



Two Perpetrators –Dramatically Different Situations and Women *Cases illustrate complexity of child welfare and the General Assembly's unfinished work on background checks*

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January 19th – This week the Philadelphia Inquirer introduced its readers to a Philadelphia School District teacher navigating the process of trying to remove her name from the ChildLine statewide database maintained by the Pennsylvania Department of Human Services (PA DHS).

The teacher, who has been identified on the ChildLine database as a perpetrator of an indicated report of child abuse, has been informed (begrudgingly) by the school district that she should now expect to be fired.

As provided for in the Child Protective Services Law (CPSL), the teacher had the opportunity to make her case before an administrative law judge (ALJ) as to why she should not remain (indefinitely) on what many refer to as Pennsylvania's child abuse registry.

Inquirer writer Kristen Graham reported that the teacher and a "parade of witnesses" relentlessly told the ALJ that she "is not a child abuser."¹ Graham indicated that the teacher faced a child abuse investigation after an 8-year-old "became unmoored" in June. She further exposed the reader to this background on the incident:²

The boy was lying on the floor, blocking anyone from leaving. Reilly repeatedly asked the boy to move, he said; the boy cursed, then told him his aunt would call the police on him. Reilly said if the boy didn't allow his teacher and classmates to pass, Reilly would be forced to physically move him.

¹ Phila. teacher accused of abuse tells judge: 'I didn't do it' written by Kristen Graham published by the Philadelphia Inquirer on January 18, 2017. Retrieved at http://www.philly.com/philly/education/20170118_Phila_teacher_accused_of_abuse_tells_judge__I_didn_t_do_it.html

² Future in the balance, Philadelphia teacher faces abuse charges written by Kristen Graham published by the Philadelphia Inquirer on January 16, 2017. Retrieved at http://www.philly.com/philly/education/20170116_Future_in_the_balance_Phila_teacher_faces_abuse_charges.html

Finally, Reilly did just that, placing his arms under the boy's and sliding him away from the door. The boy kicked Reilly and tried to punch him; he screamed for his mother.

Reilly called Kennedy on his walkie-talkie; the boy seemed to be responding well to her that week. Kennedy came quickly, crouching down on the floor with him.

"I said, 'You don't want to hit Mr. Reilly. We're all here to help you,' " Kennedy remembers. "I wasn't angry with him. I wasn't yelling at him."

The boy banged his head on the floor, and she put her hands underneath to keep him from injuring himself, Kennedy said. Eventually, he got up and willingly walked to her office. Later, he was calm enough to go back to class. But a few hours later, she got a call that an older student had choked the boy after the boy threw a block at the older student, who also had a record of trouble.

As the fate of this teacher remains unsettled, various media outlets are reporting that Sara Packer – the adoptive mother facing criminal charges in the 2016 rape, murder and dismemberment of 14-year-old Grace Packer – is also listed in the ChildLine database.

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Journalist Dan Sheehan wrote a story for The Morning Call in which Sara Packer's attorney acknowledged that Sara was named as a perpetrator by omission in 2010 after a child abuse investigation revealed that Grace had been sexually abused by her adoptive father, David Packer.³

Media reports suggest that Grace was sexually abused by her adoptive father before she was ten years old and that the abuse continued for multiple years.⁴ David Packer spent time in prison for sexually abusing Grace and a foster child.

While dramatically different circumstances underpin the child abuse reports that have resulted in the Philadelphia School District teacher and adoptive mother Sara Packer being identified as perpetrators of indicated reports of child abuse, both invite fuller understanding of what happens after child abuse is investigated.

Additionally, they provide a reminder that current Pennsylvania law, does not ban a person - identified as a perpetrator of an indicated report of child abuse - from working or volunteering directly with children. Caution and liability concerns from the potential employer or volunteer agency are another issue translating into a de facto ban on employment or volunteering.

The Pennsylvania General Assembly acted with urgency to expose many more Pennsylvanians to comprehensive background checks since 2013. That same General Assembly, however, punted on tough questions about what legally should lead to excluding a person – identified as a perpetrator of child abuse – from being employed or volunteering with children and for how long that exclusion should remain in effect.

