

As many of you are aware, PA Family Support Alliance has been a leader in the fight against child abuse for the past 35 years. Our 3 main services **statewide family support and educational programs, training on child abuse recognition and reporting for mandated reporters of child abuse** and **The Front Porch Project-** training for community members so the citizens of our state feel prepared and confident with ways to intervene when they are uncomfortable in situations where parents may be yelling at a child, calling a child hurtful names, hitting a child or when a child is doing something unsafe serve more than 25,000 individuals each year. PFSA program services respect the role of parents and families; their rights to privacy and choice in parenting styles while maintaining a child's safety and well-being as the priority.

For the purposes of today's hearing we want to focus on our extensive experience listening to and training mandated reporters. For the past 18 years, PFSA has spent the largest amount of face time with the broadest cross section of mandated reporters in this state. In previous hearings and meetings, we have educated members of the general assembly on the many barriers that prevent mandated reporters from reporting—while I won't repeat the long list today- I do want to mention one- the lack of understanding of our state's definition of child abuse. Mandated reporters not only have to know what our Child Protective Services Law says in defining child abuse- they must also be able to apply the definition to the very diverse situations they encounter. To that end the language must be consistent, clear and as simplistic as possible. And so we offer the following suggestions for consideration related to use of language:

The definitions for intentionally and recklessly are stated in the proposed legislation to have the same meaning as in Title 18, the Crimes Code. It is helpful for mandated reporters not to have to search another Title for definitions. These two definitions will replace the term nonaccidental in the definition of child abuse and will have a large impact in determining what abuse is and what abuse is not. We recommend including the definitions within the CPSL.

Replacing non accidental with intentionally and recklessly appears to strengthen the Child Protective Services Law by using terms that have already been well defined and very well tested over an extensive period of time. The challenge lies in applying these terms to distinguish abuse from discipline. PFSA does not and will not support the use of physical discipline but recognizes that the Commonwealth allows parents to choose how to discipline their child. The language in the reasonable force sections seems to help create understanding that physical force in the name of discipline requires moderation and control.

The per se definitions that speak to actions upon a child help to clarify what is reasonable in terms of discipline. The language helps to make clear that actions such as kicking, burning and biting are not acceptable as discipline. A second language change we recommend is changing the word “slapping” on page 3 line 46 to “striking”.

“Slap” implies hitting with an open hand or with the back of the hand. “Strike” would encompass slap as well as punch, hit and smack.

The addition of institutional sexual assault to PA’s definition of sexual abuse strengthens the Commonwealth’s ability to protect children, especially teens, from school employees and school volunteers who sexually exploit students.

PFSA supports the striking of the language that exempts school personnel from the definition of person responsible for a child’s welfare. Holding school personnel to a different standard than to which we hold parents does little to protect children. We assume future legislation will strike the student abuse section from the Child Protective Services Law thereby creating a single reporting process for mandated reporters. In 2012, over 60 education professionals had their licenses taken action upon because of sexual misconduct with children. In contrast there were only 42 suspected cases of student abuse. Student abuse is underreported and under investigated. Just last week PFSA staff met with staff from the Professional Standards and Practices Commission. Currently, they are reviewing more than 200 cases for disciplinary action with the vast majority involving school employees who engaged in inappropriate relationships with students. This is an area we should be paying close attention to and we could not be more supportive of this proposed change. We need to ensure that educators who abuse their students not only lose their certification and ability to work in education, we also must make sure they are not employed in other settings where they would have contact with children. This can only be addressed by ensuring those cases are investigated by

children and youth services and the perpetrators names entered into the central registry.

PFSA recognizes that juvenile sexual offenders are not younger versions of adult sexual offenders. Although the recidivism rate of juvenile offenders is lower than that of adult offenders, PFSA does have concerns about removing juvenile offenders from the central registry when they turn 21 if there are no other offenses. Most of the juvenile perpetrators in the central registry have committed sexual abuse. Victims of sexual abuse typically do not disclose their abuse right away. In fact some don't disclose for decades. Therefore, no additional reports from the time of the first substantiated report to age 21 of the perpetrator is not a strong indicator that the juvenile is not likely to reoffend. Furthermore, the Task Force was clear in their view that not having access to records hinders the ability of our child welfare system to protect children and we concur.

As you move forward please keep in mind that as each month passes thousands of additional mandated reporters have been trained. They are being trained on what will soon be an outdated law and so it is imperative that balance is found between making our child protective services law the strongest it can possibly be for the protection of our children and doing so with swiftness. We appreciate the care that this committee has taken in order to "get it right" for PA's kids, but we do ask that that the amendments to the CPSL be passed as soon as possible and of equal importance- that they be treated as a complete package in order to minimize confusion for mandated reporters and make the best use of resources for those who provide quality training.