



## Children's Justice & Advocacy Report

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

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### Recorded Forensic Interviews: A Tool to Reduce Trauma, Balance Scales of Justice

Every day across Pennsylvania, reports in the media provide a stark reminder that child victims require enhanced (and utilized) child protection tools proven to reduce a child's exposure to further trauma.

Consider a recent media report about a preliminary hearing in Luzerne County. The defendant was facing criminal charges that included child rape, involuntary deviate sexual intercourse with a child, indecent assault of a person less than 13 and corruption of a minor.

Woven into the Citizen's Voice article were these images: "As the 86-year-old man accused of raping her was led into the courtroom in handcuffs and his yellow prison-issued attire Wednesday, the 6-year-old girl clung closely to her mother" and "just the top of the girl's head was visible from behind the (witness) stand."<sup>1</sup>

A decade ago, Pennsylvania's General Assembly advanced [Act 87 of 2004](#) - the alternative child testimony bill. It was Act 87 that provided the mechanism to implement

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<sup>1</sup> *Girl, 6, testifies against accused rapist, 86* retrieved at <http://citizensvoice.com/news/girl-6-testifies-against-accused-rapist-86-1.1709305>

## **PA Supreme Court Rules Videotaped Forensic Interview Violated Defendant's Sixth Amendment Rights**

Last Month, the [Pennsylvania Supreme Court ruled that the videotaped out-of-court testimony of a 4 year-old introduced as evidence, during a](#) Jefferson County child sexual case (*In the Interest of: N.C., A Minor*), violated the juvenile defendant's Sixth Amendment rights.

The Supreme Court earlier had granted a petition for allowance of appeal based on the "issue as stated by petitioner:"

*Whether an alleged delinquent's Sixth Amendment Confrontation Clause rights were violated by the admission of a video-taped forensic interview when defense counsel did not attempt to cross-examine the victim at the contested hearing."*

The case was before the PA Supreme Court after the Commonwealth appealed the August 2013 [Pennsylvania Superior Court decision](#), which vacated a juvenile's adjudication of delinquency for aggravated indecent assault. The juvenile court adjudicated the youth delinquent in May 2012 and placed the juvenile on probation for one year.

At the heart of the aggravated indecent assault delinquency proceedings, was the disclosure and testimony of a four year old child, as captured in an FI. The [following questions were posed to the PA Supreme](#)

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## **CYS' Mandate to do an "Investigation" in a Team Environment**

A [PCCD commissioned statewide study](#) about the further development of CACs in PA sought to fulfil the charge of the Task Force on Child

Protection and lawmakers to find a way to connect every PA child with a Children's Advocacy Center (CAC) in close proximity to where the child lives (e.g. no more than 2 hours from a child's home).

Yes to emerge is consideration about whether PA first needs to put forth some Principles (or Strategic Goals) along with desired (and measurable) outcomes. Connected to this would then be do we have the data now or are we able to identify the data by which we can measure how well (or not) we are at being true to the Principles and/or meeting the Goals and objectives?

Also less fleshed out is the fact that the Child Protective Services Law (CPSL) requires that a county children and youth services (CYS) agency "immediately commence an investigation." As part of the "investigative actions" of the county CYS agency, there "shall" be "interviews with all subjects of the report, including the alleged perpetrator.

Despite, the heightened understanding of the state-of-the-art approach of CACs, there remains no direct guidance (or expectation)

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## **The Ripple Effect (potentially) of the Penn State \$48 million Endowment Payment to Pennsylvania**

The \$48 million Penn State has agreed to pay, as part of the agreement negotiated by PA [Senate Majority Leader Jake Corman \(R-Centre\)](#) between Penn State and the National Collegiate Athletic Association (NCAA) will be "deposited into an endowment" established as a "separate trust fund in the State Treasury." As earlier CJAR's have discussed, Penn State has agreed to direct a total of \$60 million toward preventing, treating and advancing research about child sexual abuse, but the University will retain \$12 million for

its own self-directed child protection research and initiatives.