Understanding the possible outcomes of a child abuse investigation

³ Norco officials say they're cooperating with state inquiry into Sara Packer written by Dan Sheehan published by The Morning Call on January 19, 2017. Retrieved at <http://www.mcall.com/news/breaking/>.

⁴<http://www.wfmz.com/news/lehigh-valley/grace-packer-sexually-abused-for-years-by-adoptive-father-david-packer/263322921>

Abuse against children can lead to investigations governed by civil and criminal statutes.

Some reports of child abuse will be investigated solely by child welfare professionals with outcomes of that investigation linked to a civil statute. Other reports of abuse against a child will be investigated only as a violation of criminal statutes. And then some reports of child abuse will be investigated by both civil and criminal authorities.

With respect to a child abuse investigation that is conducted by a county children and youth agency (CCYA) or the Pennsylvania Department of Human Services (PA DHS), the following outcomes are possible:

1. The report will be founded;
2. The report will be indicated; or
3. The report will be unfounded.

It is important to understand that unfounded is not equivalent to the report being “false” or that abuse did not occur. Instead a variety of factors, including the age and overall vulnerability of a child or quality of the investigation, can influence the outcome of an investigation.

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The *substantial evidence* standard is intended to establish a different (and lower) evidentiary standard for child abuse investigations undertaken by child welfare professionals governed by a civil statute as compared to the criminal *beyond a reasonable doubt* standard.

Substantial evidence is defined, within Pennsylvania’s Child Protective Services Law (CPSL), as: “Evidence which outweighs inconsistent evidence and which a reasonable person would accept as adequate to support a conclusion.”

A report is determined to be founded after there has been some “judicial adjudication” involving a finding that the child “has been abused and the adjudication involves the same factual circumstances involved in the allegation of child abuse.” Judicial adjudications resulting in a founded report of child abuse can include:

- A person entering a plea of guilty or nolo contendere to a criminal charge;
- A finding of guilt in criminal court;
- A finding of dependency or delinquency under PA’s judicial code (Title 42);
- Acceptance into an accelerated rehabilitative disposition program where this acceptance “involves the same factual circumstances involved in the allegation of child abuse;
- A consent decree in a juvenile proceeding involving “the same factual circumstances involved in the allegation of child abuse and the terms and conditions of the consent decree include an acknowledgment, admission or finding that a child who is the subject of the report has been abused by the child who is alleged to be delinquent;” or
- A final protection from abuse order when the child who is the subject of the child abuse report “is one of the individuals protected” under the PFA. Also then “only one individual is charged with the abuse” and “only that individual defends against charge” and finally the adjudication “involves the same factual circumstances involved in the allegation of child abuse and the protection from abuse adjudication finds that the child abuse occurred.”

Meanwhile, the CPSL defines an “indicated report” as one where there was an investigation conducted by either PA DHS or a CCYA. Based on the investigation then the agency determined that “substantial evidence of the alleged abuse by a perpetrator exists” based on any of the following:

1. Available medical evidence.
2. The child protective service investigation.
3. An admission of the acts of abuse by the perpetrator.

Beginning in 2015, Pennsylvania’s CPSL required that indicated reports get reviewed before there is “a final determination.” In other words before a person is named as a perpetrator of an indicated report of child abuse and their name entered into the ChildLine statewide database; there must be approval by “the county agency administrator or a designee.” Such reports also require a review by a CCYA solicitor.

Once there has been a final determination that a person is a perpetrator of an indicated report of child abuse then the person is included within the ChildLine statewide database.

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An indicated report differs from a “founded report” in that a person can be placed within the ChildLine statewide database (this is sometimes referred to as the child abuse registry) without any court review or action.

The CPSL requires that PA DHS “indefinitely retain the names” of persons named as a perpetrator of a founded or indicated report. PA DHS requires the date of birth or the social security of the named perpetrator to retain their information in the ChildLine database.

