



New Child Abuse Reporting Laws: Big Changes for PA Churches

September 15, 2014 Third in a series

You may have seen reports over the past few months about changes in PA's Child Abuse reporting laws. As of September 1, 2014, more than 20 pieces of legislation have been signed by Governor Corbett related to protecting children from abuse. The legislation significantly expands the universe of people considered "mandated reporters" and increases penalties for failure to report suspected abuse.

Many of these changes stem from recommendations of the 2012 Pennsylvania Task Force on Child Protection, which was formed in the wake of the Penn State Sandusky case. Most of the changes are effective 12/31/14. **It is important that church leaders upgrade policies, training and procedures prior to the effective date(s) of this legislation.**

It is beyond the scope of a brief article to describe all of the changes impacting churches and other organizations involved with children. In addition, one more piece of legislation – PA HB 435 – is pending in a Senate committee. However, we have highlighted below a few of what we believe are significant changes for churches that require attention.

Volunteers caring for children in church settings in any regularly scheduled program or activity become mandated reporters 12/31/14. Those supervising volunteers also become mandated reporters. Mandated reporters have a higher degree of responsibility, as well as liability, for failure to report.

- Mandated reporters will no longer be permitted to report "up" (as to a clergy person or supervisor, who then makes the report) but will be required to first report "out" to Child Line. The obligation to report remains "immediate" when abuse is suspected. The volunteer, as mandated reporter, is also required to file a follow-up report with the local CPS agency; and the volunteer, as mandated reporter, will receive the classification of the final determination of any CPS investigation directly from DPW.

This is a significant change for most churches and will require not only policy revision but training for volunteers that goes beyond what many churches typically offer. It will also require a degree of administrative tracking that many smaller churches are not accustomed to doing. This is crucial because of the next change we highlight below:

The category of persons that can be considered "perpetrators" of abuse for failure to act has been expanded; it now includes volunteers caring for children.

- A volunteer could be charged as a “perpetrator” for failing to protect a child, including a failure to report suspected or disclosed abuse. If such a charge is substantiated, the volunteer could be listed as a perpetrator on the PA Child Abuse Registry, which could have far ranging implications around employment or volunteer work with children.
- In addition, even if charges are not brought as above, the penalties for failure to report suspected abuse have increased significantly.

Child Abuse has been redefined

The definitions of what constitutes abuse have changed. In addition, there is now a list of “per se” acts that constitute abuse.

Screening and Clearance for Mandated Reporters

HB 435, which specifies the type of screening and clearances mandated reporters are required to get, is still pending and we do not know if it will finally be passed and signed during the brief legislative session prior to adjournment for the November elections; however, it currently carries an effective date of 60 days from date of passage.

We have come across churches using screening services that do NOT meet the *current* requirements for employees that have contact with children which are:

Pennsylvania Child Abuse History Clearances (CY113) \$10.00

Pennsylvania Criminal Record Checks (SP4-164) \$10.00

Federal Bureau of Investigations (FBI) Criminal Background Fingerprint Checks \$27.50

Congregations participating in our Safe Church program are currently using these three clearance for employees, and the first two for volunteers. HB 435 includes the first two clearances as the new legal standard for volunteers as well. In addition, it adds the FBI Fingerprint check for volunteers that have not lived in PA for the past 10 years. It also requires everyone to get new clearance every 24 months. Clearly, this will impact budgets in churches that are not using these standards.

Unfortunately, we find many churches are led to believe that a “national search” of criminal reports, or review of Megan’s Law website, is sufficient – even for employees. We have seen numerous low-cost screening services that are inadequate to meet current legal standards for employees, nor do they screen out someone who may be an indicated “perpetrator” on the Child Abuse Registry. For example, **indicated perpetrators of very young victims often are not moved into the criminal justice system due to the difficulties of court testimony for a very young child; therefore, they would not show up on a “Megan’s Law” or “criminal background” search.**

What to do?



More than 25 Lancaster-Lebanon-York congregations that have completed our Safe Church program received updates to their policies, as well as training, at a workshop earlier this month. These congregations are in a good position to adapt relatively quickly to these changes, as they already have comprehensive policies, screening, and best practices in place for protecting children.

If your church is in the Lancaster-Lebanon area and you would like to be part of our next group (Cluster) of churches in the program, you can join the Cluster starting in February 2015 but you must enroll quickly, as space is limited to 10 churches. <http://scclanc.org/clergy-congregation-care/safe-church/join-the-next-safe-church-cluster>

You can also learn how to facilitate Safe Church in your own congregation or for a group of churches in your community or judicatory in our 3 day facilitator training program. These trainings must be sponsored and hosted by a community organization or a judicatory. <http://scclanc.org/clergy-congregation-care/safe-church/safe-church-facilitator-training>

We also offer stand-alone workshops at churches upon request to cover the new changes to the law; the minimum amount of time required is 2.5 hours. These will not include upgrades to policy.

Remember! Even the best policy and training does NOT create a “Safe Church” for children! That is why Samaritan’s Safe Church program is designed to shift the culture of a congregation over a one year period so that all adults become proactive about protecting children from sexual harm – not only in church but in the community. In addition to providing best practice policies and faith-integrated training– which is necessary but not sufficient – our program helps congregations develop the three core aspects of what it means to truly be a “safe church”:

- 1) Integrate child sexual abuse prevention and response practices in congregations as a core theological commitment and community covenant
- 2) Educate and empower parents, children and other congregants to prevent sexual abuse in the broader context of a child’s “safe world” of school/scouts/sports, etc.
- 3) Lift up and empower adult survivors in congregations to become leaders in creating resources for their faith communities.

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9-25-14