



**15 years and 8 grand jury reports preceded latest revelation of “widespread sexual abuse of children”**  
*Grand juries have long exposed institutional failures (beyond the Catholic Church) and Pennsylvania lawmakers who either urgently enact “reforms” or perpetually debate and derail them*

**August 28<sup>th</sup>** – Two weeks ago, Pennsylvania Attorney General Josh Shapiro -- emboldened by earlier pursuits of a former attorney general and a number of county district attorneys as well as investigative journalists and of course scores of outspoken brave survivors -- released the 40<sup>th</sup> Statewide Investigative Grand Jury report revealing “widespread sexual abuse of children within six dioceses of the Catholic Church in Pennsylvania and the systemic cover up by senior church officials in Pennsylvania and at the Vatican.”<sup>1</sup>

This month’s grand jury report provides a magnified lens into the perennial problem of child sexual assaults being committed by clergy affiliated with the Catholic Church.

This grand jury report, routinely deemed a “bomb shell” by the media, builds upon earlier grand jury reports related to child sexual abuse by clergy affiliated with the Catholic Church.

The report Shapiro released is massive in its findings (and size of the report), but also is another report in what is now, at least, nine grand jury reports detailing serial sexual abuse against children (not all involving the Catholic Church), systemic failures and calculating institutional leaders dedicated more to preservation of institution than the protection of vulnerable children.

<sup>1</sup> <https://www.attorneygeneral.gov/report/>

The August 28<sup>th</sup> edition of the *Children's Justice and Advocacy Report* digs a little deeper into nine grand jury reports issued between 2003 and 2018 with a particular lens of discovering what specific child protection reforms were recommended to the Pennsylvania General Assembly and how such recommendations translated into reforms or routinely were derailed in Harrisburg.

First, some abbreviated background on Pennsylvania's investigating grand jury statute - a statute currently facing scrutiny by some within Pennsylvania's General Assembly.<sup>2</sup>

The convening of a grand jury is authorized in Pennsylvania Statute specifically Title 42, Subchapter D (Investigating grand juries).<sup>3</sup> Grand juries can be convened within a specific county or to tackle issues impacting multiple counties.

A multicounty grand jury application is made by the Attorney General to Pennsylvania's Supreme Court detailing why convening such a grand jury is necessary "because of organized crime or public corruption or both involving more than one county of the Commonwealth."

Convened grand juries include 23 members with up to 15 alternates and serve for a term of 18 months. The court can grant an extension for a grand jury's work for up to six months, but the term of an investigating grand jury term is not permitted to "exceed 24 months from the time it was originally summoned."

Grand juries can determine based on evidence that a "presentment" should be returned against an individual (resulting in criminal charges being filed against the person) or the grand jury can issue a report "proposing recommendations for legislative, executive, or administrative action in the public interest based upon stated findings."

Of the 9 grand juries explored in today's CJAR, the majority issued specific recommendations for "legislative" changes.

- [September 2003: The Roman Catholic Archdiocese of Philadelphia](#)
- [September 2005: The Roman Catholic Archdiocese of Philadelphia](#)
- [January 2011: The Roman Catholic Archdiocese of Philadelphia](#)
- [November 2011: Gerald Sandusky](#)
- [January 2014: Susquehanna Township School District \(Dauphin County\)](#)
- [February 2016: Plum Senior High School \(Allegheny County\)](#)
- [March 2016: The Roman Catholic Diocese of Altoona-Johnstown](#)

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<sup>2</sup> <http://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=S&SPick=20170&cosponId=25382>

<sup>3</sup> <http://www.legis.state.pa.us/WU01/LI/LI/CT/PDF/42/42.PDF>

- [February 2017: Solebury School \(Bucks County\)](#)
- [August 2018: Pennsylvania Dioceses Victims Report](#)

In addition to these grand jury investigations, it is also worth noting that in 2010 Delaware’s Governor penned an executive order authorizing an independent review after hundreds of criminal charges were filed against Dr. Earl Bradley – a pediatrician licensed to practice in Pennsylvania and Delaware – who sexually assaulted hundreds of children, including infants.<sup>4</sup> Some of his assaults were captured on an “elaborate video taping system” he installed in his medical practice.<sup>5</sup>

Bradley was eventually convicted and sentenced “to fourteen consecutive life terms of incarceration plus an additional one hundred and sixty four years.”<sup>6</sup> His conviction and sentence has been upheld on appeal.

The independent investigator tapped by Delaware’s Governor reviewed a 1994 incident in Pennsylvania where a mother disclosed to police and the Pennsylvania Bureau of Professional and Occupational Affairs that her child had been touched inappropriately by Bradley. The mother’s report resulted in a dismissed complaint and no criminal charges after a police officer said the mother’s statement “was not credible.”

When Bradley relocated to Delaware in 1994 DE’s licensing board “was aware of the Pennsylvania complaint” but the board took no action closing the case. Bradley would continue to practice medicine and engage in the serial sexual assault of children until his arrest in 2009.

The independent review ordered by Delaware’s Governor resulted in dozens of recommendations, including some related to mandatory reporting and a centralized child abuse reporting pathway.

Separate from this independent review, hundreds of Bradley’s victims filed 40 separate lawsuits even as Bradley was determined to have “no assets” and his medical malpractice insurance “provides no coverage for the damages caused by his physical and sexual abuse of his patients.”<sup>7</sup> It was determined then that there was “no prospect that Dr. Bradley will ever provide any monetary compensation to his many victims, much less adequate compensation.”

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<sup>4</sup> Final Report: Submitted to the Honorable Jack Markell, Governor, State of Delaware: Independent Review of the Earl Brian Bradley Case written by Linda L. Ammons released May 10, 2010.

<sup>5</sup> JANE DOE 30'S MOTHER v. BRADLEY retrieved at <https://www.leagle.com/decision/indeco20121128098>

<sup>6</sup> JANE DOE 30'S MOTHER v. BRADLEY retrieved at <https://www.leagle.com/decision/indeco20121128098>

<sup>7</sup> JANE DOE 30'S MOTHER v. BRADLEY retrieved at <https://www.leagle.com/decision/indeco20121128098>

These lawsuits were certified as a class action complaint in 2010. In agreeing to the merged complaint the court wrote, “The lesson learned from the individually-prosecuted clergy sexual abuse cases filed across the country, many of which resulted in bankruptcy filings by the defendants and prolonged litigation involving multiple creditors, was not lost on the Court.”

The defendants included, but were not limited to, Beebe Medical Center, Inc. (Bradley had hospital privileges) and The Medical Society of Delaware.

Court documents indicate that early in the process, Beebe “advised that if it was required to litigate the claims on an individual basis, its resources to satisfy potential judgments would quickly be depleted leaving subsequent claimants with nothing. Eventually Beebe would be forced to seek protection in the federal bankruptcy court. This was no idle threat.”

The court understood that the “use of the class action form to address multiple cases alleging sexual abuse is unprecedented.” Still the court justified this pathway, “The Court is satisfied that certification of a limited fund class action was the only way to ensure that all victims could be compensated in this instance given the scope and severity of the sexual abuse alleged here, the common threads that run through the claims, the relatively limited resources of the Covered Defendants, and the real likelihood of a race to the courthouse by individual filers with the losers finding no money to compensate them at the finish line.”

Eventually a settlement agreement, supported largely “by obtaining insurance coverage for the serial intentional abuse perpetrated by Dr. Bradley while affiliated with Beebe,” was negotiated to include \$122.15 million “in cash to be allocated to class members” after \$27.7 million in “appropriate” legal fees were reimbursed.

In approving the class action settlement, the court wrote:

*“Although no amount of monetary or non-monetary compensation can atone for Dr. Bradley's atrocities, the settlement approved today provides Dr. Bradley's victims with means by which to facilitate the healing process. It is not for this Court to tell this class of innocent victims, or the greater Sussex County community, how to go about the physical, emotional and spiritual healing that all who have followed this case so sincerely wish for these children and their families. With criminal and civil litigation behind them, however, all focus can now be placed on picking up the pieces as best as possible. In the deserts of the heart, let the healing fountain start.”*

## September 2003: The Roman Catholic Archdiocese of Philadelphia

Beginning in 2002, grand juries were impaneled by the Philadelphia District Attorney “to investigate the sexual abuse of minors by individuals associated with religious organizations and denominations.”<sup>8</sup>

This grand jury that began its work in May 2002 was unable to complete its investigation before the grand jury expired, “due to the magnitude of the abuse, the complexity of issues presented, the larger number of clerics accused of molesting children, the enormous number of victims, the thousands of documents detailing the abuse, and litigation delays in obtaining evidence.”

The jurors listened to testimony from 73 witnesses and “examined 994 exhibits.” Among those testifying before the Grand Jury were Cardinal Anthony Bevilacqua and Secretary of Clergy Monsignor William Lynn.

Despite not completing its investigation, the grand jury prepared a report requesting that it “remain sealed” until another grand jury “impaneled in September 2003” also by the Philadelphia District Attorney concluded its work. That second grand jury concluded its work in September 2005.

The 2002 grand jury noted that when it began its investigation it “expected to hear testimony that the extent of the problem of sexual abuse of minors by members of the clergy was limited to a small number of isolated incidents that occurred decades ago.” Jurors were under this impression because of public statements made by officials from the Archdiocese of Philadelphia suggested that such officials “had dealt swiftly and harshly with any priest found to have sexually abused a child and that these practices had been instrumental in keeping the number of priest child sexual assault victims lower than in other dioceses.”

The grand jury discovered, however, that “over the past thirty-five years more than 120 priests serving in the Archdiocese of Philadelphia had been accused of sexually abusing hundreds of adolescents and younger children, and that, with rare exceptions, the Archdiocese did not report these accusations to public authorities.” The grand jury said the evidence “established” that the Archdiocese officials, including the Cardinal, “knowingly transferred priests who had been credibly accused of molesting children to new assignments where they retained access to, and control over, children.”

The grand jury stipulated that the Cardinal and Monsignor “were aware that a significant number of priests presented a danger to children.”

Still, “in nearly all cases,” the Archdiocese “did not report to law enforcement officials the allegations it received that priests had sexually abused children.”

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<sup>8</sup> [http://www.bishop-accountability.org/reports/2003\\_09\\_25\\_First\\_Philadelphia\\_Grand\\_Jury\\_Report.pdf](http://www.bishop-accountability.org/reports/2003_09_25_First_Philadelphia_Grand_Jury_Report.pdf)

Clergy were added to Pennsylvania’s Child Protective Services Law (CPSL) as persons legally required to report child abuse when [Act 151 of 1994](#) was enacted.<sup>9</sup>

Lynn testified to the grand jury that reports were not made based on the Archdiocese’s interpretation of the CPSL that a report of child abuse was “only required” by mandated reporters “if the violated child him or herself reported the assault to them.” The grand jury further noted that Lynn testified that if the Archdiocese was notified by the child’s parent or some other “interested adult” about a child being abused, there was “no legal obligation to notify civil authorities.”

The “human toll of the Archdiocesan policies is staggering” wrote the grand jury. The report continued, “Children first suffered the horror of being sexually assaulted by priests. These children were then victimized a second time by an Archdiocesan administration that in many cases ignored, minimized or attempted to conceal their abuse.”

Among the findings of the Grand Jury:

*“The Archdiocesan managers who were charged with handling allegations that members of its clergy abused children gave little or no weight to the protection of children. They gave overriding weight to the avoidance of scandal, the shortage of available priests to staff the needs of the Archdiocese, the protection of fellow priests and the avoidance of civil liability.”*

The Grand Jury faulted the statute of limitations (SOLs) in child sexual abuse cases writing, “Child molesters purposefully select the most defenseless children. They should not be rewarded for their deliberate selection of vulnerable victims by statute of limitations that, given the severity of the harm they inflict and the sensitivity of the victims they target, makes it very unlikely their crimes will be timely reported.”

They further wrote that the “magnitude” of child sexual abuse – on the child victims and society overall – is “comparable” to murder.