The information in the ChildLine database is the foundation for the child abuse background check required of those individuals who want to work with, foster or adopt children. Such individuals have to produce “a certification from the department as to whether the applicant is named in the statewide database as the alleged perpetrator in a pending child abuse investigation or as the perpetrator of a founded report or an indicated report.”

There is an appeals process by which a person named as a perpetrator of an indicated report of child abuse can seek to have their name removed from the ChildLine statewide database.

Indicated and founded child abuse reports considered during custody proceedings

Being named as a perpetrator of a founded or indicated child abuse report has an impact on whether a person can work or volunteer with children. Being named a perpetrator also can impact child custody decisions.

Woven into the 2012 recommendations from the Task Force on Child Protection was one that the General Assembly amend Pennsylvania’s Domestic Relations Code “regarding factors to consider when awarding custody.”⁵ The Task Force suggested amendment of the CPSL toward ensuring that “judges and masters hearing custody matters are fully apprised of any history of child abuse or neglect involving the family.”⁶

⁵<http://www.childprotection.state.pa.us/Resources/press/2012-11-27%20Child%20Protection%20Report%20FINAL.pdf>

⁶ Ibid.

Act 107 of 2013 followed the lead of the Task Force so that the state's Domestic Relations Code now outlines when and what information is to be shared with the courts during custody proceedings (Title 23, § 5329.1 Consideration of child abuse and involvement with protective services).⁷

Courts are to be informed as to whether any party to the custody proceedings (or a household member of any of the parties) has been "identified as a perpetrator in an indicated or founded report of child abuse." If a person(s) has been identified as a perpetrator then the court is to be informed about the "date and circumstances of the child abuse" as well as the jurisdiction where the child abuse was investigated. Also the court is to be informed about whether or not any of the parties were a recipient of child or general protective services through a county children and youth agency.

The law requires that the Pennsylvania Department of Human Services (DHS) and county children and youth agencies "fully cooperate" so that the court can be assisted "in fulfilling its duties under this section."

Commonwealth Court sorts through interplay between PFA proceedings and appeal process when a person is named as a perpetrator of child abuse

Earlier this month, Commonwealth Court issued an opinion (C.R.-F v. Department of Human Services) related to the interplay between PFA proceedings and the inclusion of a person named as a perpetrator of child abuse within the ChildLine statewide database.⁸

Act 108 of 2013 provided for a comprehensive rewrite of key definitions within Pennsylvania's Child Protective Services Law (CPSL). Among the changes – what serves as the basis of a founded report of child abuse.⁹

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Founded reports of child abuse are those reports that involve some judicial adjudication as the basis of determining a child was abused. Act 108 included that a report of child abuse can be founded if a final protection from abuse (PFA) order has been granted and:

- i. "only one individual is charged with the abuse in the protection from abuse action;
- ii. only that individual defends against the charge;
- iii. the adjudication involves the same factual circumstances involved in the allegation of child abuse; and
- iv. the protection from abuse adjudication finds that the child abuse occurred."¹⁰

This 2013 CPSL revision was intended to codify a 2008 Commonwealth Court decision.¹¹

Meanwhile, the current Commonwealth Court opinion involves a case arising from a 2015 request from the Northampton County Children, Youth and Families (NCCYF) Division to the Pennsylvania Department of Human Services Bureau of Hearings and Appeals (BHA) to stay a child abuse expunction appeal.

⁷ <http://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2013&sessInd=0&act=107>

⁸ http://www.pacourts.us/assets/opinions/Commonwealth/out/2205cd15_1-12-17.pdf#search=%22C.R.-F%22

⁹ <http://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2013&sessInd=0&act=108>

¹⁰ Ibid.

¹¹ Philadelphia County Department of Human Services. Department of Public Welfare, 953 A.2d 860.

In June 2015, NCCYF “filed an indicated report of child abuse” against C.R.-F (Petitioner in the current Commonwealth Court case). The report was indicated and C.R.-F named as a perpetrator of child abuse after the county investigated a report that C.R.-F “slapped or struck her minor child on April 27, 2015, thereby causing bodily injury.”¹²

In June 2015 then C.R.-F’s spouse (the minor child’s other parent) filed a petition for a protection from abuse (PFA) “against Petitioner on behalf of their minor child, based, in part, on the alleged incident that took place on April 27, 2015.”¹³

On June 29, 2015 the court of common pleas entered a temporary PFA and scheduled a hearing for October 5, 2015.

