by federal law but had great value in that it "would bring real-world experience to the discussion of future child protection policy." It was also envisioned as "providing technical assistance and conducting review of actual cases."

House Bill 316, while creating a CAC Advisory Committee, is silent about the required CJA Task Force and whether it will continue to
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DEFINITION OF CHILD ABUSE & WHO CAN BE A PERPETRATOR

[House Bill 726](#) (Representative Scott Petri) was signed into law in December 2013 bringing about historic and child-centered change to how child abuse is defined.

Most significant is the lowering of the bar to bodily injury for what can constitute child abuse.

Bodily injury results in "impairment of physical condition or substantial pain." Serious physical injury, which has required "severe pain" and injuries that "significantly impairs a child's physical functioning," is eliminated.

Bodily injury will be the standard, as well, in a school setting, which reverses the long practice
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INVESTIGATION OF CHILD CARE OR SCHOOL EMPLOYEES

Since 1994, Pennsylvania law has required that if a report of suspected child abuse involved child care service personnel (broadly defined), the child care agency must implement a "plan of supervision or alternative arrangement" toward ensuring the safety of the child "and other children" who are in the care of the agency. State regulations (55. Pa.Code 3490.56) have included a safety plan if the
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2014)



MEDICAL & CYS SHARING INFORMATION

[Senate Bill 27](#) (Senator Bob Mensch) creates a new section in the Child Protective Services Law (CPSL) related to the exchange of information between certified medical practitioners and children and youth service (CYS) professionals.

With the legislation, a certified medical practitioner "shall" provide in a "timely manner" information to the county CYS agency about "circumstances which negatively affect the medical health of a child." The medical professionals would have to provide information
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MULTIDISCIPLINARY INVESTIGATIVE TEAMS

[Senate Bill 1116](#) (Senator LeAnna Washington) was signed into law on December 18, 2013. This legislation reaffirms the value of a multidisciplinary approach to

responding to and investigating child abuse, which has been a legal requirement for PA counties (e.g., children and youth and the district attorney) since the 1990s.

The legislation renames the current multidisciplinary team to the multidisciplinary review team. It does not alter what the role of this review team is still requiring that it meet “at any time, but not less than annually.” Teams are to be convened to review substantiated

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MURDER OF INFANT PERSONS

In 2010, [Act 204 of 2012](#) directed the Pennsylvania Commission on Sentencing to provide for a sentencing enhancement when a person is convicted of 3rd degree murder and the victim is under the age of 13. This move to increase the criminal penalties was spurred in response to the murder of 14-month-old [Zachary killed in 2005](#) by his mother’s paramour. Zachary’s mother and law enforcement officials were frustrated that, at the

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PASS THE TRASH, MISCONDUCT BY SCHOOL EMPLOYEES

When the Pennsylvania Senate unveiled its dozen plus bills in response to the 2012 recommendations of the Task Force on Child Protection, they included [Senate Bill 46](#) as a priority.

The bill, which is not a first attempt by Pennsylvania Senator Antony “Tony” Williams (D-Philadelphia), is often referred to as “pass the trash” legislation. This reference relates to situations where a school may know about or even have investigated a school employee for misconduct, including sexual misconduct with a student, but the information is not included in the employee’s record or “confidentiality agreements” have been negotiated so any such information is not shared as the employee moves on to another career setting – often another school.

Representative David Maloney (R-Berks), who is a former school board member, also championed legislation in the PA House of Representatives ([House Bill 2063](#)).

Eventually the contents of these stand-alone bills were

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PREVENTION

In June 2013, the PA House of Representatives unanimously adopted [House Resolution 163](#). The resolution gave the Joint State Government Commission (JSGC) 18 months to study the degree to which “evidence-based child abuse and neglect prevention programs” are operating in Pennsylvania and across the country.

JSGC was also to evaluate the “effectiveness and relative costs” of these evidence-based programs. They were to explore opportunities for child abuse and neglect prevention methods to be integrated into programs and policies. Finally, the report and recommendations expected by the PA House should dig deeper on “all existing” federal, state and local funding streams that pay for child abuse prevention and

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REPORTING CHILD ABUSE

[Senate Bill 21](#) (Senator Kim Ward) the omnipotent mandatory reporting bill was signed into law on April 15, 2013 by Governor Corbett. This legislation expands the list of enumerated persons legally responsible to make a report of suspected child abuse to authorities. For instance, the bill further delineates the types of persons working in varied (and vast) “schools” that have a mandate to report, including institutions of higher learning.

The legislation also makes the duty to report requirement applicable to persons “paid and unpaid” working or volunteering directly with children in a “program, activity or service” (e.g.,

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STATUTE OF LIMITATIONS

Pennsylvania law includes statute of limitations (SOLs) on criminal and civil child sexual abuse cases. Recently the New York Times Editorial Board acknowledged a central lesson of the Gerald Sandusky serial child sexual abuse scandal - "It can take years before victims are emotionally and psychologically ready to come forward."

The PA criminal SOL extends to the child victim's 50th birthday, while the civil SOL is extended to the victim's 30th birthday.

Attempts to alter the SOLs have been waged on

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TRAINING FOR MANDATED REPORTERS

House Bill [431](#) (Representative Gingrich) was originally introduced as a bill solely aimed at requiring that each licensing board within the [Pennsylvania Department of State](#) (DOS) with "jurisdiction over professional licensees identified as mandated reporters" assure these persons document they have been trained to recognize and report suspected child abuse.

Eventually the Pennsylvania Senate combined another Gingrich bill ([House Bill 432](#)) into House Bill 431 ensuring that this bill is now far more comprehensive in its applicability applicable to "operators of institutions, facilities or agencies

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