<b>The Roman Catholic Archdiocese of Philadelphia<sup>10</sup></b> (issued September 2003 and kept under seal until September 2005)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
<b>“The Legislature should eliminate the statute of limitations for all crimes involving the sexual abuse of children and the concealment of those crimes. In the alternative the Legislature should considerably lengthen the time in which a prosecution must be commenced for the</b>	<ul style="list-style-type: none"> <li>• <a href="#">Act 86 of 2002</a></li> <li>• <a href="#">Act 179 of 2006</a></li> </ul>

<sup>9</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=1994&sessInd=0&smthLwInd=0&act=151>

<sup>10</sup> [http://www.bishop-accountability.org/reports/2003\\_09\\_25\\_First\\_Philadelphia\\_Grand\\_Jury\\_Report.pdf](http://www.bishop-accountability.org/reports/2003_09_25_First_Philadelphia_Grand_Jury_Report.pdf)

<b>The Roman Catholic Archdiocese of Philadelphia<sup>10</sup></b> (issued September 2003 and kept under seal until September 2005)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
<p><b>sexual assault of a child to reflect the reality that many victims of child sexual assault are not psychologically able to report the crimes against them for decades after the abuse occurred.”</b></p>	<p><a href="#">Act 86 of 2002</a>, was approved unanimously by both chambers of the Pennsylvania General Assembly.<sup>11</sup></p> <p>The bill, as introduced by Senator Stewart Greenleaf (R-Montgomery), addressed only an extension of the civil statute of limitations.<sup>12</sup> Greenleaf intended to extend the existing civil SOL from two years (from the child victim’s 18<sup>th</sup> birthday) to a full twelve years.</p> <p>Members of the Pennsylvania Senate, most notably Senator Lisa Boscola (D-Northampton), raised concerns that the advancing legislation did not address the criminal statute of limitations.</p> <p>Senator Boscola stressed, “I feel that we must completely eliminate the statute of limitations for criminal cases involving sexual abuse of children. We must do all that we can to help make sure that no sex offender escapes prosecution here in Pennsylvania, no matter how many years have passed before the crime is discovered.”<sup>13</sup></p> <p>Eventually, Act 86 extended the civil SOL to 12 years from the child victim’s 18<sup>th</sup> birthday.</p> <p>The law also put in place a 12 year criminal SOL for “major sexual offenses” (e.g., rape, involuntary deviate sexual intercourse, incest) with the 12 year clock starting to tick from the time the criminal offense “was committed” except if the victim was under the age of 18 then it was 12 years from the child victim’s 18<sup>th</sup> birthday.</p> <p>In 2006, the Pennsylvania General Assembly tolled the criminal SOL.</p>

<sup>11</sup> [http://www.legis.state.pa.us/cfdocs/billinfo/bill\\_history.cfm?year=2001&sind=0&body=S&type=B&bn=212](http://www.legis.state.pa.us/cfdocs/billinfo/bill_history.cfm?year=2001&sind=0&body=S&type=B&bn=212)

<sup>12</sup> Senate Bill 212, Printer’s Number 2019 introduced on January 31, 2001.

<http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2001&sessInd=0&billBody=S&billTyp=B&billNbr=0212&pn=0219>

<sup>13</sup> *ibid.*

<b>The Roman Catholic Archdiocese of Philadelphia<sup>10</sup></b> (issued September 2003 and kept under seal until September 2005)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
	<p>Act 179 of 2006 tolled the criminal SOL “to 32 years after the victim’s 18<sup>th</sup> birthday.”<sup>14</sup> The extended SOL was described as applicable to sexual offenses including: rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, indecent exposure, incest, endangering the welfare of children, corruption of minors, sexual abuse of children, and sexual exploitation of children.</p>
<p><b>“The Crimes Code should be amended so that the Legislature can clarify that it intends the Child Protective Services Law to protect children such as those whose abuse was the subject of this investigation. Specifically, the Archdiocese and other mandated reporters should be required to report to civil authorities all allegations of sexual abuse of a child, regardless of the source of the allegation or the time period in which it was made.”</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Act 179 of 2006</a></li> </ul> <p>Act 179 of 2006 amended the mandatory reporting requirements of Pennsylvania’s Child Protective Services Law (CPSL) specifically § 6311 (Persons required to report suspected child abuse). This amendment removed the language that linked a mandated reporter’s duty to report (only) when a child was “coming before them in their professional or official capacity.”</p> <p>This change directly resulted from the grand jury reports and the testimony of Archdiocese officials who acknowledged they did not make reports because the law required the child “come before” the mandated reporter.</p> <p>Also added to the CPSL in 2006 was that a mandated reporter had a legal duty to report suspected child abuse, “including child abuse by an individual who is not a perpetrator.” This was significant because mandated reporters’ duty to report was linked, until this point, to the person abusing a child being captured by the CPSL’s definition of “perpetrator” – a definition that was limited more to parents, direct caregivers than say a member of the clergy.</p> <p><a href="#">Act 179 of 2006</a> also expanded the criminal offense of endangering the welfare of children (EWOC) to include situations where a person “in an official capacity, prevents or interferes with the making of a report of</p>

<sup>14</sup> Legislative Journal of the Pennsylvania House of Representatives for November 15, 2005, page 2479. Retrieved at <http://www.legis.state.pa.us/WU01/LI/HJ/2006/0/20061115.pdf#page=22>.



<b>The Roman Catholic Archdiocese of Philadelphia<sup>10</sup></b> (issued September 2003 and kept under seal until September 2005)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
	suspected child abuse under 23 Pa.C.S. Ch. 63 (relating to child protective services). <sup>15</sup>
<p><b>“We believe that a person who recklessly engages in conduct that creates a substantial risk of harm to a child, or recklessly fails to take reasonable steps to alleviate such risk where there is a duty to act, should be held criminally responsible. We urge the Legislature to enact such a statute.”</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Act 179 of 2006</a></li> </ul> <p><a href="#">Act 179 of 2006</a> expanded the criminal offense of endangering the welfare of children (EWOC) to include situations where a person “in an official capacity, prevents or interferes with the making of a report of suspected child abuse under 23 Pa.C.S. Ch. 63 (relating to child protective services).<sup>16</sup></p> <p>This new law also added a “person that employs or supervises such person” to the existing offense where a person “knowingly endangers the welfare of the child by violating a duty of care, protection or support.”</p>

## September 2005: The Roman Catholic Archdiocese of Philadelphia

Building off the earlier work of the grand jury impaneled in 2002, a subsequent grand jury examined child sexual abuse involving clergy and other officials within the Archdiocese of Philadelphia releasing its report in September 2005.<sup>17</sup>

The grand jury wrote in 2005, that they discovered evidence about “dozens of priests” who had “sexually abused hundreds of children.”

Outlined in the report was how “at least 63 different priests in the Archdiocese of Philadelphia” sexually abused children. The grand jury also emphasized, “When we say abuse, we don’t just mean inappropriate touching (as the Archdiocese often chose to refer to it). We mean rape.”

The report outlined specific violence children experienced:

<sup>15</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2006&sessInd=0&smthLwInd=0&act=179>

<sup>16</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2006&sessInd=0&smthLwInd=0&act=179>

<sup>17</sup> [https://www.bishop-accountability.org/reports/2005\\_09\\_21\\_Philly\\_GrandJury/Grand\\_Jury\\_Report.pdf](https://www.bishop-accountability.org/reports/2005_09_21_Philly_GrandJury/Grand_Jury_Report.pdf)

- “A girl, 11 years old, was raped by her priest and became pregnant. The Father took her in for an abortion.”
- A 5<sup>th</sup> grader was molested by her priest inside the confessional booth.”
- “A priest told a 12-year-old boy that his mother knew of and had agreed to the priest’s repeated rape of her son.”
- “A teenage girl was groped by her priest while she lay immobilized in traction in a hospital bed. The priest stopped only when the girl was able to ring for a nurse.”

Reiterated throughout the report was how often Archdiocese officials “excused and enabled the abuse.”

This grand jury then stipulated, “The laws must be changed so that it doesn’t happen again.”

Again the issue of statute of limitations was woven into the report. The grand jury wrote:

*“The abuser priests, by choosing children as targets and trafficking on their trust, were able to prevent or delay reports of their sexual assaults, to the point where applicable statutes of limitations expired.” They also underscored, “And Archdiocese officials, by burying those reports they did receive and covering up the conduct, similarly managed to outlast any statutes of limitation.”*

As frustrating as the inability was to bring criminal charges, the grand jury was notably concerned that the “consequences” were far worse because “sexually abusive priests were either left quietly in place or recycled to unsuspecting new parishes – vastly expanding the number of children who were abused.”

The grand jury explored the possibility of criminal charges related to endangering the welfare of children, corruption of minors, victim/witness intimidation or obstruction of justice. In all cases, the jurors determined that current statutes were defined in a way “that would allow church supervisors to escape criminal sanction, or have relatively short statute of limitation that would bar prosecution in any event.”

The Grand Jury concluded, “We are left then, with what we consider a travesty of justice: a multitude of crimes for which no one can be held criminally accountable.”

2005 Grand Jury Report re: The Archdiocese of Philadelphia <sup>18</sup> (issued September 2005)	Child Protection Legislative Changes (between 2002 and 2018)
“Abolish the Statute of Limitations for Sexual Offenses Against Children”	<ul style="list-style-type: none"> <li>• <a href="#">Act 179 of 2006</a></li> </ul>

<sup>18</sup> [https://www.bishop-accountability.org/reports/2005\\_09\\_21\\_Philly\\_GrandJury/Grand\\_Jury\\_Report.pdf](https://www.bishop-accountability.org/reports/2005_09_21_Philly_GrandJury/Grand_Jury_Report.pdf)

2005 Grand Jury Report re: The Archdiocese of Philadelphia <sup>18</sup> (issued September 2005)	Child Protection Legislative Changes (between 2002 and 2018)
	<p>Act 179 of 2006 extended the criminal SOL in child sexual abuse offenses. It was described on the House floor as tolling the criminal SOL “to 32 years after the victim’s 18<sup>th</sup> birthday.”<sup>19</sup></p> <p>The tolled criminal SOL is applicable to sexual offenses including rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, indecent exposure, incest, endangering the welfare of children, corruption of minors, sexual abuse of children, and sexual exploitation of children.</p>
<p><b>“Expand the offense of endangering the welfare of children”</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Act 179 of 2006</a></li> </ul> <p><a href="#">Act 179 of 2006</a> expanded the criminal offense of endangering the welfare of children (EWOC) to include situations where a person “in an official capacity, prevents or interferes with the making of a report of suspected child abuse under 23 Pa.C.S. Ch. 63 (relating to child protective services).<sup>20</sup></p> <p>This new law also added a “person that employs or supervises such person” to the existing offense where a person “knowingly endangers the welfare of the child by violating a duty of care, protection or support.”</p>
<p><b>“Increase the penalty for indecent assault”</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Act 76 of 2005</a></li> </ul> <p><a href="#">Act 76 of 2005</a> altered how indecent assault was defined and the grading of the offense.</p> <p>The offense was altered to include situations where a person “intentionally causes” another person “to come into contact with</p>

<sup>19</sup> Legislative Journal of the Pennsylvania House of Representatives for November 15, 2005, page 2479. Retrieved at <http://www.legis.state.pa.us/WU01/LI/HJ/2006/0/20061115.pdf#page=22>.

<sup>20</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2006&sessInd=0&smthLwInd=0&act=179>

2005 Grand Jury Report re: The Archdiocese of Philadelphia <sup>18</sup> (issued September 2005)	Child Protection Legislative Changes (between 2002 and 2018)
	<p>seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant.”</p> <p>Also the criminal offense grading was changed particularly as it relates to crimes against children under the age of 13. The offense remains a misdemeanor of the first degree but can be graded as a felony of the third degree (e.g., if it is a second or subsequent offense or there has been a course of conduct or the assault involved “touching the complainant’s sexual or intimate parts”).</p>
<p><b>“Tighten the Child Protective Services Law reporting requirement” to address the “loopholes in the law” that allowed Archdiocesan officials “to avoid reporting abuse to law enforcement authorities.”</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Act 179 of 2006</a></li> </ul> <p>Act 179 of 2006 amended the mandatory reporting requirements of Pennsylvania’s Child Protective Services Law (CPSL) specifically § 6311 (Persons required to report suspected child abuse). This amendment removed the language that linked a mandated reporter’s duty to report to (only) when a child was “coming before them in their professional or official capacity.”</p> <p>This directly resulted from the testimony of Archdiocese officials who acknowledged they did not make reports because the law required the child “come before” the mandated reporter.</p> <p>Also added to the CPSL in 2006 was ensuring that a mandated reporter’s legal duty to report suspected child abuse extended to “child abuse by an individual who is not a perpetrator.”</p> <p>This was significant because mandated reporters’ duty to report had been linked (prior to Act 179) to the person abusing a child being captured by the CPSL’s definition of “perpetrator” – a definition that was limited more to parents, direct caregivers than say a member of the clergy.</p>
<p><b>Extend the statute of limitations related to failure to report child abuse</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Act 32 of 2014</a></li> </ul>

2005 Grand Jury Report re: The Archdiocese of Philadelphia <sup>18</sup> (issued September 2005)	Child Protection Legislative Changes (between 2002 and 2018)
	<p><a href="#">Act 32 of 2014</a> reworked the failure to report section of Pennsylvania’s Child Protective Services Law including to have the statute of limitation equal to the crime committed against a child “or five years whichever is greater.”<sup>21</sup></p>
<p><b>“Amend the Child Protective Services Law to require background checks in non-school organizations”</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Act 179 of 2006</a></li> <li>• <a href="#">Act 153 of 2014</a></li> </ul> <p>Act 179 of 2006 amended Pennsylvania’s Child Protective Services Law (CPSL) to extend legally required background checks for persons seeking to work with children when such persons would had “a significant likelihood of regular contact with children, in the form of care, guidance, supervision or training.” The revised law stipulated that such persons included “social service workers, hospital personnel, mental health professionals, members of the clergy, counselors, librarians and doctors.”</p> <p>Further reforms (requiring that background checks be updated on a regular basis) were enacted in 2013-2014.</p> <p>An unintended consequence of <a href="#">Act 153 of 2014</a> was that it removed clergy from the list of enumerated persons required to obtain child abuse and criminal background checks.</p> <p>Legislation has been introduced in the Pennsylvania Senate to amend the CPSL to once again include clergy in the enumerated list of persons required to obtain comprehensive background checks. <a href="#">Senate Bill 111</a> was introduced in January 2017 and has received no further action.<sup>22</sup></p>

<sup>21</sup> <http://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2014&sessInd=0&act=32>

<sup>22</sup> <http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2017&sind=0&body=S&type=B&bn=111>

2005 Grand Jury Report re: The Archdiocese of Philadelphia <sup>18</sup> (issued September 2005)	Child Protection Legislative Changes (between 2002 and 2018)
"Enlarge or eliminate statutes of limitation on civil suits – we ask the legislature to consider lengthening or suspending civil statutes of limitation in cases of child sexual abuse"	

**January 2011: The Roman Catholic Archdiocese of Philadelphia**

The Grand Jury opens its report noting that a grand jury “of local citizens” had previously released a report “detailing a sad history of sexual abuse by priests of the Archdiocese of Philadelphia.”

