



THE FIELD CENTER for Children's Policy, Practice & Research

The Field Center hopes that the tragic alleged victimization of boys at the hands of a trusted Penn State coach will offer an opportunity to shine a light on existing flaws in Pennsylvania's child abuse reporting laws and process and result in needed change. While many have offered potential modifications and remedies, we are concerned about some of the unintended consequences of initiatives that on the surface may appear helpful.

The Field Center's Recommendations for Reform

1. We do not recommend expanding the class of persons mandated to report child abuse to include all adults. Research shows that reports from professionals are substantiated at nearly twice the rate of reports made by the general public. This takes resources away from the potentially more serious cases. Research also shows that professionals themselves don't always report. Encouraging better training for those who come in contact with children on a professional basis is the best "investment."
2. The Pennsylvania child abuse reporting statute is seriously flawed. Currently, the definition of perpetrator is unclear and open to interpretation. For example, there is serious debate about whether Jerry Sandusky even qualifies as a perpetrator under the current statute (the statute is intended to be limited to acts committed by a family member or someone in a caretaking role of the child). This needs to be clarified.
3. Pennsylvania's statute requires a professional who works in an institution to report suspected abuse to his or her superiors; it is then only the duty of the institution, not the professional, to report to the hotline. It further states that only one report needs to be made by the institution. We are concerned that this not only prevents the most accurate information from being conveyed, but that it dilutes responsibility. The person with first-hand knowledge and the administrator of the institution must *both* be required to report suspected child

abuse to ChildLine. We would also encourage anyone with knowledge to report, without limiting or discouraging multiple reports on the same case or incident.

4. Currently, in order to investigate or substantiate child abuse, the perpetrator must be identified. If investigators do not know who committed the abuse, even if there is a medical diagnosis of child abuse, the report cannot be substantiated. This is a serious problem.

5. The statutory definition of abuse creates a “bar” so high that it often prevents the substantiation of serious physical abuse. The statute requires the child to experience severe pain, a subjective and, frankly, inappropriate measurement.

6. The statutory requirement that the perpetrator’s actions be “non-accidental” has caused immense confusion. Many interpret it to mean that the perpetrator must show intent to harm in order to substantiate a report of child abuse. This inability to substantiate abuse leaves children in danger of being abused again. The definition of “non-accidental” must be clarified to exclude this interpretation.

7. We encourage clear language, which makes the statute easy for potential reporters of suspected abuse to understand and reduces the likelihood of different interpretations of the law by different county agencies.

8. Currently, the statewide child abuse hotline, ChildLine, “drops” or doesn’t respond to almost 9% of the calls it receives. This must be addressed before any efforts are made to increase its workload.

9. We are concerned about efforts that will increase reports of child abuse without increasing the capacity to investigate them. If we overload the system at the front end, the current system cannot support investigating an influx of new reports. Furthermore, if these additional reports are substantiated, even more resources will be needed to provide services to these families.

10. Pennsylvania has one of the lowest substantiation rates of child abuse reports in the nation. This clearly needs to be examined.

11. With the outcry for punishment and making failure to report a felony, we truly question whether that will result in additional reports of child abuse. Currently,

anyone who suspects that a child is being abused or neglected has the option to voluntarily report. We encourage the moral imperative for every citizen to protect those who are vulnerable.

12. We advocate for the creation of a statewide Office of the Child Advocate or Ombudsperson who can have access to all records and conduct truly independent investigations of cases with tragic outcomes.

13. The law does not adequately handle cases of abuse that cross state lines. If the child, the perpetrator, and the abuse are not *all* located within the same state, often times no state will even accept the report, let alone begin an investigation; the case can fall through the cracks, leaving the child subject to further abuse. We recommend that each state have jurisdiction to investigate and take any appropriate action when the child, the perpetrator, *or* the abuse is located in that state, regardless of what is located in another state.

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