C.R.-F had also appealed the indicated finding of child abuse (and her subsequent inclusion as a perpetrator of child abuse within the ChildLine statewide database). BHA scheduled a hearing for October 21, 2015.

Petitioner later filed “an unopposed application for continuance of the PFA hearing, seeking to have the matter continued by agreement of counsel for Petitioner and Petitioner’s spouse until after the decision on the child abuse expunction appeal.”¹⁴ The continuance was granted delaying the PFA hearing until December 2, 2015.

That continuance in the PFA matter led NCCYF to file a motion with BHA “to stay the child abuse expunction appeal.” NCCYF cited that the PFA action “involves the same factual circumstances” as what is the appeal before BHA. NCCYF also noted the change to the CPSL (effective December 18, 2014) “to provide that the granting of a final PFA order in certain circumstances serves as the basis for the filing of a founded report.” If C.R.-F would be determined to be a perpetrator of a founded report of child abuse based on the issuance of a final PFA.

NCCYF stipulated that by allowing the expunction hearing to precede before the final PFA action, “the possibility exists for inconsistent determinations....on the same set of factual circumstances.”

The Commonwealth Court opinion, which was authored by Judge Kevin Brobson, notes that C.R.-F countered that the expunction hearing should be first because the PFA was “based upon the indicated report” and the outcome of the expunction hearing “could warrant dismissal of the PFA action.”

BHA granted NCCYF’s motion for a stay of the expunction hearing. C.R.-F filed a motion for BHA to reconsider the delay, but BHA denied Petitioner’s motion.

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In its January 12th opinion, Commonwealth Court observes that BHA’s “underlying order” to grant a stay may deny the Petitioner the “right to a timely hearing.”

The CPSL requires that once a scheduling order is in place, the BHA proceedings “shall commence within 90 days of the date” of that order unless “all parties have agreed to a continuance.” Timely hearings are

¹²http://www.pacourts.us/assets/opinions/Commonwealth/out/2205cd15_1-12-17.pdf#search=%22C.R.-F%22

¹³ Ibid.

¹⁴ Ibid.

required unless there is a pending criminal, dependency or delinquency proceeding that involves the same factual circumstances as what is being appealed to the BHA.

Petitioner argued that BHA doesn't have the authority to stay the proceeding, because a PFA action is not a criminal, dependency or delinquency proceeding.

BHA acknowledged that a PFA action does not constitute grounds "for an automatic stay." Still BHA argued:

"When considering the CPSL as a whole, the furthering of judicial efficiency and not subjecting alleged perpetrators and subject children to the financial and emotional consequences of duplicative evidentiary hearings strongly weigh in favor of treating PFA matters that may form the basis of a founded report like those filed in criminal and dependency matters."

Commonwealth Court agreed with Petitioner that BHA "may have erred in granting the stay, given that the automatic stay provision...is inapplicable and that hearings must take place within 90 days of the date of the scheduling order unless agreed to by the parties." Still the court found that the Petitioner "had not established that the BHA's decision is anything more than a possible error of law."

Petitioner had the burden to show that BHA's order "is manifestly unreasonable or is based upon bad faith, fraud, capricious action, or an abuse of power." Because she did not meet her burden, Commonwealth Court denied reconsideration of BHA's stay of the expunction hearing.

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Judge Patricia McCullough penned a dissenting opinion stating she believed that BHA "lacked the authority to grant" the motion of NCCYF for a stay of the expunction hearing. Citing the limited authority of the BHA, under the CPSL, to grant a stay; McCullough wrote, "There is no dispute that PFA proceedings do not constitute grounds for an automatic stay." She continued, "The CPSL simply does not grant BHA discretion to extend the time period for a hearing unless both parties agree to such an extension."

She said that she would reverse BHA's order granting the stay "and remand BHA to conduct a hearing on Petitioner's child abuse expunction appeal."