In the intervening years between the grand jury reports, it was noted that “much has not changed” even as jurors noted some “sign of progress” related to the Archdiocese providing “new information about more recent abuse.”

That new information led the grand jury to state that the “rapist priests we accuse were well known to the Secretary of Clergy, but he cloaked their conduct and put them in place to do it again.”

The Grand Jury concluded that “nothing will really change in the church until there is a will to change.”

Criminal charges were filed against four clergy, as a result of this grand jury’s work. Criminally charged was Monsignor William Lynn who faced two felony counts of endangering the welfare of children. Lynn would eventually be convicted then that conviction would be voided on appeal. The Philadelphia District Attorney continues to pursue a retrial of Lynn and, to date, the appeals courts have not rejected that attempt.

2011: The Roman Catholic Archdiocese of Philadelphia (issued January 2011)	Child Protection Legislative Changes (between 2002 and 2018)
"Enact a two-year window to allow child sexual abuse victims to have their cases heard"	
"Abolish the statute of limitation for sexual offenses against minors."	
"Amend reporting law so that mandated reporters are required to report sexual abuse of a child even though the victim is over 18 at the time of the report."	<ul style="list-style-type: none"> <li>• <a href="#">Act 29 of 2014</a></li> </ul> <p><a href="#">Act 29 of 2014</a> set forth provisions within the CPSL (§ 6334) related to the disposition of complaints received by ChildLine and what entity is responsible for investigating such complaints.</p>

<b>2011: The Roman Catholic Archdiocese of Philadelphia</b> <i>(issued January 2011)</i>	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
	<p>The CPSL requires that PA DHS (via ChildLine) “shall establish procedures regarding the following different responses to address suspected child abuse and protective services depending on the person’s allegedly committing the suspected child abuse or causing a child to be in need of protective services.”</p> <p>Therefore, certain reports received by ChildLine might be directed only to a local child welfare agency, while others (e.g., those where the person accused of abusing the child did not meet the CPSL’s definition of perpetrator) would be sent to law enforcement and still other reports will be shared with child welfare and law enforcement for a joint investigation.<sup>23</sup></p> <p>According to data supplied by the Pennsylvania Department of Human Services (PA DHS), over 45,000 referrals (between 2015 and 2017) were sent to county district attorney offices when the referral did not meet the criteria for investigation under the CPSL.<sup>24</sup> Such referrals directed to local DAs include those where the person suspected of abusing the child does not meet the definition of “perpetrator” under the CPSL or where the victim is over the age of 18 at the time of the referral.</p>
<p><b>“Report sexual abuse allegations directly to law enforcement.”</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Act 33 of 2014</a></li> </ul> <p>Intended to streamline child abuse reporting, the Task Force on Child Protection recommended that there be a centralized entity identified to receive and process reports of suspected child abuse.</p> <p>In 2012, the Task Force on Child Protection wrote, “Under existing law, child abuse reports may be received by the DPW through ChildLine, by the county agency or law enforcement. Any of the three entities may receive</p>

<sup>23</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=29>

<sup>24</sup> CWIS Data Warehouse extracted July 18, 2018 by staff for the Pennsylvania Department of Human Services at the request of the Center for Children’s Justice.

<b>2011: The Roman Catholic Archdiocese of Philadelphia</b> <i>(issued January 2011)</i>	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
	<p>reports and all three are required to communicate with one another, but the process is disjointed and at times duplicative and at cross-purposes.”<sup>25</sup></p> <p><a href="#">Act 33 of 2014</a> (effective December 31, 2014) required that all reports of suspected child abuse be directed to a centralized entity – <a href="#">ChildLine</a>.</p> <p>ChildLine is operated by the Pennsylvania Department of Human Services (PA DHS) and is “designed to accept child abuse referrals and general child well-being concerns, and transmit the information quickly to the appropriate investigating agency.”<sup>26</sup></p> <p>While the Task Force identified a centralized entity to receive and process child abuse reports, it did not recommend any criminal penalties if a person called an entity (e.g., local child welfare agency or law enforcement), other than ChildLine. In this way, the Task Force wanted to “reinforce” that Pennsylvania has a “no wrong door” policy.</p> <p>According to data supplied by the Pennsylvania Department of Human Services (PA DHS), over 45,000 referrals (between 2015 and 2017) were sent to county district attorney offices when the referral did not meet the criteria for investigation under the CPSL.<sup>27</sup> Such referrals directed to local DAs include those where the person suspected of abusing the child does not meet the definition of “perpetrator” under the CPSL or where the victim is over the age of 18 at the time of the referral.</p>

<sup>25</sup> Child Protection in Pennsylvania: Proposed Recommendations a report issued by the Task Force on Child Protection in November 2012, page 34. Retrieved at <http://www.childprotection.state.pa.us/Resources/press/2012-11-27%20Child%20Protection%20Report%20FINAL.pdf>.

<sup>26</sup> <http://www.dhs.pa.gov/provider/childwelfareservices/childlineandabuserregistry/index.htm>

<sup>27</sup> CWIS Data Warehouse extracted July 18, 2018 by staff for the Pennsylvania Department of Human Services at the request of the Center for Children’s Justice.



## November 2011: Thirty-Third Statewide Grand Jury Investigating Gerald Sandusky

In November 2011, the Thirty-Third Statewide Investigating Grand Jury released its “findings of facts” and recommended extensive criminal charges against Gerald “Jerry” Sandusky stemming from his “sexual assaults” of minor children “over a period of years.”<sup>28</sup>

The grand jury traced how Sandusky was on Penn State University’s football coaching staff for more than three decades and how he also started the non-profit Second Mile, which is described as initially operating as a “group foster home dedicated to helping troubled boys.” Eventually the charity grew to offer a variety of services and programs “dedicated to helping children with absent or dysfunctional families.” The jurors noted that through Second Mile, “Sandusky had access to hundreds of boys, many of whom were vulnerable due to their social situations.”

By the summer of 2012, Sandusky was convicted of more than 40 criminal offenses (e.g., involuntary deviate sexual intercourse involving a child under 16, indecent assault involving a child under 13, unlawful contact with minors, corruption of minors and endangering the welfare of children).<sup>29</sup>

The Grand Jury made no policy reform recommendations.

Still, by the end of 2012, the Pennsylvania General Assembly had created an 11-member [Task Force on Child Protection](#).

House Resolution 522 and [Senate Resolution 250](#) required that this Task Force:

- Examine and analyze the practices, processes and procedures relating to the response to child abuse.
- Review and analyze law, procedures, practices and rules relating to the reporting of child abuse.
- Hold public hearings, accept and review written comments from individuals and organizations.
- Submit reports which will include recommendations to improve the reporting of child abuse; implement any necessary changes in state laws and practices, policies and procedures relating to child abuse; and train appropriate individuals in the reporting of child abuse.

The Task Force issued its report and recommendations in November 2012 triggering introduction and enactment of significant child protection reforms between 2013 and 2015 amending Pennsylvania’s Child Protective Services Law, Crimes Code (Title 18) and Public School Code.<sup>30</sup>

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<sup>28</sup> <https://assets.documentcloud.org/documents/264894/sandusky-grand-jury-presentment.pdf>

<sup>29</sup> <https://ujportal.pacourts.us/DocketSheets/CPReport.ashx?docketNumber=CP-14-CR-0002421-2011>

<sup>30</sup> <http://www.childprotection.state.pa.us/Resources/press/2012-11-27%20Child%20Protection%20Report%20FINAL.pdf>

## January 2014: Susquehanna Township School District (Dauphin County)

A Dauphin County Investigative Grand Jury released its findings and recommendations related to the steps taken (or more appropriately framed the steps not taken) by Susquehanna Township School District leaders in response to becoming aware that an assistant principal was sexually assaulting a student.<sup>31</sup>

The school district hired the assistant principal - Shawn Sharkey - in January 2013. He came to the Central Pennsylvania school district after working as an assistant principal at the School District of Philadelphia.

Within a short time of arriving at the Dauphin County school district, Sharkey admitted that he started to transport a 16-year-old student to a local motel.<sup>32</sup> By November 2014, Sharkey had pleaded guilty to institutional sexual assault (specifically related to when a school employee “engages in sexual intercourse, deviate sexual intercourse or indecent contact with a student of the school”), corruption of minors and unlawful contact with a minor.<sup>33</sup>

The school district came under intense scrutiny for its handling of the incident. Still, the Grand Jury was forced to conclude that any criminal charges for failing to report suspected child abuse could not be filed because school officials “reasonably relied upon” the advice of the district’s solicitors.

In May 2013, the head of the teachers’ union for the school district called the Superintendent to report that “two students had overheard two other students talking about a text and a picture in relation to Sharkey.” The Superintendent then notified an Assistant Superintendent who “took the lead on making further inquiry of the matter.” When this Assistant Superintendent arrived at the high school, she discovered that Mr. Sharkey and another assistant principal “had already questioned four students as a group about the rumor.”

From there, the assistant superintendent “interviewed numerous students” including the victim. In the course of these interviews, “students indicated that they had heard that there were pictures and text messages passing between Sharkey” and the victim. Among the points relayed by students was that Sharkey and the victim were “messaging around.”

The focus on the assistant superintendent’s “extensive” inquiry and questions, according to the Grand Jury Report, was “whether or not students were spreading false rumors about Sharkey, not whether or not a child was potentially being victimized.”

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<sup>31</sup> Report of the Eighth Dauphin County Investigating Grand Jury released on January 30, 2014. Retrieved at <http://www.dauphinc.org/grandjury/Report%201%20-%20Eighth%20Grand%20Jury.pdf>

<sup>32</sup> <https://dauphin.crimewatchpa.com/da/310/post/former-susquehanna-vice-principal-shawn-sharkey-pleads-guilty>

<sup>33</sup> Docket Number: CP-22-CR-0000100-2014 - <https://ujportal.pacourts.us/DocketSheets/CPReport.ashx?docketNumber=CP-22-CR-0000100-2014>

When interviewed, the victim “denied any inappropriate relationship with Sharkey.” The victim then “deleted evidence of her relationship with Sharkey from her telephone.”

In June 2013, two school board members spoke to the superintendent in a “private conversation” about the situation. The Superintendent explained to these board members that “there had been a rumor that Sharkey was having an inappropriate relationship with a student.” The grand jury report notes that they agreed “there should be no public discussion about the rumors.”

Then in September 2013, “based on new information” received from a female student the school district then “requested a police investigation into the relationship between Sharkey” and the victim. The police interviewed this new witness the same day. She related to police that the victim had told her that during the previous school year she had “engaged in a sexual relationship with Sharkey” with the first sexual encounter occurring on February 1, 2013.

Police then interviewed the victim who “confirmed that she had a sexual relationship with Sharkey during the prior school year.”

The grand jury observed, “In short, law enforcement agencies working together developed probable cause to arrest Sharkey within 3 days of initiating a criminal investigation. This investigation used resources unavailable to the School District.”

They also noted that the school district administrators “lack training needed to conduct a meaningful investigation into whether or not physical or sexual abuse has occurred.” In addition school officials do not have access to “investigative resources such as search warrants, court orders for records of telecommunications, wiretaps and grand jury subpoenas.”

