

House Children and Youth Committee
February 26, 2013
Mandatory Reporting – House Bills 429, 430, 431, 432 and 436
Testimony of
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Good afternoon, my name is Joan Benso and I am the president and CEO of Pennsylvania Partnerships for Children (PPC). PPC is a statewide, independent, non-partisan child advocacy organization that uses research and data as the foundation for its public policy work. For more than 20 years, PPC's vision has been simple: make Pennsylvania one of the top 10 states in the nation to be a child and to raise a child. We currently rank 14th. I'd like to thank Chairwomen Watson and Bishop for the opportunity to present testimony today on enhancing the commonwealth's policy for the mandatory reporting of child abuse and encompassing important recommendations made by the Task Force on Child Protection. We applaud the House Children and Youth Committee for taking up these critical issues in a careful, deliberative manner.

PPC began our work in child welfare five years ago and launched the Porch Light Project initiative to spearhead public policy reforms that ensure all children grow up in families where their needs for safety, permanency and well-being are met. The Porch Light Project is guided by a leadership council that includes a diverse group of state and national experts, legal and judicial officials, seven county children and youth directors and/or human services directors, former foster youth, parents and state legislators from all four caucuses.

PPC's work in child welfare is supported by a number of private foundations and donors but we have a special partnership with Casey Family Programs (CFP) - the largest national operating foundation whose sole mission is to provide, improve and ultimately prevent the need for foster care. CFP is a valuable resource for information, research and best practices that help advise our statewide efforts to improve child welfare policy. CFP also provides support and technical assistance in Pennsylvania to the Department of Public Welfare's Office of Children, Youth and Families (OCYF), the Administrative Office of Pennsylvania Courts, Office of Children and Families in the Courts, and the child welfare divisions in Allegheny and Philadelphia counties.

Together our work has helped to implement important reforms such as the Children in Foster Care Act, voluntary post adoption contact agreements and, most recently, full implementation of the federal Fostering Connections to Success and Increasing Adoptions Act to help support older youth in foster care – a common-sense, money-saving policy improvement that was enacted last summer as part of the state budget to address the needs of older youth in foster care.

PPC believes enhancing the legal requirements for mandated reporting is an essential step to prevent tragedies like those that precipitated the creation of the Task Force on Child Protection. We firmly believe that the bills you are discussing today and other

child welfare legislation that will come before you in the coming weeks and months will be some of the most important legislation you will consider this spring.

Some urged the task force to consider a universal mandatory reporting requirement. While we all have a moral responsibility to assure children are safe, the evidence from states that have taken a universal reporter approach doesn't indicate that their children are safer. Therefore, we agree with the approach taken by the task force and commend members of the House for offering legislation that carefully weighs the appropriateness of who should be required to be a mandated reporter coupled with legislation that addresses employment protections for those who report; utilizing advanced communications strategies to facilitate reporting; training requirements for mandated reporters; and institutional reporting requirements.

I would like to offer a few comments detailing PPC's position, concerns and recommendations for improvement on each of the bills before you today. Please note that technical concerns related to the bills are included at the end of my testimony for your review and consideration.

House Bill 429 (P.N. 616)

[House Bill 429](#) clarifies that anyone can make a report of child abuse and importantly, provides for protections against employment discrimination for people that make a report in good faith. PPC supports this proposal. Employment protections are critical to ensure that responsible adults don't hesitate to report for fear of retribution by their employer.

House Bill 430 (P.N. 617)

We also support [House Bill 430](#). The bill makes a number of important enhancements to Pennsylvania's current mandated reporting system – all consistent with the recommendations of the task force. First, the legislation incorporates the use of advanced communication technologies, so DPW, county agencies and law enforcement can not only efficiently receive and transmit child abuse reports and information, but also enable those who make reports to do so more effectively. These changes would serve as important steps to modernize ChildLine, which has long been overlooked as a place to make important investments in improved technology.

However, we are uncertain if the language on page 2, lines 21-25 "confirmation of reports" is intended to relieve someone who makes a written, on-line report using advanced communications technology of making an oral report. We feel regardless of the means to collect the written report, the oral report still should occur.

The bill also requires mandated reporters to make reports of suspected child abuse directly to DPW with the appropriate institutional safeguard of also reporting directly to their supervisor. One cannot help but wonder: if Coach McQueary had been required to report to DPW in addition to his supervisor when witnessing actions by Coach Sandusky, how many other children may have been spared abuse in the years that followed? This is an excellent change and we applaud Rep. Watson for its inclusion in her bill.

We are confused by the inclusion of the language on page 5, line 16 that references reporting of suspected child abuse “on behalf of” a mandated reporter. This bill establishes a direct reporting relationship between mandated reporters and DPW. By including the language “on behalf of” it seems to imply that others are authorized to report suspected child abuse on behalf of mandated reporters. PPC believes it is necessary that child abuse is reported directly by the mandated reporters who suspect it.

The bill also appropriately outlines the process for DPW to make referrals to county agencies and law enforcement - the entities responsible for conducting child abuse investigations - and establishing protocols when there is the need for a joint investigation between county officials and law enforcement agencies within a county, or when an investigation involves multiple counties or states.