Getting to consistency and consensus on what should exclude a person from working or volunteering with children

Act 153 of 2014 (specifically Section 15) directed the Pennsylvania Department of Human Services (PA DHS) to work with the Pennsylvania Department of Education (PDE) and the Pennsylvania Commission on Crime and Delinquency (PCCD) to "conduct a study to analyze and make recommendations on employment bans for those having contact with children in this Commonwealth."

This study was to be directed to key standing committees of the General Assembly (e.g., Senate Aging and Youth and Public Health and Welfare and House Children and Youth and Health) no later than December 31, 2015. The General Assembly expected that the study would result in recommendations on the following:

1. "Changes in permanent and temporary employment bans, which realign and make uniform the provisions of section 111 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, and 23 Pa.C.S. Ch. 63 with regard to employment bans, including the offenses relating to the welfare of a child to be included in any ban.

2. An appeals process.”

PA DHS, PDE and PCCD delivered the report to the Pennsylvania General Assembly in December 2015, but the General Assembly has taken no action on the recommendations.

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In the Executive Summary, the state agencies wrote that the report and recommendations were informed by “diverse” stakeholders, “focused on child safety, the seriousness of the offense, federal funding requirements, and constitutional concerns related to the right to employment or due process.”

The recommendations were framed after consideration of federal statutory requirements (e.g., Child Care Development Block Grant and Title IV-E child welfare provisions) so that Pennsylvania’s next steps do not jeopardize federal funding.

Included below is a chart tracking the report’s recommendations alongside the current employment ban requirements in the CPSL and Public School Code (PSC). Unless otherwise stipulated existing bans in the CPSL and PSC are lifetime bans. There are many nuances to the crimes (e.g., only certain sections or subsections being applied in current law or being recommended going forward) so this chart is intended to provide general (versus airtight legal) analysis.

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Offense (as defined in Title 18)	Description, grading of offense	Current CPSL	Current PSC	RECOMMENDED Length of Ban (12/28/15 report submitted to the General Assembly as required by Act 153 of 2014)
Founded reports of child abuse or neglect	A report of child abuse or neglect that has been substantiated with the person named as a perpetrator of a founded report.	YES 5 years	YES 5 years	10 YEARS
Indicated reports of child abuse or neglect	A report of child abuse or neglect that has been substantiated with the person named as a perpetrator in an indicated report.	NO	NO	5 YEARS
Criminal homicide (Chapter 25)	Murder and voluntary manslaughter are felony offenses. Also, involuntary manslaughter where the victim is “under 12 years of age and is in the care, custody or control of the person who caused the death” is a felony offense.	YES	YES	LIFETIME
Criminal homicide (Chapter 25)	Involuntary manslaughter involving a victim who is 12 years of age or older is a misdemeanor of the 1 st degree.	YES	YES	25 YEARS
Aggravated assault (Chapter 27)	Felony of 1 st or 2 nd degree	YES	YES	LIFETIME
Simple assault (Chapter 27)	Becomes a misdemeanor of the first degree when it is “against a child under 12 years of age by a person 18 years of age or older.”	NO	YES 5 years	25 YEARS
Recklessly endangering another person (Chapter 27)	If a person “recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury” it is a misdemeanor of the 2 nd degree.	NO	NO	25 YEARS (“when the offender is an adult and the