The grand jury concluded, “The School District should have referred the matter for police investigation” initially. “If there was sufficient information to prompt the inquiry” by the assistant superintendent then “there was reasonable grounds for a police referral.”

Additionally, the grand jury underscored that Sharkey was hired without the district seeking or obtaining his employment records, which was “in accordance with the standard practice of the School District.” The grand jury, on the other hand, did obtain the records. These records demonstrated that he had no prior indications for “sexual misconduct or predatory behavior.” The grand jury, however, did find notable the academic record of Sharkey as well as the fact that he was “deficient in maintaining state certification.”

<b><u>8<sup>th</sup> Dauphin County Grand Jury Recommendation</u></b> (issued in January 2014)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
<b>“Every school district and private school in Dauphin County institute a policy of immediately reporting any</b>	<ul style="list-style-type: none"><li>• <a href="#">Act 29 of 2014</a></li><li>• <a href="#">Act 32 of 2014</a></li></ul>

<b>8<sup>th</sup> Dauphin County Grand Jury Recommendation</b> (issued in January 2014)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
<p><b>indication of physical or sexual abuse of a student by a teacher, administrator, employee, volunteer or agent of the school or school district to the Dauphin county District Attorney’s Office and the police agency or agencies with primary jurisdiction where the possible act or acts of abuse may have occurred. Such an indication warranting immediate reporting may be based on mere rumor.”</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Act 33 of 2014</a></li> <li>• <a href="#">Act 45 of 2014</a></li> </ul> <p>In 1994, Pennsylvania lawmakers added an entire subchapter to Pennsylvania’s Child Protective Services Law (CPSL) addressing “Students in Public and Private Schools.” In doing so, lawmakers established that abuse in a school setting was to be treated differently in how abuse was defined and whether and then how such abuse was reported.</p> <p>For example as it related to physical abuse, a report was only required if the suspected abuse rose to the level of “serious bodily injury” defined as “bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.”</p> <p><a href="#">Act 45 of 2014</a> eliminated this bifurcated approach to child abuse in Pennsylvania.<sup>34</sup></p> <p>Act 45 removed the CPSL language that attached the duty to report only when “a student coming before the school employee in the employee’s professional or official capacity is a victim of serious bodily injury or sexual abuse or sexual exploitation by a school employee.” The earlier version of the CPSL also then directed that such a report should be made, not to law enforcement directly, but instead to the school administrator.</p> <p>If the mandated reporter suspected that the person abusing the student was the administrator, only then was the school employee legally required to directly notify law enforcement and the district attorney. In all other circumstances, the legal duty to report was satisfied when the school employee notified an administrator within the school itself.</p> <p>Meanwhile, <a href="#">Act 33 of 2014</a> eliminated this long permitted <i>chain-of-command</i> reporting.<sup>35</sup></p> <p>The 2014 amendment required that mandated reporters, who work within institutions and have reasonable cause to suspect a child is a victim of child abuse, “shall immediately make an oral report of suspected child abuse to the department via the Statewide toll-free telephone number under section 6332 (relating to establishment of Statewide toll-free</p>

<sup>34</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=45>

<sup>35</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=33>

8 <sup>th</sup> Dauphin County Grand Jury Recommendation (issued in January 2014)	Child Protection Legislative Changes (between 2002 and 2018)
	<p>telephone number) or a written report using electronic technologies under section 6305 (relating to electronic reporting).”</p> <p>After making the report to ChildLine, the mandated reporter “shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.”</p> <p>Intended to streamline child abuse reporting, the Task Force on Child Protection recommended that there be a centralized entity identified to receive and process reports of suspected child abuse.</p> <p>In 2012, the Task Force on Child Protection wrote, “Under existing law, child abuse reports may be received by the DPW through ChildLine, by the county agency or law enforcement. Any of the three entities may receive reports and all three are required to communicate with one another, but the process is disjointed and at times duplicative and at cross-purposes.”<sup>36</sup></p> <p><a href="#">Act 33 of 2014</a> (effective December 31, 2014) required that all reports of suspected child abuse be directed to a centralized entity – <a href="#">ChildLine</a>.</p> <p>ChildLine is operated by the Pennsylvania Department of Human Services (PA DHS) and is “designed to accept child abuse referrals and general child well-being concerns, and transmit the information quickly to the appropriate investigating agency.”<sup>37</sup></p> <p>While the Task Force identified a centralized entity to receive and process child abuse reports, it did not recommend any criminal penalties if a person called an entity (e.g., local child welfare agency or law enforcement), other than ChildLine. In this way, the Task Force wanted to “reinforce” that Pennsylvania has a “no wrong door” policy.</p> <p>Specifically <a href="#">Act 32 of 2014</a> added this language to the CPSL<sup>38</sup>:</p>

<sup>36</sup> Child Protection in Pennsylvania: Proposed Recommendations a report issued by the Task Force on Child Protection in November 2012, page 34. Retrieved at <http://www.childprotection.state.pa.us/Resources/press/2012-11-27%20Child%20Protection%20Report%20FINAL.pdf>.

<sup>37</sup> <http://www.dhs.pa.gov/provider/childwelfareservices/childlineandabuserregistry/index.htm>

<sup>38</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=32>

8 <sup>th</sup> Dauphin County Grand Jury Recommendation (issued in January 2014)	Child Protection Legislative Changes (between 2002 and 2018)
	<p><i>“A report of suspected child abuse to law enforcement or the appropriate county agency by a mandated reporter, made in lieu of a report to the department, shall not constitute an offense under this subsection, provided that the report was made in a good faith effort to comply with the requirements of this chapter.”</i></p> <p><a href="#">Act 29 of 2014</a> set forth provisions within the CPSL (§ 6334) related to the disposition of complaints received by ChildLine and what entity is responsible for investigating such complaints.</p> <p>The CPSL requires that PA DHS (via ChildLine) “shall establish procedures regarding the following different responses to address suspected child abuse and protective services depending on the person's allegedly committing the suspected child abuse or causing a child to be in need of protective services.”</p> <p>Therefore, certain reports received by ChildLine might be directed only to a local child welfare agency, while others (e.g., those where the person suspected of abusing a child doesn't fit the CPSL's definition of perpetrator) would be sent to law enforcement and some reports will be shared with child welfare and law enforcement for a joint investigation.<sup>39</sup></p> <p>The CPSL also requires that where a county child welfare agency or law enforcement official receives the initial report, they are to direct such information to ChildLine.</p>
<p><b>“Upon receiving any indication of possible physical or sexual abuse..., an administrator, as defined in 23. Pa. C.S. 6351, and all school employees should refrain from any internal investigation including informal interviews of possible victims, witnesses or perpetrators until the investigation by law enforcement authorities is completed. The Grand Jury found that even a preliminary investigation to determine if referral is warranted can impede a subsequent police investigation.”</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Act 44 of 2014</a></li> </ul> <p><a href="#">Act 44 of 2014</a> altered the CPSL to underscore that school officials are to facilitate “the cooperation of the institution, school, facility or agency with the investigation of the report” with such “investigation” handled by law enforcement or child welfare authorities.<sup>40</sup> The CPSL also stipulates that criminal penalties are possible for any person or entity engaging in “intimidation, retaliation or obstruction in the investigation of the report.”</p>

<sup>39</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=29>

<sup>40</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=44>

8 <sup>th</sup> Dauphin County Grand Jury Recommendation (issued in January 2014)	Child Protection Legislative Changes (between 2002 and 2018)
<p><b>“The Grand Jury recommends that the General Assembly consider legislation defining when the obligation to report allegations of physical or sexual abuse is mandated consistent with the above. The Grand Jury is aware that the General Assembly is in the process of considering legislative change in this area. The Grand Jury recommends that the legislative change make it clear that the report requirement is triggered by receiving information about such abuse from any source including rumor. The law should preclude school officials from making preliminary inquiry into the veracity of the information.”</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Act 32 of 2014</a></li> <li>• <a href="#">Act 33 of 2014</a></li> </ul> <p>With enactment of Act 33 of 2014 (effective 12/31/2014), mandated reporters in Pennsylvania have four circumstances that set forth the “basis to report” including: “(iii) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.”<sup>41</sup></p> <p>An earlier amendment of the CPSL (in 2006) specified: “Nothing in this section shall require a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.”</p> <p>While the Grand Jury convened in Dauphin County did not make a specific recommendation about attorneys becoming mandated reporters, they did find that school administrators decisions about making a report were impacted when they “reasonably relied” on the advice of the district’s solicitor.</p> <p><a href="#">Act 32 of 2014</a> added certain attorneys to the list of persons with a legal requirement to report suspected child abuse<sup>42</sup>:</p> <p><i>“(14) An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.”</i></p>
<p><b>“The Grand Jury recommends that all school district in Dauphin County, prior to hiring a teacher or administrator such as a principal or assistant principal, seek to obtain copies of the complete personnel files of any applicant from prior education employment as well as copies of all academic transcripts. The Grand Jury recommends that school districts requests applicants for such positions to sign releases permitting disclosure of these documents as part of the application process.”</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Act 168 of 2014</a></li> </ul> <p><a href="#">Act 168 of 2014</a> amended the Public School Code to add a section on Employment History Review requiring an “extensive employment review for applicants that have direct contact with children.”</p> <p>Before a school entity offers employment to a person (or enters into a contract with an independent consultant), the school is required to “check the eligibility for employment or</p>

<sup>41</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=33>

<sup>42</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=32>

8 <sup>th</sup> Dauphin County Grand Jury Recommendation (issued in January 2014)	Child Protection Legislative Changes (between 2002 and 2018)
	<p>certification status of any applicant for a position involving direct contact with children to determine whether the applicant holds valid and active certification appropriate for the position and is otherwise eligible for employment and whether the applicant has been the subject of public professional discipline.”</p> <p>The school also is expected to review the applicant’s background that includes:</p> <ul style="list-style-type: none"> <li>• All information about current and former employers “that were school entities or where the applicant was employed in positions that involved direct contact with children;”</li> <li>• “A written statement disclosing whether the applicant has been a subject of an abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or child protective services agency, unless the investigation resulted in a finding that the allegations were false.” This statement would also address whether the applicant was ever “disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of abuse or sexual misconduct were pending or under investigation, or due to an adjudication or findings of abuse or sexual misconduct.”</li> </ul>
<p><b>“The Grand Jury recommends that the General Assembly consider legislation to create a central repository for records of disciplinary action against persons licensed as teachers or administrators. The Grand Jury recommends that the General Assembly consider mandating that schools forward such records to the central repository such that future prospective employers in education would have access to these records. The Grand Jury recommends legislative action</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Act 120 of 2013</a></li> <li>• <a href="#">Act 168 of 2014</a></li> </ul> <p><a href="#">Act 120 of 2013</a> amended Pennsylvania’s Professional Educator Discipline Act.<sup>43</sup> The amended statute took effect in February 2014 and by September 2014, the Pennsylvania Department of Education had <a href="#">issued guidance</a> related to “mandatory reporting requirements of educator misconduct for educators and chief school administrators.”<sup>44</sup></p> <p>The reworked Educator Discipline act was notable in that it expanded those persons governed by the statute and subject to oversight by PDE’s Professional Standards and Practices Commission (PSPC) including administrators in private schools, those working</p>

<sup>43</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2013&sessInd=0&smthLwInd=0&act=120>

<sup>44</sup> <https://www.education.pa.gov/Documents/Codes%20and%20Regulations/Basic%20Education%20Circulars/Purdons%20Statutes/Educator%20Misconduct%20-%20School%20Entity%20Mandatory%20Report%20Procedures%20Form.pdf>



8 <sup>th</sup> Dauphin County Grand Jury Recommendation (issued in January 2014)	Child Protection Legislative Changes (between 2002 and 2018)
<p><b>to prevent problem teachers from moving from one school district to another without consequence.”</b></p>	<p>in cyber charter schools and all contracted teachers or educational providers (e.g., speech and language specialists).</p> <p><a href="#">Act 168 of 2014</a> amended the Public School Code to add a section on Employment History Review requiring an “extensive employment review for applicants that have direct contact with children.”</p> <p><a href="#">Pennsylvania’s Teacher Information Management System</a> permits the public to “check the certification and disciplinary status of any certificated or employment eligible educator.”<sup>45</sup> PSPC regularly updates a searchable “Certificate Actions by notification date” section on the agency’s website.<sup>46</sup></p>

### February 2016: Plum Senior High School (Allegheny County)

The grand jury undertook “an extensive nine month inquiry” related to the “actions, and lack of action, taken by administrators of Plum Senior High School and by the School Resource Officer assigned to that school.”<sup>47</sup>

The grand jury was initiated in 2014 hearing testimony from 30 witnesses and reviewing over 7,500 pages of documents some “retrieved by search warrant and subpoena.”