House Bill 436 (P.N. 818)¹

House Bill 430 and 436 intersect on a very important issue within mandated reporting: the proposed approach to institutional reporting. PPC strongly supports the proposal that is included in [House Bill 436](#) and referenced in House Bill 430 on institutional reporting. This approach was recommended by the task force and we believe it is an appropriate change. Pennsylvania needs a system that is not reliant on supervisors or heads of institutions to make reports of suspected child abuse. The proposed system requires that reporters inform DPW directly and notify the person in charge of the institution (or a designee) of the suspected abuse. Making the report to DPW and to a person in charge at the institution ensures Pennsylvania has direct reporting and removes additional reporting duties from administrators. It also assures those who suspect abuse know that a report has been made.

One area of concern in this legislation, as well as in the task force report, is around confirmation and relieving others in an institution of their duty to report. Proposed Section 6311(i)(5) relieves mandated reporters from reporting an incident of child abuse once the department confirms a report already has been made. How will other mandated reporters in the institution be notified of such relief? There is an absence of any process in House Bill 436 for a mandated reporter within an institution, who suspects the same incident of reported child abuse, to become aware of the department’s confirmation of the initial report. We recommend a process be outlined in statute detailing how confirmation is shared with other mandated reporters within the institution, protecting confidentiality as required by law. If a process cannot clearly be outlined that assures that others who may aid in the substantiation of an allegation of abuse be identified for investigation purposes, we recommend striking this section, and require all mandated reporters with suspicion of the same incident of abuse to individually report. This would also require striking the last sentence of subsection 6311(c) in House Bill 430, which provides similar relief from multiple reports within an

¹ For the purposes of PPC’s testimony, the use of the term “institution” shall include institutions, schools, facilities or agencies.

institution. Multiple reports and referral sources could support a more thorough investigation.

PPC supports the proposed expansion of who would be required to report child abuse in House Bill 436.

PPC notes that the definition of “school” on pages 2 and 3 of House Bill 436, omits cyber charter schools. The task force report also failed to include “cyber charter schools” in its definition of a school. PPC requests the committee fix this oversight when the bill is considered.

House Bill 431 (P.N. 494) and House Bill 432 (P.N. 495)

We are pleased that the task force and members of the General Assembly recognize the importance of not only requiring certain individuals to report child abuse, but the need for these individuals to be trained on child abuse recognition and reporting. We must do more to help people who come into direct contact with children, beyond those in the education field, recognize the signs of child abuse.

[House Bill 431](#) requires that licensing boards with jurisdiction over mandated reporters require at least three hours of approved child abuse recognition and reporting training when applying for a license and proof of such training every five years when renewing a license. [House Bill 432](#) would require similar training requirements for operators and employees of child day care centers and family day care homes to maintain their license or registration. This aligns with the recently enacted requirements advanced for school personnel. While we applaud this expansion, it falls short of including those delineated as mandated reporters in House Bill 436. We would urge the inclusion of all those required to report to be trained so that we don’t inadvertently leave out social services workers who are not licensed social workers, librarians, peace officers or law enforcement officials, etc.

PPC is concerned that House Bill 431 limits mandated reporters to receive their training from an approved “provider” while House Bill 432 requires child care professionals to receive their training from an approved “program.” We recommend the department develop and approve training programs that provide multiple methods for all mandated reporters and citizens to access child abuse recognition and reporting training in a cost-effective way, such as a web-based training module that could also document and track the completion of required training.

Finally, we would like to note that regulations are proposed to implement statute in a number of these bills. We are concerned that the regulatory process can oftentimes take more than two years to complete. The policies detailed in these bills seem appropriate to be implemented via DPW bulletins which also include stakeholder input and can occur much sooner. We would urge the members to balance the valuable open and transparent process of regulations with the importance of implementing these statutory changes as soon as possible to adequately protect children.

Thank you for your consideration of PPC's comments this afternoon. We look forward to working with each of you this spring to advance legislation that will improve Pennsylvania's mandated reporting laws.

Other Technical Recommendations

House Bill 429 (P.N. 616)

We recommend the term "permitted" on page 1, line 13 be changed to read "encouraged" - so the language is consistent with the section heading.

House Bill 430 (P.N. 617)

It appears there is a comma missing on page 3, line 22 in between the words "school" and "facility." Adding this comma makes the language consistent with what is used on line 14 of the same page and refers to "school" and "facility" separately.

We again found discrepancy between the use of "permissive" and "permitted" page 6, lines 1 and 3, and what was proposed in House Bill 429 – that being a change to persons "encouraged" to report child abuse. The language used in both House Bill 429 and 430 should align, since House Bill 430 references the very section House Bill 429 is amending.

House Bill 436 (P.N. 818)

We do not believe that a health care facility or provider, as an entity, can be a mandated reporter as drafted in Section 6311(f) (3) on page 7. The employees of such facilities, however, can and should be mandated reporters. All of the other identified mandated reporters in this section are people – not entities. Therefore, PPC recommends that this paragraph be revised to read as follows:

Employees engaged in the admission, examination, care or treatment of individuals at a health care facility or provider licensed by the Department of Health of the Commonwealth.