Offense (as defined in Title 18)	Description, grading of offense	Current CPSL	Current PSC	RECOMMENDED Length of Ban (12/28/15 report submitted to the General Assembly as required by Act 153 of 2014)
				victim is a child")
Stalking (Chapter 27)	Initially graded as a misdemeanor of the 1 st degree, but "a second or subsequent offense" where the person "has been previously convicted of a crime of violence involving the same victim, family or household member...." then is graded as a felony of the 3 rd degree.	Become a CJAR subscriber - http://www.c4cj.org/subscribe.php		
Kidnapping (Chapter 29)	Felony offense			
Unlawful restraint (Chapter 29)	Misdemeanor of 1 st degree when a person "knowingly restrains another unlawfully in circumstances exposing him to risk of serious bodily injury; or holds another in a condition of involuntary servitude." The offense is a felony of the 2 nd degree if the victim is under 18 years of age.			
False imprisonment (Chapter 29)	Misdemeanor of the 2 nd degree if a person "knowingly restrains another unlawfully so as to interfere substantially with his liberty."			
False imprisonment (Chapter 29)	False imprisonment where the victim is under 18 years of age is a felony offense			
Interference with custody of children (Chapter 29) - felony	It is a felony offense when a person "knowingly or recklessly takes or entices any child under the age of 18 years from the custody of its parents, guardian or other lawful custodian, when he has not privilege to do so." There are some permitted "defenses" (e.g., "the actor believed that his action was necessary to preserve the child from danger to its welfare....")			
Interference with custody of children (Chapter 29) - misdemeanor	The offense is a misdemeanor of the 2 nd degree if the actor "acted with good cause for a period of time not in excess of 24 hours" and the victim child was the subject of a "valid order of custody" and the actor has been given "either partial custody or visitation rights" and the child was not removed from the Commonwealth of PA.			
Concealment of whereabouts of a child Section 2909)	Felony offense when a person removes a "child from the child's known place of residence with the intent to conceal the child's whereabouts from the child's parent or guardian, unless concealment is authorized by court order or is a reasonable response to domestic violence or child abuse."			
Luring a child into a motor vehicle or structure (Section 2910)	When the offense involves a child under the age of 13 it is a felony of the 2 nd degree, otherwise it is a misdemeanor of the 1 st degree.			
Trafficking in individuals - Chapter 3011(b)	Involves the trafficking of minors with trafficking being where the person "(1) recruits, entices, solicits, harbors, transports, provides, obtains or maintains an individual if the			

Offense (as defined in Title 18)	Description, grading of offense	Current CPSL	Current PSC	RECOMMENDED Length of Ban <i>(12/28/15 report submitted to the General Assembly as required by Act 153 of 2014)</i>
	person knows or recklessly disregards that the individual will be subject to involuntary servitude; or (2) knowingly benefits financially or receives anything of value from any act that facilitates any activity described in paragraph (1)."			
Rape (Section 3121)	"When the person engages in sexual intercourse with a complainant: (1) By forcible compulsion. (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution. (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring. (4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance. (5) Who suffers from a mental disability"			
Statutory sexual assault (Section 3122.1)	2 nd degree felony when a person "engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either: (1) four years older but less than eight years older than the complainant; or (2) eight years older but less than 11 years older than the complainant." Felony of the 1 st degree when the person "engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other."			
Involuntary deviate sexual intercourse (section 3123)	A felony offense resulting from when a person "engages in deviate sexual intercourse with a complainant: (1) by forcible compulsion; (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring; (4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;			

Offense (as defined in Title 18)	Description, grading of offense	Current CPSL	Current PSC	RECOMMENDED Length of Ban <i>(12/28/15 report submitted to the General Assembly as required by Act 153 of 2014)</i>
	(5) who suffers from a mental disability which renders him or her incapable of consent; or (6) (Deleted by amendment). (7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other."			
Sexual assault (Section 3124.1)	"Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent."			
Institutional sexual assault (Section 3124.2)	"A person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident." This is applicable to adults and minors. Also, "a person who is a volunteer or an employee or any other person who has direct contact" with a child/student at a school or child-care (broadly defined) "commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact" with the student or child.			
Sexual assault by sports official/volunteer or employee of nonprofit organization (Section 3124.3)	Applies to "a person who serves as a sports official in a sports program of a nonprofit association or a for-profit association" or "a volunteer or an employee of a nonprofit association having direct contact with a child under 18 years of age who participates in a program or activity of the nonprofit association" where such persons then "engages in sexual intercourse, deviate sexual intercourse or indecent contact with a child."			
Aggravated indecent assault (Section 3125)	When a person "engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if: (1) the person does so without the complainant's consent;			