This “massive undertaking” was focused on whether “members of the administration and/or staff and/or other individuals assigned to work at Plum Senior High School had a reasonable cause to suspect that Joseph Ruggieri, an English teacher at Plum Senior High School, had been involved in multiple sexual relationships with female students at the school over the last several years.”

The “crux” of the Grand Jury’s investigation then focused on whether “warning signs” were “ignored” allowing “a child predator to continue his employment in the high school where he had continued direct interaction with high school students.”

<sup>45</sup> <http://www.teachercertification.pa.gov/Screens/wfSearchEducators.aspx>

<sup>46</sup> <https://www.education.pa.gov/Teachers%20-%20Administrators/Certifications/Pages/Certificate-Actions.aspx>

<sup>47</sup> [https://triblive.com/csp/mediapool/sites/dt.common.streams.StreamServer.cls?STREAMOID=1zqKXhSZrhi8EJwI\\$IGOfJM5tm0Zxrvol3sywaAHBAIfsS8y7j4eyDXsUgi4ECzYFvYJtLALTUVU4xRnldlOTQd75FFq0wwMGY0IFLj3Tq2CntTQg573rVzOhfe3dluoe\\$SE7JovEZhfAnhYfMRaAg--&CONTENTTYPE=application/pdf&CONTENTDISPOSITION=ptr-plumgrandjury-052016.pdf](https://triblive.com/csp/mediapool/sites/dt.common.streams.StreamServer.cls?STREAMOID=1zqKXhSZrhi8EJwI$IGOfJM5tm0Zxrvol3sywaAHBAIfsS8y7j4eyDXsUgi4ECzYFvYJtLALTUVU4xRnldlOTQd75FFq0wwMGY0IFLj3Tq2CntTQg573rVzOhfe3dluoe$SE7JovEZhfAnhYfMRaAg--&CONTENTTYPE=application/pdf&CONTENTDISPOSITION=ptr-plumgrandjury-052016.pdf)

In 2015, Jason Cooper, a chemistry teacher at the high school, was arrested. Prior to contacting law enforcement, the high school principal completed an “internal investigation” that included interviewing “three teachers, including Cooper, and five students, including the alleged victim.” Cooper would plead guilty to institutional sexual assault, corruption of minors and witness intimidation charges in March 2016.<sup>48</sup>

As law enforcement were investigating Cooper, they learned that “it was common knowledge” that another teacher, Joseph Ruggieri, “was rumored to be in a sexual relationship” with another student. Police interviewed a victim who disclosed that she was, “in fact, involved in a sexual relationship with Ruggieri” that had begun when the student was 17 years old and included “sexual intercourse.”

According to various court and other related documents, Joseph Ruggieri exchanged telephone and text messages with a student and “engaged in sexual intercourse” with a student who was a minor “on more than one occasion.”<sup>49</sup> Ruggieri pleaded guilty to institutional sexual assault, corruption of minors and intimidating a witness.<sup>50</sup>

The Grand Jury noted that the principal “appeared to be cooperative” with police about Cooper, “but at no time” did the principal “mention knowledge of any suspected similar activities involving” Ruggieri. The school’s resource officer also did not disclose any information about any other inappropriate conduct by other teachers to law enforcement.

When pressured by law enforcement about Ruggieri, the principal reported that “rumors” had surfaced multiple times through the years. The principal also disclosed to law enforcement that in fall 2014, he responded to “numerous reports from staff and students regarding an ongoing relationship between Ruggieri and Victim 2” by speaking with the teacher and instructing him “to have no further contact” with the victim “even in passing between classes.”

Law enforcement interviews with the principal and superintendent would reveal that both men had met with Ruggieri in December 2011 “to discuss a reported relationship” with a student. The student was interviewed by the principal, at that time, but she did not disclose the relationship and even was resistant to talking with law enforcement when interviewed years later.

Eventually, the principal provided “the names of four students and three teachers with whom Ruggieri had allegedly been involved in sexual relationships.”

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<sup>48</sup> Docket Number: CP-02-CR-0005186-2015 and Docket Number: CP-02-CR-0005184-2015

<sup>49</sup> <https://assets.documentcloud.org/documents/2420640/plum-investigation-joseph-ruggieri-sex-assault.pdf>

<sup>50</sup> Docket Number: CP-02-CR-0009514-2015 and Docket Number: CP-02-CR-0006384-2015

Another Plum High School teacher, Michael Cinefra, also faced recent criminal charges related to sexually assaulting a 15-year-old student “between the student’s freshman and junior years” and providing this same student with alcohol. Cinefra pleaded guilty to involuntary deviate sexual intercourse with a person under the age of 16, institutional sexual assault, corruption of minors and furnishing alcohol to minors.<sup>5152</sup>

The superintendent for the school district and the high school principal were both placed on administrative leave. The principal was never reinstated. While, the superintendent was reinstated, but resigned a short time later.

The jurors wrote that their inquiry “uncovered systematic failures to protect students” which, as a consequence, left students “vulnerable to abuse by the very persons who are duty bound to protect them.” This lack of protection was attributed “in large part to an academic culture that encouraged the protection of friends and colleagues over students, insularity, avoidance of personal responsibility in favor of shifting the onus onto others without follow up and turning a blind eye to obvious signs of teacher misconduct.”

School officials were faulted by the grand jury for “ignoring their obligations as mandatory reporters” and for “conducting internal investigations.” The actions of some “could constitute the crime of Failure to Report,” according to the Grand Jury but this body was “not convinced that the conscious objective of the staff and administration....was to purposely put children at risk.”

<u><a href="#">Allegheny County Investigating Grand Jury</a></u> <sup>53</sup> (issued in February 2016)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
<b>“The General Assembly of the Commonwealth of Pennsylvania reconsider the language in 23 Pa.C.S.A. § 6311 which requires that a mandatory reporter have reasonable cause to suspect child abuse, or at least provide clear guidance to mandatory reporters as to the actual meaning of that language, especially where such language could cause confusion and potentially impede</b>	While never introduced, <a href="#">Senator Guy Reschenthaler (R – Allegheny and Washington)</a> invited his Pennsylvania Senate colleagues to join him in co-sponsoring legislation “that would clarify the language of the child abuse reporting law in Pennsylvania.” <sup>54</sup>  In his June 2016 co-sponsorship memo, the senator cited the work of the Allegheny County Grand Jury and how it had “criticized the language as being too vague and not clearly stating what constitutes reasonable cause to suspect.” He told his colleagues that

<sup>51</sup> Docket Number: CP-02-CR-0011961-2015

<sup>52</sup> Education (“Department”) filed a Notice of Charges against Michael F. Cinefra (“Respondent”) <https://www.pspc.education.pa.gov/Educator-Discipline-System-and-Reporting/Searching-Adjudications-Orders/Discipline%20Opinions%20and%20Adjudications/DI-16-006%20Cinefra%20Michael%20F.pdf>

<sup>53</sup>[https://triblive.com/csp/mediapool/sites/dt.common.streams.StreamServer.cls?STREAMOID=1zqKXhSZrhi8EJwI\\$IGOfJM5tm0Zxrvol3sywaAHBAIfsS8y7j4eyDXsUgi4ECzYFvYJtLALTvU4xRnldlOTQd75FFq0wwMGYOlFlj3Tq2CntTQg573rVzOhfe3dluoE\\$SE7JovEZhFAnhYfMRaAg--&CONTENTTYPE=application/pdf&CONTENTDISPOSITION=ptr-plumgrandjury-052016.pdf](https://triblive.com/csp/mediapool/sites/dt.common.streams.StreamServer.cls?STREAMOID=1zqKXhSZrhi8EJwI$IGOfJM5tm0Zxrvol3sywaAHBAIfsS8y7j4eyDXsUgi4ECzYFvYJtLALTvU4xRnldlOTQd75FFq0wwMGYOlFlj3Tq2CntTQg573rVzOhfe3dluoE$SE7JovEZhFAnhYfMRaAg--&CONTENTTYPE=application/pdf&CONTENTDISPOSITION=ptr-plumgrandjury-052016.pdf)

<sup>54</sup><http://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=S&SPick=20150&cosponId=20378>

<b><u>Allegheny County Investigating Grand Jury</u></b> <sup>53</sup> (issued in February 2016)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
<b>a mandatory reporter from reporting possible child abuse.”</b>	<p>he expected his legislation “would work to elucidate what constitutes” the CPSL basis to report standard of “reasonable cause to suspect abuse.”</p> <p>The senator did not formally introduce legislation in the 2015-2016 legislative session and no such legislation was introduced in the 2017-2018 legislative session.</p> <p>The online Recognizing and Reporting Child Abuse: Mandated and Permissive Reporting in Pennsylvania Online Training developed by the University of Pittsburgh’s Child Welfare Resource Center in partnership with (and funding from) the Pennsylvania Department of Human Services advises mandated reporters that “reasonable suspicion” is “more than a hunch.”<sup>55</sup> Instead it is a “determination” the person makes based on:</p> <ul style="list-style-type: none"> <li>• Your knowledge of the circumstances,</li> <li>• Your observations,</li> <li>• Your familiarity with the individuals, and</li> <li>• Your feelings about the incident</li> </ul>
<b>“The General Assembly of the Commonwealth of Pennsylvania reconsider the language of the offense of Failure to Report, 23 Pa.C.S.A. § 6319, to include as an element of the crime that a report of suspected child abuse is made immediately, just as a mandated reporter is required to do as dictated in the Reporting Procedure in § 6313 of the Child Protective Services Law. Specifically, we ask that the time frame of immediate be explicitly defined to require a mandated reporter to make a report of suspected child abuse as soon as possible, and no later than 24 hours after learning of the suspected abuse.”</b>	
<b>“All school districts in the Commonwealth of Pennsylvania refrain from conducting internal investigations of potential criminal offenses, but rather</b>	<ul style="list-style-type: none"> <li>• <a href="#">Act 29 of 2014</a></li> <li>• <a href="#">Act 32 of 2014</a></li> <li>• <a href="#">Act 33 of 2014</a></li> <li>• <a href="#">Act 44 of 2014</a></li> </ul>

<sup>55</sup> [https://www.reportabusepa.pitt.edu/webapps/portal/execute/tabs/tabAction?tab\\_tab\\_group\\_id=\\_91\\_1](https://www.reportabusepa.pitt.edu/webapps/portal/execute/tabs/tabAction?tab_tab_group_id=_91_1)

<a href="#">Allegheny County Investigating Grand Jury</a> <sup>53</sup> (issued in February 2016)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
<p><b>immediately involve law enforcement when such conduct is suspected.”</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Act 45 of 2014</a></li> </ul> <p>In 1994, Pennsylvania lawmakers added an entire subchapter to the CPSL addressing “Students in Public and Private Schools.” In doing so, lawmakers established that abuse in a school setting was to be treated differently than abuse inside a child’s home or another setting with regard to how abuse was defined and how such abuse was then reported.</p> <p>With regard to physical abuse, a report was only required if the suspected abuse rose to the level of “serious bodily injury” defined as “bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.”</p> <p><a href="#">Act 45 of 2014</a> eliminated this bifurcated approach to child abuse in Pennsylvania.<sup>56</sup></p> <p>Act 45 removed the CPSL language that attached the duty to report only when “a student coming before the school employee in the employee’s professional or official capacity is a victim of serious bodily injury or sexual abuse or sexual exploitation by a school employee.” The earlier version of the CPSL also then directed that such a report should be made, not to law enforcement directly, but instead to the school administrator.</p> <p>If the mandated reporter suspected that the person abusing the student was the administrator, only then was the school employee legally required to directly notify law enforcement and the district attorney. In all other circumstances, the legal duty to report was satisfied when the school employee notified an administrator within the school itself.</p> <p>Meanwhile, <a href="#">Act 33 of 2014</a> eliminated what had long permitted <i>chain-of-command</i> reporting.<sup>57</sup></p> <p>The 2014 amendment required that mandated reporters, who work within institutions and have reasonable cause to suspect a child is a victim of child abuse, “shall immediately make an oral report of suspected child abuse to the department via the Statewide toll-free telephone number under section 6332 (relating to establishment of Statewide toll-free</p>

<sup>56</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=45>

<sup>57</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=33>

<p><b><u>Allegheny County Investigating Grand Jury</u></b><sup>53</sup> (issued in February 2016)</p>	<p><b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i></p>
	<p>telephone number) or a written report using electronic technologies under section 6305 (relating to electronic reporting).”</p> <p>After making the report to ChildLine, the mandated reporter “shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.”</p> <p>Intended to streamline child abuse reporting, the Task Force on Child Protection recommended that there be a centralized entity identified to receive and process reports of suspected child abuse.</p> <p>In 2012, the Task Force on Child Protection wrote, “Under existing law, child abuse reports may be received by the DPW through ChildLine, by the county agency or law enforcement. Any of the three entities may receive reports and all three are required to communicate with one another, but the process is disjointed and at times duplicative and at cross-purposes.”<sup>58</sup></p> <p><a href="#">Act 33 of 2014</a> (effective December 31, 2014) required that all reports of suspected child abuse be directed to a centralized entity – <a href="#">ChildLine</a>.</p> <p>ChildLine is operated by the Pennsylvania Department of Human Services (PA DHS) and is “designed to accept child abuse referrals and general child well-being concerns, and transmit the information quickly to the appropriate investigating agency.”<sup>59</sup> While the Task Force identified a centralized entity to receive and process child abuse reports, it did not recommend any criminal penalties if a person called an entity (e.g., local child welfare agency or law enforcement), other than ChildLine. In this way, the Task Force wanted to “reinforce” that Pennsylvania has a “no wrong door” policy.</p> <p>Specifically <a href="#">Act 32 of 2014</a> added this language to the CPSL<sup>60</sup>:</p>

<sup>58</sup> Child Protection in Pennsylvania: Proposed Recommendations a report issued by the Task Force on Child Protection in November 2012, page 34. Retrieved at <http://www.childprotection.state.pa.us/Resources/press/2012-11-27%20Child%20Protection%20Report%20FINAL.pdf>.