The road map about where to next on the \$48 million that will come into the PA staff coffers is [The Higher Education Monetary Penalty Endowment Act](#) (Act 1 of 2013). Act 1 required that the established endowment exist for a minimum of five years and during

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**Connecting dots and creating opportunities for child victims**

Times they are a changing in PA. There is a new Governor, the NCAA has rescinded its, in the words of Senator Corman, “punitive sanctions” resulting in a new \$48 million investment in PA child protection programs, and Congress has finally heard the pleas to raise the cap on the amount of Victims of Crime Act (VOCA) funding available to assist victims.

The VOCA decision, alone, is expected to take a \$17 million funding stream and enhance it to at/beyond \$50 million.

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Committee	Mission or Charge
Child Abuse Prevention and Treatment Act (CAPTA) Work Group <sup>2</sup>	To discuss, review and make recommendations with regard to core CAPTA elements related to Citizen Review Panels.

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<sup>2</sup> The Pennsylvania Department of Human Services (DHS) last convened this group in the summer of 2012.

And turf, well we won’t venture into that discussion.

Today’s CJAR looks at some of the funding streams that may not yet be, but should be on the radar as key decisions are made related to VOCA, the Penn State funded endowment, and continued implementation of comprehensive (and long overdue) child protection policy and practice improvements.

➤ **State dedicated funding for CACs and MDITs (\$2.86 million projected)**

Included in the FY 2014-2015 Commonwealth Budget was \$2.25 million for children’s advocacy centers (CACs). That funding was placed in the state budget as another law creating an on-going dedicated funding stream for CACs and Multidisciplinary Investigative Teams (MDITs) was being enacted to aid CACs and MDITs in future years.

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**Child Exploitation Awareness Education Earns a “May” Provision and No Funding**

Act 71 of 2014 intends to infuse awareness and education about child sexual abuse and exploitation into the health curriculums for children in grades K-8.

PA schools can opt to include such age-appropriate awareness education into the school’s existing curriculum.

[Act 71 of 2014](#) requires that the Pennsylvania Department of Education (PDE) consult with “at least one” organization addressing child exploitation toward developing “a model child exploitation awareness curriculum,

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Recipient of CJA Funding	Federal FY Year	Total Amount	Description
PA Chapter of CACs/MDITs	2011 Thru 2012	250,000 <sup>3</sup>	Promote, assist, and support the development, growth and continuation of the multidisciplinary process with a particular focus on improving the effectiveness of the joint investigative approach for the protection of Pennsylvania's children (known as the Continuous Practice Improvement Program).
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<sup>3</sup> Children's Justice Act Subcommittee May 18, 2011 meeting minutes.



## FREE WEBINAR: Protecting PA's Children: What Adult Volunteers Working With Children Need to Know

### When

Wednesday February 4,  
2015 from 1:30 PM to  
3:00 PM EST

[Add to Calendar](#)

### Where

**This is an online event.**  
Instructions and log in  
information will be sent  
after registration.

Over the last year, Pennsylvania enacted significant new legal requirements related to how child abuse is defined, reported and investigated. Adult volunteers have new responsibilities, including that they are now legally mandated to report suspected child abuse and undergo comprehensive criminal and child abuse background checks.

Join us for a free interactive webinar to sort through what has changed in PA law and what it means for volunteers. The webinar is intended to provide practical guidance and real time answers to questions about what all these new legal changes mean.

Ms. Palm and Ms. Mundy will help you make sense of the following:

- Volunteers' role as mandated reporters
- Requirements as to when to report
- Reporting process
- Clearances/background checks requirements from both the perspective of the volunteer and the agency relying on volunteers
- Training resources

There will be a facilitated opportunity for questions and answers.

### **Presented by:**

Cathleen Palm, Founder, Center for Children's Justice

<http://www.c4cj.org/>

Mandy Mundy, Director of Education and Training, Network of Victim Assistance, Bucks County, PA

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**Register Now!**