Offense (as defined in Title 18)	Description, grading of offense	Current CPSL	Current PSC	RECOMMENDED Length of Ban <i>(12/28/15 report submitted to the General Assembly as required by Act 153 of 2014)</i>
	<p>(2) the person does so by forcible compulsion; (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (4) the complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring; (5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (6) the complainant suffers from a mental disability which renders him or her incapable of consent; (7) the complainant is less than 13 years of age; or (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other." Graded as a felony offense.</p>			
Indecent assault (Section 3126)	<p>Can be graded as a misdemeanor or felony offense.</p> <p>The offense involves a person having "indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and:</p> <p>(1) the person does so without the complainant's consent; (2) the person does so by forcible compulsion; (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (4) the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring; (5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (6) the complainant suffers from a mental disability which renders the complainant incapable of consent; (7) the complainant is less than 13 years of age; or (8) the complainant is less than 16 years of age and the person is four or more years older than</p>			

Offense (as defined in Title 18)	Description, grading of offense	Current CPSL	Current PSC	RECOMMENDED Length of Ban <i>(12/28/15 report submitted to the General Assembly as required by Act 153 of 2014)</i>
	the complainant and the complainant and the person are not married to each other.”			
Indecent Exposure (Section 3127)	“A person commits indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm.” Graded as a misdemeanor of the 1 st or 2 nd degree with the higher grading linked to the exposure occurring where children under 16 years of age are present.			
Sexual intercourse with animal (Section 3129)	“A person who engages in any form of sexual intercourse with an animal commits a misdemeanor of the second degree.”			
Unlawful dissemination of intimate image (Section 3131)	When the offense is graded as a misdemeanor of the 1 st degree, because the offense involved a minor. “A person commits the offense of unlawful dissemination of intimate image if, with intent to harass, annoy or alarm a current or former sexual or intimate partner, the person disseminates a visual depiction of the current or former sexual or intimate partner in a state of nudity or engaged in sexual conduct.”			
Arson (Section 3301)	Arson involves a person “intentionally” starting a fire or causing “an explosion, or if he aids, counsels, pays or agrees to pay another to cause a fire or explosion, whether on his own property or on that of another.” The ban applies to where the crime of arson is graded as a felony offense.			
Burglary (Section 3502)				
Robbery (Section 3701)	“A person is guilty of robbery if, in the course of committing a theft, he: (i) inflicts serious bodily injury upon another; (ii) threatens another with or intentionally puts him in fear of immediate serious bodily injury; (iii) commits or threatens immediately to commit any felony of the first or second degree; (iv) inflicts bodily injury upon another or threatens another with or intentionally puts him in fear of immediate bodily injury; (v) physically takes or removes property from the person of another by force however slight; or (vi) takes or removes the money of a financial institution without the permission of the financial institution by making a demand of an employee of the financial institution orally or in writing with the intent to deprive the financial institution thereof.” Robbery is a felony offense.			
Incest (Section 4302)	This offense is defined as when a “person knowingly marries or cohabits or has sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood.”			

Offense (as defined in Title 18)	Description, grading of offense	Current CPSL	Current PSC	RECOMMENDED Length of Ban <i>(12/28/15 report submitted to the General Assembly as required by Act 153 of 2014)</i>
	The offense is a felony with the grading higher if the offense involves a minor.			
Concealing death of a child (Section 4303)	This is a misdemeanor of the 1 st degree involving a person endeavoring “privately, either alone or by the procurement of others, to conceal the death of his or her child, so that it may not come to light, whether it was born dead or alive or whether it was murdered or not.”			
Endangering the welfare of children (section 4304)	“A parent, guardian or other person supervising the welfare of a child under 18 years of age, or a person that employs or supervises such a person, commits an offense if he knowingly endangers the welfare of the child by violating a duty of care, protection or support.” This also is an offense related to when a person acting in his/her “official capacity, prevents or interferes with the making of a report of suspected child abuse.” The offense is graded as a misdemeanor but can be upgraded to a felony when it involves a “course of conduct.”			
Dealing in infant children (Section 4305)	“A person is guilty of a misdemeanor of the first degree if he deals in humanity, by trading, bartering, buying, selling, or dealing in infant children.”			
Prostitution (Section 5902 b.1)	Applies to “promoting prostitution of minor” whereby a person “knowingly promotes prostitution of a minor,” which is a felony offense.			
Prostitution (Section 5902(a), (b), (d) and (e))				
Obscene and other sexual materials and performances (Section 5903)				
Corruption of minors [Section 6301(a)(1)(ii)]	A felony of the 3 rd degree when a person over the age of 18 “by any course of conduct in violation of Chapter 31 (relating to sexual offenses) corrupts or tends to corrupt the morals of any minor less than 18 years of age, or who aids, abets, entices or encourages any such minor in the commission of an offense under Chapter 31.”			
Sexual abuse of children (Section 6312)	When a person “causes or knowingly permits a child under the age of 18 years to engage in a prohibited sexual act or in the simulation of such act commits an offense if such person knows, has reason to know or intends that such act may be photographed, videotaped, depicted on computer or filmed.” Also when a person “knowingly photographs, videotapes, depicts on computer or films a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such an act.” Also provisions related to dissemination as well as viewing child pornography.			