<sup>59</sup> <http://www.dhs.pa.gov/provider/childwelfareservices/childlineandabuserregistry/index.htm>

<sup>60</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=32>

<a href="#">Allegheny County Investigating Grand Jury</a> <sup>53</sup> (issued in February 2016)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
	<p><i>“A report of suspected child abuse to law enforcement or the appropriate county agency by a mandated reporter, made in lieu of a report to the department, shall not constitute an offense under this subsection, provided that the report was made in a good faith effort to comply with the requirements of this chapter.”</i></p> <p><a href="#">Act 29 of 2014</a> set forth provisions within the CPSL (§ 6334) related to the disposition of complaints received by ChildLine and what entity is responsible for investigating such complaints.</p> <p>The CPSL requires that PA DHS (via ChildLine) “shall establish procedures regarding the following different responses to address suspected child abuse and protective services depending on the person's allegedly committing the suspected child abuse or causing a child to be in need of protective services.”</p> <p>Therefore, certain reports received by ChildLine might be directed only to a local child welfare agency, while others (e.g., those alleging that the person abusing a child falls outside the CPSL’s definition of perpetrator) would be sent to law enforcement and some reports will be shared with child welfare and law enforcement for a joint investigation.<sup>61</sup></p> <p>The CPSL also requires that where a county child welfare agency or law enforcement official receives the initial report, they are to direct such information to ChildLine. <a href="#">Act 44 of 2014</a> altered the CPSL to underscore that school officials are to facilitate “the cooperation of the institution, school, facility or agency with the investigation of the report” with such “investigation” handled by law enforcement or child welfare authorities.<sup>62</sup></p> <p>The CPSL also stipulates that criminal penalties are possible for any person or entity engaging in “intimidation, retaliation or obstruction in the investigation of the report.”</p>
<b>“School districts establish policies and offer training to students, parents, and community members of appropriate student/teacher boundaries and</b>	<ul style="list-style-type: none"> <li>• <a href="#">Act 54 of 2018</a></li> <li>• <a href="#">Act 71 of 2014</a></li> </ul>

<sup>61</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=29>

<sup>62</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=44>

<b><u>Allegheny County Investigating Grand Jury</u></b> <sup>53</sup> (issued in February 2016)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
<p><b>appropriate electronic communication between educators and students within that school district so that inappropriate contact may be more easily recognizable.”</b></p>	<p><a href="#">Act 54 of 2018</a> requires that “all public and nonpublic schools” enrolling students through 12<sup>th</sup> grade “publicly display at each school campus a poster uniformly designed by the department that contains the Statewide toll-free telephone number for reporting suspected child abuse or neglect and any Statewide toll-free telephone number relating to school safety.”<sup>63</sup></p> <p>This poster is to be developed by the Pennsylvania Department of Human Services in consultation with the Pennsylvania Department of Education. PA DHS and PDE are required to “make the poster available on their publicly accessible Internet websites to all public and nonpublic schools.”</p> <p>After enactment of Act 71 of 2014, schools in Pennsylvania had a “may” (versus shall) directive from state lawmakers to “develop an age-appropriate child exploitation awareness education program.”<sup>64</sup> School entities were also permitted to include training “in the professional development plan” submitted to the PA Department of Education showing how the school entity will “provide four hours of such training every five years for professional educators assigned to teacher courses into which child exploitation awareness education has been incorporated.”</p> <p>PDE has posted a number of model curriculums along with additional resources on its website.<sup>65</sup></p>
<p><b>“The Pennsylvania Department of Education [should] establish clear standards for educational institutions regarding rigorous annual training of educators and school employees on their obligation to make reports of suspected child abuse to ChildLine including the importance of providing complete and accurate information necessary to insure effectiveness of</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Act 126 of 2012</a></li> <li>• <a href="#">Act 28 of 2014</a></li> <li>• <a href="#">Act 31 of 2014</a></li> </ul> <p>In July 2012, legislation was enacted in Pennsylvania requiring that “school entities and independent contractors of school entities shall provide their employees who have direct</p>

<sup>63</sup> <http://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2018&sessInd=0&act=54>

<sup>64</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=71>

<sup>65</sup> <https://www.education.pa.gov/K-12/Safe%20Schools/Pages/Act-71.aspx#1527>



<a href="#">Allegheny County Investigating Grand Jury</a> <sup>53</sup> (issued in February 2016)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
<p><b>ChildLine’s efforts. Moreover, it is the recommendation of the Grand Jury that training should be accompanied by an exam testing the mandated reporters knowledge and understanding of their obligations.’</b></p>	<p>contact with children with mandatory training on child abuse recognition and reporting.”<sup>66</sup></p> <p>The training required by Act 126 of 2012 involves 3 hours of training every 5 years on the following topics:</p> <p>“(i) Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct in this Commonwealth.            (ii) Provisions of the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act," including mandatory reporting requirements.            (iii) The school entity's policies related to reporting of suspected abuse and sexual misconduct.            (iv) Maintenance of professional and appropriate relationships with students.”</p> <p>The training can be applied to required continuing professional education requirements “if the training program has been approved” by the Pennsylvania Departments of Education and Human Services.</p> <p>According to PDE, there are 7 “approved” providers specific to the provisions of Act 126. PDE notes, however, that not all of the approved courses have specific content related to Pennsylvania’s Educator Discipline Act.<sup>67</sup> And some that have richer content on the Discipline Act might not be as robust for the mandated reporter required to report suspected child abuse.</p> <p>For example, the Professional Standards and Practice Commission “has developed a free three-hour online course entitled Professional Ethics and the Educator Discipline Act.”<sup>68</sup> According to the Commission, the course includes four modules:</p> <ol style="list-style-type: none"> <li>1. “Recognition of the signs of sexual misconduct, as defined in Act 126;</li> <li>2. Reporting requirements for suspected sexual misconduct set forth in the Educator Discipline Act;</li> </ol>

<sup>66</sup> <http://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2012&sessInd=0&act=126>

<sup>67</sup> <https://www.education.pa.gov/K-12/Safe%20Schools/Pages/Act126Act48Courses.aspx>

<sup>68</sup> <https://www.pspc.education.pa.gov/Promoting-Ethical-Practices-Resources/Act-126-Training/Pages/default.aspx>

<a href="#">Allegheny County Investigating Grand Jury</a> <sup>53</sup> (issued in February 2016)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
	<p>3. Provisions of the Educator Discipline Act, including mandatory reporting requirements; and</p> <p>4. Maintenance of Professional and Appropriate Relationships with Students”</p> <p>Still the Commission notes that participants “will still need to receive training addressing child abuse recognition and reporting under the Child Protective Services Law and their school entity’s policies related to reporting of suspected abuse and sexual misconduct.”<sup>69</sup></p> <p><a href="#">Act 31 of 2014</a> required that Pennsylvania’s Department of State licensing boards “with jurisdiction over professional licensees identified as mandated reporters under this chapter shall require all persons applying for a license or certification issued by the licensing board to submit documentation acceptable to the licensing board of the completion of at least three hours of approved child abuse recognition and reporting training.”<sup>70</sup></p> <p>Persons licensed by DOS, who apply for a renewal of a license, have to demonstrate “completion of at least two hours of approved continuing education per licensure cycle” with such continuing education addressing, but not limited to “recognition of the signs of child abuse and the reporting requirements for suspected child abuse.”</p> <p>Act 31’s training requirements also apply to child care agencies or facilities subject to licensure or supervision by PA DHS as well as foster parents and caregivers within a family day care home.</p> <p>PA DHS sets forth a <i>Course Approval Outline for Child Abuse Recognition and Reporting Training for Mandated Reporters</i> and then prospective trainers (currently more than forty of them) secure approval from PA DHS.<sup>71</sup> Each of these entities is then empowered to train (via a variety of modalities) influenced by their own interpretations of the law and</p>

<sup>69</sup> <https://www.pspc.education.pa.gov/Promoting-Ethical-Practices-Resources/Act-126-Training/Pages/default.aspx>

<sup>70</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=31>

<sup>71</sup> Course Approval Outline for Child Abuse Recognition and Reporting Training for Mandated Reporters retrieved at <http://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/Documents/Act%2031%20Items%20Required%20for%20Course%20Approval%20Final%20-%202.pdf>.

<a href="#">Allegheny County Investigating Grand Jury</a> <sup>53</sup> (issued in February 2016)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
	<p>practice.<sup>72</sup> Among the elements of prospective trainers' course material - "<i>evaluation assessing participants satisfaction with the presentation.</i>"</p> <p>The Commonwealth has designated state and federal funding for the training of mandated reporters. Act 28 of 2014 added an additional \$10 fee to obtain a certified copy of a birth certificate, \$2.50 of that \$10 is required to be utilized by the PA DHS "for training of mandated reporters of child abuse."<sup>73</sup></p> <p>Based on PA DHS' 2018-2019 budget book, this percentage of the fee apparently will direct \$953,000 into training mandated reporters.<sup>74</sup> Also, the Commonwealth is projected to utilize \$275,000 in federal Child Abuse Prevention and Treatment Act (CAPTA) funding for Mandated Reporter Training. PA DHS also directs a portion of the Commonwealth's federal Children's Justice Act (CJA) funding into such training.</p> <p>Despite directing public dollars toward training mandated reporters, there has been no attempt by the Commonwealth to evaluate the effectiveness of the training and the impact of the training on the quality of reports made.</p>
<b>"The conspicuous posting of mandatory reporters and their obligations in a place visible to employees, such as in staff lounges or offices."</b>	
<b>"That in accordance with the wisdom of the Eighth Dauphin County's Investigative Grand Jury's recommendation that the General Assembly institute legislation creating a central repository for records of disciplinary action against licensed teachers and administrators, clear standards for record keeping to be established to capture allegations of inappropriate</b>	<ul style="list-style-type: none"> <li>• <a href="#">Act 120 of 2013</a></li> <li>• <a href="#">Act 168 of 2014</a></li> </ul> <p><a href="#">Act 120 of 2013</a> amended Pennsylvania's Professional Educator Discipline Act.<sup>75</sup> The amended statute took effect in February 2014 and by September 2014, the Pennsylvania</p>

<sup>72</sup> <http://www.dos.pa.gov/professionallicensing/boardscommissions/pages/act-31-mandated-child-abuse-recognition-and-reporting-continuing-education-providers.aspx>

<sup>73</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=28>

<sup>74</sup> [http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c\\_259013.pdf](http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c_259013.pdf)

<sup>75</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2013&sessInd=0&smthLwInd=0&act=120>

<a href="#">Allegheny County Investigating Grand Jury</a> <sup>53</sup> (issued in February 2016)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
<b>student/teacher boundary concerns, including the inclusion of a report in a teacher's personnel file."</b>	<p>Department of Education had <a href="#">issued guidance</a> related to "mandatory reporting requirements of educator misconduct for educators and chief school administrators."<sup>76</sup></p> <p>The reworked Educator Discipline act was notable in that it expanded those persons governed by the statute and subject to oversight by PDE's Professional Standards and Practices Commission (PSPC) including administrators in private schools, those working in cyber charter schools and all contracted teachers or educational providers (e.g., speech and language specialists).</p> <p><a href="#">Act 168 of 2014</a> amended the Public School Code to add a section on Employment History Review requiring an "extensive employment review for applicants that have direct contact with children."</p> <p><a href="#">Pennsylvania's Teacher Information Management System</a> permits the public to "check the certification and disciplinary status of any certificated or employment eligible educator."<sup>77</sup> PSPC regularly updates a searchable "Certificate Actions by notification date" section on the agency's website.<sup>78</sup></p>
<b>"Resource Officers undergo specialized training to meet the specific concerns faced in an educational institution, such training to include all relevant child protective statutes."</b>	<ul style="list-style-type: none"> <li>• <a href="#">Act 126 of 2012</a></li> </ul> <p>In July 2012, legislation was enacted in Pennsylvania requiring that "school entities and independent contractors of school entities shall provide their employees who have direct contact with children with mandatory training on child abuse recognition and reporting."<sup>79</sup></p> <p>The training required by Act 126 of 2012 involves 3 hours of training every 5 years on the following topics:            "(i) Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct in this Commonwealth.</p>

<sup>76</sup> <https://www.education.pa.gov/Documents/Codes%20and%20Regulations/Basic%20Education%20Circulars/Purdons%20Statutes/Educator%20Misconduct%20-%20School%20Entity%20Mandatory%20Report%20Procedures%20Form.pdf>

<sup>77</sup> <http://www.teachercertification.pa.gov/Screens/wfSearchEducators.aspx>

<sup>78</sup> <https://www.education.pa.gov/Teachers%20-%20Administrators/Certifications/Pages/Certificate-Actions.aspx>

<sup>79</sup> <http://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2012&sessInd=0&act=126>

<u>Allegheny County Investigating Grand Jury</u> <sup>53</sup> (issued in February 2016)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
	(ii) Provisions of the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act," including mandatory reporting requirements. (iii) The school entity's policies related to reporting of suspected abuse and sexual misconduct. (iv) Maintenance of professional and appropriate relationships with students."

