

Task Force on Child Protection: Highlights of Recommendations

Amendments to the Child Protective Services Law:

Definition of Child Abuse

- Amends the definition of child abuse to lower the threshold for substantiating child abuse by:
 - Eliminate requirement that the child experience severe pain
 - Eliminate non-accidental and replace with reckless and intentional behavior
- Reckless and intentional commission of specific acts constitute child abuse such as:
 - Forcibly shaking or slapping a child under one year
 - Interfering with the breathing of a child
 - Allowing child to be present at sites of criminal activities – meth labs, illegal controlled substances, DUI
- Lowers threshold from serious bodily injury to bodily injury
- Sexual abuse is broadened to include engaging in sexually explicit conversations and looking at the intimate part of a child or encouraging a child to look at the intimate parts of another person for the purposes of sexual gratification of any party
- Eliminates the differentiation of student abuse

Perpetrators

- Expands the definition of perpetrator from “a parent, a person responsible for the welfare of a child, an individual residing in the same house or a paramour of a child’s parent” to include:
 - Employees or volunteers who have direct or regular contact with a child as a result of involvement in programs, services or activities such as:
 - Camps
 - Athletic programs
 - Enrichment programs
 - Troops
 - School teachers and employees
 - Persons employed in programs, activities or services which includes enrichment and other programs, clubs and coaches
 - Any person present in the child’s home when the alleged abuse occurred
 - An individual related to the child by birth, marriage or adoption to the fifth degree
 - Former paramours of a child’s parent and former step-parents

Mandatory Reporters

- Expands list of mandatory reporters to specifically enumerate:
 - College administrators and employees
 - Coaches
 - Attorneys
 - Librarians
 - Persons working or volunteering in programs, services or activities if they have an integral role in the program and accept responsibility for children
 - Commercial film processors if child abuse is depicted
 - Persons who repair or service computers or other technology equipment if child abuse is depicted
- Institutional staff employees and independent contractors must directly report to ChildLine and notify the administrators within the institution
- Mandatory reporting of infants born affected by Fetal Alcohol Spectrum Disorder

Increase Penalties for Failure to Report and Actions against Mandated Reporters

- Expands immunity and protection from intimidation and retaliation for good faith reporting
- Increase the penalty for willful failure to report suspected abuse from a third to a second degree misdemeanor
- Professional licenses must be revoked for failing to report suspected child abuse
- Reporting of felony convictions by district attorney to professional licensure boards
- Requires all professionals who are mandated reporters to report any arrest or conviction to the their relevant licensing authority
- Includes criminal sanctions for making false reports

Information Sharing

- Amend the CPSL to break down the statutory barriers to sharing information regarding child abuse investigations and outcomes with all individuals involved in child protection, including: physicians and psychologists who report suspected abuse, primary care physicians, and investigating law enforcement officials and mandated reporters.

Schools

- End the separate system for defining, reporting and investigating abuse in our schools which creates a higher bar for abuse committed by teachers and a different reporting system for any abuse identified by school personnel
 - Utilizes same definition of child abuse
 - Require school teachers and personnel who have reasonable cause to suspect that a child is a victim of abuse to report directly to ChildLine, rather than making a report to the school administrator.

- Codify the right of teachers to use appropriate and measured physical restraints to protect themselves and others.

Child Protective Services & General Protective Services Reports Database

- Maintains all reports of suspected child abuse and general protective services indefinitely so that county agencies and law enforcement officials may access this information for safety and risk assessment purposes and investigation of certain crimes
- Only indicated and founded reports are issued for child abuse clearances purposes
- Removes the ability of an individual to request that a report be expunged
- Requires that information on general protective services reports be maintained

Child Abuse Clearances

- Expands the grounds for denying employment in child care settings and programs, activities for services for children to include commission of additional crimes
- Expands clearances to be renewed every 24 months
- Requires the department to complete clearances within 28 days as a result of the completion of clearances every 24 months
- Requires that volunteers in certain programs obtain child abuse clearances

Require multidisciplinary investigative teams for all counties

- Multidisciplinary Investigative Team Advisory Committee to establish model statewide protocols
- Establish county Multidisciplinary Investigative Team under the leadership of the District Attorney
- Accessibility of Children's Advocacy Center

Education and training

- Establish mandated reporter education and training requirements
- Require signing of an oath upon completion of training
- Establish training academy to provide statewide training

Amendments to the Crimes Code:

- Expand the crime of "Endangering the Welfare of a Child" to include:
 - A person, 18 years of age or older who resides in the home or is a paramour of the child's parent and has knowledge or reason to believe the child is endangered and fails to make a report. This offense will be a misdemeanor of the first degree.
 - A person who intentionally or knowingly acts to prevent the discovery by law enforcement or children and youth services of

an abused or neglected child in order to protect or insulate any person or entity from prosecution or liability. This offense will be a felony of the third degree.

- Add children to the list of individuals who are in the protected class pursuant to Title 18, Section 2702, that includes police officers, teachers, children and youth workers, etc. Increase the penalties for aggravated assault and simple committed against children.

Additional Recommendations:

Multidisciplinary Investigative Team/Children's Advocacy Centers

- Pennsylvania Commission on Crime and Delinquency to:
 - Conduct an analysis of the current functioning of Multidisciplinary Investigative Teams
 - Conduct an analysis of the existing number, models, capacities, funding source and service areas of existing Children's Advocacy Centers
 - Develop a plan containing specific recommendations for the location of new Children's Advocacy Centers through the Criminal Justice Advisory Boards
- Governor and General Assembly should statutorily establish a dedicated funding source to develop and sustain Children's Advocacy Centers

ChildLine

- Permit the electronic transmission of child and general protective services reports to county children and youth agencies
- Explore hiring part-time ChildLine caseworkers to assist in weekend coverage

Staff Qualifications and Training

- Review and analysis of effective practices in hiring and retaining qualified staff persons
- Ensure appropriate training availability to develop and enhance worker skill levels
- Enhance the ancillary support and supervision of workers
- Review and update Civil Service requirements to enable counties to recruit qualified applicants

Statewide Child Abuse Number

- In lieu of the current ChildLine 1-800 number, obtain a 3 digit number such as 611 from the FCC for ease in reporting child abuse statewide

Strengthen Professional Educator Discipline Act

- Amend the Professional Educator Discipline Act to expand reporting requirements where allegations of misconduct, including sexual

misconduct, have been made. Also ban school entities from entering into confidentiality agreements with educators accused of misconduct.

Recommendation to Pennsylvania Commission on Sentencing

- Examine the federal sentencing guidelines to adopt a similar sentencing structure for child pornography (*Sexual Abuse of Children*) to take into account the following: the number of images, videos versus images, the age of the child, if the child was forced to engage in bestiality or bondage. The Task Force has concluded that the possession of such materials leads to the exploitation of children on many levels and children deserve to be protected under the law similar to protections afforded to other entities.