Offense (as defined in Title 18)	Description, grading of offense	Current CPSL	Current PSC	RECOMMENDED Length of Ban <i>(12/28/15 report submitted to the General Assembly as required by Act 153 of 2014)</i>
Unlawful contact with a minor (Section 6318)	<p>“A person commits an offense if he is intentionally in contact with a minor, or a law enforcement officer acting in the performance of his duties who has assumed the identity of a minor, for the purpose of engaging in an activity prohibited under any of the following, and either the person initiating the contact or the person being contacted is within this Commonwealth:</p> <p>(1) Any of the offenses enumerated in Chapter 31 (relating to sexual offenses).</p> <p>(2) Open lewdness as defined in section 5901 (relating to open lewdness).</p> <p>(3) Prostitution as defined in section 5902 (relating to prostitution and related offenses).</p> <p>(4) Obscene and other sexual materials and performances as defined in section 5903 (relating to obscene and other sexual materials and performances).</p> <p>(5) Sexual abuse of children as defined in section 6312 (relating to sexual abuse of children).</p> <p>(6) Sexual exploitation of children as defined in section 6320 (relating to sexual exploitation of children).”</p>			
Solicitation of minors to traffic drugs (Section 6319)	<p>An adult commits a felony of the second degree if he solicits a person who is less than 18 years of age to engage in a violation of PA’s Controlled Substance, Drug, Device and Cosmetic Act, or “delivers or conspires to deliver a controlled substance to such a person, intending, knowing or having reason to know that the person intends to engage in such a violation with the controlled substance.”</p>			
Sexual exploitation of children (Section 6320)	<p>“A person commits the offense of sexual exploitation of children if he procures for another person a child under 18 years of age for the purpose of sexual exploitation.”</p>			
Felony offense under the Act of April 14, 1972 (P.L. 233, NO 64), known as the Controlled Substance, Drug, Device and Cosmetic Act.				
Controlled Substance, Drug, Device and Cosmetic Act	<p>The provision is related to the “unlawful manufacture of methamphetamine or phencyclidine or their salts, isomers and salts of isomers, whenever the existence of such salts, isomers or salts of isomers is possible within the specific chemical designation:</p> <p>(i) in a structure where any child under 18 years of age is present; or</p> <p>(ii) where the manufacturing of methamphetamine or phencyclidine causes any child under 18 years of age to suffer bodily injury.”</p>			

Offense (as defined in Title 18)	<u>Description, grading of offense</u>	Current CPSL	Current PSC	RECOMMENDED Length of Ban <i>(12/28/15 report submitted to the General Assembly as required by Act 153 of 2014)</i>
Catch all felonies of 1st, 2nd, 3rd degree	Those felonies not otherwise enumerated that are “intended to or likely to cause bodily injury, or the victim is a child.”			
Catch all misdemeanors of the 1st degree	Misdemeanors of the 1 st degree not previously enumerated that are crimes that “involve children or offenses involving injury or violence.”			

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