### March 2016: The Roman Catholic Diocese of Altoona-Johnstown

At the beginning of 2014, [Cambria County District Attorney Kelly Callihan](#) referred a case related to failure to report suspected child abuse to the Office of the Attorney General for the Commonwealth of Pennsylvania. The referred case involved the Diocese of Altoona-Johnstown, the Johnstown Police Department and the Bishop McCort Catholic High School.

On March 1, 2016, the findings of the 37<sup>th</sup> Statewide Investigating Grand Jury, which accepted the case for investigation in April 2014, were released leading to a chorus of individuals and institutions expressing that they were “shocked” and “saddened.”

Within the report the Grand Jury retraced testimony and interviews revealing that, within the Diocese over a period of decades, “at least 50 different priests or religious leaders” sexually assaulted children with the child sexual abuse taking on “many forms.”<sup>80</sup> The report continues, “Children reported having their genitals fondled; being forced to participate in, watch, or permit masturbation; being forced to perform or receive oral sex on and/or from priests, and being anally raped.” The Grand Jury also “saw evidence” that “both alcohol and pornography” were provided to children by Catholic priests.<sup>81</sup>

[The Roman Catholic Diocese of Altoona-Johnstown](#) serves 8 counties and includes 89 parishes, 74 active priests and 36 permanent deacons. It operates 20 Catholic elementary schools and 4 independent Catholic high schools, including [Bishop McCourt](#) in Johnstown and [Saint Joseph’s Academy](#) that opened in State College (Centre County) in 2011.<sup>82</sup>

<sup>80</sup> A Report of the Thirty-Seventh Statewide Investigating Grand Jury released March 1, 2016, Page 12. Retrieved at [https://www.attorneygeneral.gov/uploadedFiles/MainSite/Content/Related\\_Content/PressReleases/GJ%20Diocese%20Report.pdf](https://www.attorneygeneral.gov/uploadedFiles/MainSite/Content/Related_Content/PressReleases/GJ%20Diocese%20Report.pdf).

<sup>81</sup> Ibid.

<sup>82</sup> <http://www.ajdiocese.org/>

The pages of the Grand Jury report includes pages of individuals named as persons who abused children and who also diminished the consequences of their actions by terming the abuse as “an indiscretion,” or an “inappropriate relationship” or “accidental fondling” or “horseplay.”

The Grand Jury also underscores a painful reality for many child victims (of any and all types of perpetrators) – they speak up and they are not believed.

The Grand Jury noted that many victims did tell their parents, “many of whom were devout Catholics” but ultimately the children “were not believed.”<sup>83</sup> One child reported his mother said that the “Monsignor was just being friendly.”<sup>84</sup> The Grand Jury writes of how it “aches at hearing of the hopelessness these victims felt when being offended on by a pastor they were taught to respect and honor.”<sup>85</sup>

The report is also littered with documentation about the degree to which church leaders never notified law enforcement.

The Grand Jury Report, however, also demonstrates that there were times reports did make their way to law enforcement, including related to a priest the document describes as “a monster.” The Grand Jury indicates that over two decades (1961 – 1985), Father Francis McCaa – a parish priest in Cambria County – “groped and fondled the genitals of numerous children who attended the Holy Name School or served the parish itself.”<sup>86</sup> The Report continues, “Numerous former altar boys reported that McCaa would make them take their pants off under their religious vestments to touch and squeeze their genitals. Sometimes he would push his finger into their anuses before sending them off to engage in a church function.”<sup>87</sup>

In 1985, then Bishop James Hogan “met with representatives of the District Attorney’s Office” led at the time by District Attorney Gerald Long.<sup>88</sup> Hogan kept detailed notes about the meeting, including indication that prosecutors saw this as a “delicate situation” for the DA and the Cambria County Courts. Long, now a Senior Common Pleas Judge in the county, met with the Grand Jury in 2015. He said he had no knowledge about his assistants meeting with the Bishop and described those representatives from the DAs office in the 1985 meeting as “pretty strict Catholics.”<sup>89</sup>

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<sup>83</sup> Ibid.

<sup>84</sup> A Report of the Thirty-Seventh Statewide Investigating Grand Jury released March 1, 2016, Page 80.

<sup>85</sup> Ibid.

<sup>86</sup> A Report of the Thirty-Seventh Statewide Investigating Grand Jury released March 1, 2016, Page 79.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> A Report of the Thirty-Seventh Statewide Investigating Grand Jury released March 1, 2016, Page 82.

The Grand Jury also met with Cambria County Common Pleas Judge Patrick Kiniry, who did recall meeting with Bishop Hogan “at the request of District Attorney Gerald Long.”<sup>90</sup> The Judge said he remembered the allegations being linked to a priest “messing around” with children and that Hogan had concerns “about what to do with the priest.”<sup>91</sup> When asked by an OAG Special Agent in 2015 if the meeting with the Bishop back in the 1980s was unusual, Kiniry replied, “You have to understand, this is an extremely Catholic county.”<sup>92</sup> He also indicated that he remembered his own “excitement” in meeting the Bishop. He concluded, “Back then the Diocese moved the problem, that’s just how it was.” He suggested that today it would be handled differently in that there would be an investigation and the priest “possibly” arrested.<sup>93</sup>

The Grand Jury heard powerful words from Monsignor Philip Saylor. “For example in Johnstown, I would basically pick the mayor; I would pick the chief of police. I would – you know, I became a very active citizen you might say and people trusted me.”<sup>94</sup> He further indicated that when issues involving priest “misconduct” arose, “the police and civil authorities would often defer to the Diocese.”<sup>95</sup> Pressed by OAG staff leading the Grand Jury for clarification Saylor was asked, “When these officers would come to you tasked with enforcing the criminal law, investigating crimes, when they would come to you, the President Judge, this officer, the sheriff, are they saying to you, hey, you guys need to get this under control, is that their message?” Saylor responded, “That was their message, yeah. Now remember that included the President Judge of Blair County (Thomas Peoples).”<sup>96</sup>

The Grand Jury also interviewed the former Altoona Police Chief Peter Starr, who affirmed the Monsignor’s observations. “And Monsignor Saylor was pushing for me. He was the author of the Altoona-Johnstown Diocese Catholic Church paper called the Register. And politicians of Blair County were afraid of Monsignor Saylor, and he apparently persuaded the mayor to appoint me as the Chief of Police.”<sup>97</sup>

<b>The Roman Catholic Diocese of Altoona-Johnstown Grand Jury Recommendations<sup>98</sup></b> (issued March 2016)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
<b>“Abolish the statute of limitation for sexual offenses against minors”</b>	

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> A Report of the Thirty-Seventh Statewide Investigating Grand Jury released March 1, 2016, Page 83.

<sup>94</sup> A Report of the Thirty-Seventh Statewide Investigating Grand Jury released March 1, 2016, Page 103.

<sup>95</sup> Ibid.

<sup>96</sup> A Report of the Thirty-Seventh Statewide Investigating Grand Jury released March 1, 2016, Page 104.

<sup>97</sup> Ibid.

<sup>98</sup> <https://www.documentcloud.org/documents/2779770-GJ-Diocese-Report.html>

<b>The Roman Catholic Diocese of Altoona-Johnstown Grand Jury Recommendations<sup>98</sup></b> (issued March 2016)	<b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i>
<b>“Open a window to allow child sexual abuse victims to have their civil actions heard”</b>	
<b>“Possible criminal conduct should be directly reported to law enforcement authorities.”</b>	<ul style="list-style-type: none"> <li>• <a href="#">Act 32 of 2014</a></li> <li>• <a href="#">Act 33 of 2014</a></li> </ul> <p>Intended to streamline child abuse reporting, the Task Force on Child Protection recommended that there be a centralized entity identified to receive and process reports of suspected child abuse.</p> <p>In 2012, the Task Force on Child Protection wrote, “Under existing law, child abuse reports may be received by the DPW through ChildLine, by the county agency or law enforcement. Any of the three entities may receive reports and all three are required to communicate with one another, but the process is disjointed and at times duplicative and at cross-purposes.”<sup>99</sup></p> <p><a href="#">Act 33 of 2014</a> (effective December 31, 2014) required that all reports of suspected child abuse be directed to a centralized entity – <a href="#">ChildLine</a>. ChildLine is operated by the Pennsylvania Department of Human Services (PA DHS) and is “designed to accept child abuse referrals and general child well-being concerns, and transmit the information quickly to the appropriate investigating agency.”<sup>100</sup></p> <p>While the Task Force identified a centralized entity to receive and process child abuse reports, it did not recommend any criminal penalties if a person called an entity (e.g., local child welfare agency or law enforcement), other than ChildLine. In this way, the Task Force wanted to “reinforce” that Pennsylvania has a “no wrong door” policy.</p> <p>Specifically <a href="#">Act 32 of 2014</a> added this language to the CPSL<sup>101</sup>:</p>

<sup>99</sup> Child Protection in Pennsylvania: Proposed Recommendations a report issued by the Task Force on Child Protection in November 2012, page 34. Retrieved at <http://www.childprotection.state.pa.us/Resources/press/2012-11-27%20Child%20Protection%20Report%20FINAL.pdf>.

<sup>100</sup> <http://www.dhs.pa.gov/provider/childwelfareservices/childlineandabuseregistry/index.htm>

<sup>101</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=32>



<p><b>The Roman Catholic Diocese of Altoona-Johnstown Grand Jury Recommendations<sup>98</sup></b> (issued March 2016)</p>	<p><b>Child Protection Legislative Changes</b> <i>(between 2002 and 2018)</i></p>
	<p><i>“A report of suspected child abuse to law enforcement or the appropriate county agency by a mandated reporter, made in lieu of a report to the department, shall not constitute an offense under this subsection, provided that the report was made in a good faith effort to comply with the requirements of this chapter.”</i></p> <p><a href="#">Act 29 of 2014</a> set forth provisions within the CPSL (§ 6334) related to the disposition of complaints received by ChildLine and what entity is responsible for investigating such complaints.</p> <p>The CPSL requires that PA DHS (via ChildLine) “shall establish procedures regarding the following different responses to address suspected child abuse and protective services depending on the person allegedly committing the suspected child abuse or causing a child to be in need of protective services.”</p> <p>Therefore, certain reports received by ChildLine might be directed only to a local child welfare agency, while others (e.g., those involving a person suspected of abusing a child who falls outside the CPSL’s definition of perpetrator) would be sent to law enforcement and still other reports will be shared with child welfare and law enforcement for a joint investigation.<sup>102</sup></p> <p>According to data supplied by the Pennsylvania Department of Human Services (PA DHS), over 45,000 referrals (between 2015 and 2017) were sent to county district attorney offices when the referral did not meet the criteria for investigation under the CPSL.<sup>103</sup> Such referrals directed to local DAs include those where the person suspected of abusing the child</p>

<sup>102</sup> <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=29>

<sup>103</sup> CWIS Data Warehouse extracted July 18, 2018 by staff for the Pennsylvania Department of Human Services at the request of the Center for Children’s Justice.

