



## 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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### **Mandatory reporting decision-making, including what is meant by “immediately,” gets play in Moulton report**

On Monday, Special Deputy Attorney General H. Geoffrey Moulton, Jr. who was appointed by PA Attorney General Kathleen Kane to review the investigation of Gerald Sandusky, released a nearly [400 page report](#).

It will take some time to fully digest the report ([Report to the Attorney General on the Investigation of Gerald Sandusky](#)) and today's politically charged give-and-take high profile press conference.

One matter tackled head on in the Moulton report is mandatory reporting of suspected child abuse. Specifically the report delves into whether the Keystone Central School District met its legal obligations to report suspected child abuse in 2008.

First a bit of history related to the disclosure of a Sandusky victim (known as A.F.) to the

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### **Mandated reporters touted as “critical component” to protecting PA kids**

The Moulton report to Attorney General Kane addresses the fact that “mandated reporters, including school teachers, administrators and

other employees, are a critical component of the Commonwealth's efforts to protect children and prevent and investigate child abuse."

In the absence of these reporters being "properly trained," today's report cites "substantial risk that they may not respond appropriately to allegations of such abuse."

The report then addresses the enactment of Act 126 in 2012 requiring that schools entities (and their contractors) ensure that employees have three hours of training on child abuse recognition and reporting every five years. The report echoes the pitch of advocates that mandated reporters, including school employees, "not question the child's veracity or discourage a report in any way." It also emphasizes that any "further investigation should be left to professionals trained to

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### OAG may use Sandusky case to "consider developing and offering training for mandated reporters"

Included in the Moulton report was a number of recommendations, including that the Office of the Attorney General (OAG) "should consider developing and offering training for mandated reporters."

Among the points of training and education the OAG would want to convey is for mandated reporters to "contact law enforcement as well as ChildLine in appropriate cases."

First a reflection back on a 2012 [Attorney General candidate questionnaire](#) prepared by the Center for Children's Justice (formerly the Protect Our Children Committee). In that questionnaire, C4CJ asked then candidate Kathleen Kane and her opponent Cumberland County District Attorney Dave Freed to "identify the top three strategies that the abuse" and the role of the OAG in these strategies.

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### Before Sandusky case reaches OAG in 2009, the local investigation isn't coordinated and Sandusky interview becomes a "missed opportunity"

Moulton's report cited the "textbook" nature of the Clinton County CYS investigation in response to A.F.'s allegations of sexual abuse.

A family friend of A.F.'s family, who also worked at Clinton County CYS, "received the mother's informal report" and then "passed the information on to the CYS director. The CYS worker then picked up A.F.'s mother and A.F. "and brought them to the CYS office." A caseworker then interviewed A.F. "with skill and compassion." The CYS worker then relayed the report to ChildLine and notified the PA State Police the following day. CYS conducted an "appropriate investigation, which included notifying and interviewing Sandusky" before finding A.F.s allegations should be "indicated" as abuse.

Today's report and Moulton's words of praise for CYS come alongside critique about how "the level of coordination" between CYS and law enforcement – the PSP and Clinton County District Attorney – were "not ideal."

Moulton reinforces that it isn't recent state law, but instead a 1999 law that requires that

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### The 1998 investigation seen as playing a role in the decision to convene a Grand Jury

Attorney General Kathleen Kane opened her press conference Monday to release the Sandusky investigation analysis report saying she was motivated to hire Moulton because the people of PA were "upset and bewildered" always asking her, "Why did it take so long, what took so long?"

Central to addressing those questions was the decision to empanel a Grand Jury investigation versus pursue a traditional police investigation.

First a reminder that A.F. made his disclosure of abuse in November 2008. The Clinton County DA sometime in 2009 opts to send the case to Centre County's District Attorney. Then in March 2009, citing a conflict of interest, that DA referred the case to the OAG. Once inside the OAG, the line prosecutor submitted a "draft presentment" to her supervisors in March 2010 "and then spent months trying to get an answer as to whether she could go

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### OAG's radar (and advocacy) may be directed to timing of expunction of unfounded child abuse reports

Moulton cites the legislative changes made in response to the 2012 report of the Task Force on Child Protection. He recommends that the OAG "review the legislative changes" and then "consider whether further legislative changes are warranted."

One recommendation made by the Task Force, but not agreed to by the General Assembly is linked to eliminating the "expungement process." This relates to how long and what types of reports and records would be maintained in a statewide database (or what is now known as the statewide registry). Current law requires that information related to a report of suspected child abuse that is not substantiated as child abuse be "expunged" from the statewide registry "as soon as possible, but no later than 120 days after the one-year period following the date the report was received by the department.

Senate bill 24 now known as [Act 29 of 2014](#) provided some amendment to the Child Protective Services Law (CPSL) to include that "The expunction shall be mandated and

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### Presbyterian Church in America adopts Overture on Child Protection

Last week the [42<sup>nd</sup> General Assembly \(GA\) of the Presbyterian Church in America \(PCA\)](#) was convened. Presented to the GA were Overtures, which are "the request of a presbytery" for the GA to take action on a particular subject. Before the GA can consider an overture, it has to have been presented to and approved by a presbytery. The PCA currently has [80 presbyteries](#).

At this year's GA, there were [52 Overtures](#) presented, including Overture 6 – "Child Protection in the PCA." Another 22 Overtures, including from the Philadelphia Presbytery and Eastern Pennsylvania Presbytery, affirmed the intent of Overture 6.

It was earlier this year that the Georgia Foothills Presbytery adopted Overture 6 making its call to action about the "epidemic of child sexual abuse" eligible for adoption by the

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### PA mandatory child abuse reporting trends

Earlier this month, Pennsylvania released its [2013 Annual Child Abuse Report](#) revealing that the state will retain its national notoriety as a statistical outlier.

Even before comprehensive mandatory reporting changes (e.g., expanding who must legally report and requiring an immediate report to ChildLine vs. reporting up and inside an institution) take effect later this year; the Department of Public Welfare (DPW) used its press release to underscore that the state received "more reports of suspected child abuse in 2013 than any other year on record." 280 additional reports (over 2012) were received in 2013.

Half of Pennsylvania's 67 counties responded to more reports in 2013 when compared to 2012.

A total of 26,944 reports of suspected child abuse were screened-in for investigation by ChildLine in 2013.

Statewide 9.8 per 1,000 children were the subject of a child abuse report in 2013. McKean County recorded the highest rate of children, who were the

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