<p><b>The Roman Catholic Diocese of Altoona-Johnstown Grand Jury Recommendations<sup>98</sup></b> (issued March 2016)</p>	<p><b>Child Protection Legislative Changes</b> (between 2002 and 2018)</p>
	<p>does not meet the definition of “perpetrator” under the CPSL or where the victim is over the age of 18 at the time of the referral.</p>

**February 2017: Solebury School (Bucks County)**

A Bucks County Investigating Grand jury detailed sexual abuse against Solebury School students “that spanned a half century” (between 1950s and 2005) in February 2017.<sup>104</sup>

The Grand Jury documented a “campus environment free of student-faculty boundaries and perpetuated by a culture of concealment among Solebury School’s past administrators.”

Many students are cited as having had an “excellent educational experience” at Solebury, but others testifying before the grand jury “experienced a high school with select faculty members who groomed, manipulated, and sexually abused them.” The abuse these students experienced “was compounded by the knowledge that it could have been stopped if these select school administrators intervened or investigated when the abuse was ongoing.”

The grand jury reinforced that Solebury School “did not make any contemporaneous reports to law enforcement or Bucks County Children and Youth Services for any misconduct.”

The grand jury and prosecutors lamented that prosecution was barred “in all but one case” due to statute of limitations. “Those offenses which occurred in the 1950s, 1960s, 1970s, 1980s and 1990s cannot be prosecuted,” wrote the grand jury.

In the one case where criminal prosecution might have been possible, the “victim declines to pursue charges.”

Despite such an emphasis on how the statute of limitations proved problematic, the grand jury offered no recommendations to Pennsylvania’s General Assembly urging reforms to criminal and civil statute of limitations.<sup>105</sup>

<sup>104</sup> <http://www.buckscounty.org/government/RowOfficers/DistrictAttorney/NewsReleasesDA/2017/02/01/grand-jury-report-on-solebury-school-sexual-abuse-released>

<sup>105</sup> <http://www.buckscounty.org/docs/default-source/default-document-library/solebury-school-report.pdf?sfvrsn=0>

## August 2018: Pennsylvania Dioceses Victims Report

Members of the Grand Jury enlisted into civic action spent two full years investigating child sexual abuse within six of Pennsylvania’s eight Roman Catholic Dioceses.<sup>106</sup> Jurors stressed that, during those two years, they were “exposed to, buried in, unspeakable crimes committed against countless children” and now they “want something to show for it.”

They reflect on how there have been “other reports about child sex abuse within the Catholic Church, but never on this scale.”

Combined the grand jury’s investigation examined six dioceses accounting for 54 of Pennsylvania’s 67 counties.

The grand jury listened to the testimony “of dozens of witnesses concerning clergy sex abuse” and subpoenaed and reviewed “half a million pages of internal diocesan documents.”

The grand jury determined that these documents pointed to “credible allegations against over three hundred predator priests” and more than one thousand “child victims were identifiable” – all based on the “church’s own records.” The jurors were convinced that the “real number” of child victims “is in the thousands.”

Diocese	Number of Clergy Identified by Grand Jury
Allentown	37 priests
Erie	41 priests
Greensburg	20 priests
Harrisburg	45 priests
Pittsburgh	99 priests
Scranton	59 priests

The grand jury offered four legal changes based on what they “learned” in their investigation.

There was frustration expressed (and underscored) that “courtesy of the long years of coverup, we can’t charge most of the culprits.” The 800 plus pages of the report illustrate the frequency with which Catholic leaders “hid reports of child sex crimes while the statute of limitations for those crimes expired.”

The grand jury further writes, “As a consequence of the coverup, almost every instance of abuse we found is too old to be prosecuted.”

Jurors then stressed, “But that is not to say there are no more predators.” They also note that the grand jury’s work aided in “presentments” against a few priests, including one in the Erie Diocese “who has been sexually assaulting children within the last decade.”

<sup>106</sup> <https://www.attorneygeneral.gov/report/>

While criminal charges have been sparse as a result of expired statute of limitations, Attorney General Josh Shapiro has secured guilty pleas from three individuals in the last year – John Thomas Sweeney (Greensburg Diocese), Robert D’Aversa (Altoona-Johnstown Diocese) and Anthony Criscitelli (Altoona-Johnstown Diocese).<sup>107</sup> Another individual from the Erie Diocese, David Poulson has been charged with sexually assaulting two minors.<sup>108</sup>

This month the grand jury wrote, “If child abusers knew they could never become immune for their crimes by outrunning the statute of limitations, maybe there would be less child abuse” as they recommended eliminating the criminal statute of limitations (SOL) for child sexual abuse. They acknowledged that, based on the current criminal SOL “abusers can potentially be prosecuted until the victim reaches age 50.” This is “good” they also wrote and yet it “just doesn’t help a lot of victims we saw.”

The grand jury highlighted a 68-year-old woman, Julianne, who was sexually assaulted at age 14. She spoke of her abuse to authorities, within the Allentown Diocese, when she was in her thirties. In 2002, when she was in her fifties, she opted to contact the Allentown Police and the district attorney who the grand jury writes, “elected not to pursue the matter and cited the statute of limitation.”

They also returned to the experience of 83 year-old Bob who told the grand jury he thought he was “the only one” and that he wished the priest could still be put on trial and that others could be held “accountable.”

The grand jury concludes then that there should be no criminal statute of limitations – “not for this kind of crime.”

Jurors promoted that victims “don’t just need sex crimes prosecuted; they need care and compensation for harm done by the abusers and the institutions that empowered them.” They concluded, “The way you get that is by suing.” The grand jury acknowledged that, unlike criminal SOLS, “it’s appropriate to have a statute of limitation that prohibits lawsuits after a certain amount of time.” The jurors then said they were “ok” with a time limit for lawsuits so long as “it’s a long time limit.”

The noted that currently “Pennsylvania is pretty good” with the civil SOL (since 2006) set at an available option until the child victim reaches age 30. Still, for many adults who were sexually victimized as children the civil SOL was two years with that two year clock sometimes starting while the victim was still a child and for other victims the clock started ticking at age 18 and then expired quite quickly.

On behalf of these victims, the grand jury writes, “We think those older victims should get their two years back, now that the church is finally being forced to come clean.”

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<sup>107</sup> <https://www.attorneygeneral.gov/taking-action/updates/case-update-catholic-priest-pleads-guilty-to-sexually-assaulting-10-year-old-boy-in-greensburg-diocese/> and <https://www.attorneygeneral.gov/taking-action/press-releases/ag-shapiro-two-altoona-franciscan-friars-plead-to-endangering-the-welfare-of-children/>

<sup>108</sup> <https://www.attorneygeneral.gov/taking-action/press-releases/attorney-general-shapiro-charges-catholic-priest-in-erie-diocese-with-sexual-abuse-of-two-boys/>

Even as they advocate for a two-year civil window to aid individuals for whom the civil SOL has expired, they invoke the words of a victim of clergy abuse. A victim who “became addicted to drugs, and died of an overdose as an adult.” He wrote to the bishop, prior to his death:

*“Pennsylvania law does not, for one moment, bar the Diocese of Allentown from making financial settlements with persons who were abused as minors, even though they might not report the abuse until they become adults. Pennsylvania’s so-called statute of limitations is merely a defense, a legalistic prescription which the Diocese of Allentown may choose to invoke in civil litigation when it wishes.”*

The grand jury concludes, “If Joey figured that out, we think the leaders of the church can figure it out too. They don’t have to hide behind the statute of limitations.”

The grand jury also addresses the penalties for “continuing failure to report child abuse.” They noted that so many documents they reviewed told the “same story” that church officials “repeatedly received word of crimes against kids, yet repeatedly refused to alert law enforcement.”

They acknowledge recent positive changes in Pennsylvania law related to failure to report child abuse, but the grand jury expresses concern that the “language might not be clear enough to cover all the covering up we have seen.”

Pennsylvania’s CPSL specifically §6319 (b) related to a “continuing course of action” stipulates that if a person’s “willful failure” to report “continues while the person knows or has reasonable cause to believe the child is actively being subjected to child abuse, the person commits a misdemeanor of the first degree.” The criminal offense for failure to report can be increased if the child abuse “constitutes a felony of the first degree or higher.” The grand jury recommends that the CPSL language in §6319 (b) be changed to “while the person knows or has reasonable cause to believe the abuser is likely to commit additional acts of child abuse.”

<b>CURRENT §6319 (b)</b>	<b>Grand Jury Recommendation</b> (text in capitals and highlighted would be new language, text in brackets would be deleted)
(b) Continuing course of action. – If a person’s willful failure under subsection (a) continues while the person knows or has reasonable cause to believe the child is actively being subjected to child abuse, the person commits a misdemeanor of the first degree, except that if the child abuse constitutes a felony of the first degree or higher, the person commits a felony of the third degree.	(b) Continuing course of action. – If a person’s willful failure under subsection (a) continues while the person knows or has reasonable cause to believe the <b>ABUSER IS LIKELY TO COMMIT ADDITIONAL ACTS OF</b> [child is actively being subjected to] child abuse, the person commits a misdemeanor of the first degree, except that if the child abuse constitutes a felony of the first degree or higher, the person commits a felony of the third degree.

The grand jury also raises an SOL issue with failure to report “ongoing acts.”

They deemed as “good” the SOL for the overall failure to report child abuse, which is currently established as “either the statute of limitations for the crime committed against the minor child or five years, whichever is greater.”

What concerned the grand jury is that if a person “continually” fails to report “ongoing acts of abuse, which is obviously a more serious crime than not reporting a single act of abuse, the statute of limitations is only two years.” They stipulated, “That’s got to be a mistake” one which they said the General Assembly should be able “easily” fix.

It is worth noting that the criminal offense – endangering the welfare of children (EWOC) – was augmented in 2006 (via Act 179) to include when a person “in an official capacity, prevents or interferes with the making of a report of suspected child abuse.”

Finally the grand jury recommended a prohibition on non-disclosure agreements as it relates to law enforcement officials being able to “chase down child abusers and put them away.”

The jurors write that confidentiality agreements are intended “to keep the victim afraid of talking to anyone at all” and many see that as meaning they can’t speak to law enforcement. To that end then the grand jury recommends a new statute “declaring that no past or present non-disclosure agreement prevents an abuse victim from going to the police, or from talking to the police if they come to her.”

Members of Pennsylvania’s General Assembly are already inviting their colleagues to support long-stalled legislation related to SOL reforms or to join in new efforts aimed at responding to the recommendations set forth in the recent grand jury report. Such efforts include:

- [Representative Mark Rozzi \(D-Berks\)](#) continues his unrelenting pressure for comprehensive SOL reforms specifically legislation he deems the “real deal.” His legislative efforts (by stand-alone legislation or amendments to other bills) “will eliminate the criminal and civil statutes of limitations for childhood sexual assault claims and allow for a 2 year revival civil window, so that past victims of childhood sexual abuse can have the opportunity to bring suit, if they have the evidence to do so.”<sup>110</sup>

<b>Pennsylvania Dioceses Victims Report: Grand Jury Recommendations<sup>109</sup></b> (issued August 2018)
<b>1. “Eliminate the criminal statute of limitations for sexually abusing children.”</b>
<b>2. “Create a two-year civil window for child sexual abuse victims who couldn’t file lawsuits before.”</b>
<b>3. “Clarify the penalties for continuing failure to report child abuse.”</b>
<b>4. “Prohibit non-disclosure agreements regarding cooperation with law enforcement.”</b>

<sup>109</sup> <https://www.attorneygeneral.gov/report/>

<sup>110</sup> <http://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=H&SPick=20170&cosponId=22628>

- [Representative Frank Burns \(D-Cambria\)](#) intends to introduce legislation “that would make clear that non-disclosure agreements do not prevent victims of child sexual abuse from sharing the facts of their abuse with police or testifying about the abuse in court.”<sup>111</sup> Burns also will seek to pass a (nonbinding) resolution urging the United States Attorney General “to immediately initiate a comprehensive, nationwide investigation into allegations of child sexual abuse within the Catholic Church.”<sup>112</sup>
- [Representative Todd Stephens \(R-Montgomery\)](#) aims “to clarify exactly when the higher penalties apply” related to failure to report child abuse.<sup>113</sup>
- [Senator Lisa Boscola \(D-Northampton\)](#), who has previously sponsored legislation to reform SOLs in child sexual abuse, has announced she will introduce legislation to address two of the recent grand jury recommendations. Specifically she will introduce legislation “amending the law requiring the reporting of abuse on a minor to include language clarifying an obligation to report on an individual whom exhibits a pattern of abuse and/or is likely to commit additional acts of child abuse” and requiring language “that would allow parties to a non-disclosure agreement to cooperate with law enforcement or prosecutors if any or all so decide.”<sup>114</sup>

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<sup>111</sup> <http://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=H&SPick=20170&cosponId=26256>

<sup>112</sup> <http://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=H&SPick=20170&cosponId=26255>

<sup>113</sup> <http://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=H&SPick=20170&cosponId=26247>

<sup>114</sup> <http://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=S&SPick=20170&cosponId=26238>