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**Testimony SB 20
Angela Liddle
Senate Aging and Youth Committee
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Good morning, my name is Angela Liddle and I am the Executive Director of Pennsylvania Family Support Alliance. I would like to thank Chairman Mensch and Chairwoman Washington for the opportunity to provide testimony today on improving our commonwealth's definition of child abuse.

As many of you are aware, Pennsylvania Family Support Alliance (PFSA) has been a leader in the fight against child abuse for the past 35 years. Our three main services **statewide family support and educational programs, training on recognition and reporting of child abuse for mandated reporters** and **The Front Porch Project**- training for community members so that the citizens of our state feel prepared and confident with ways to intervene when they are uncomfortable in situations where children are being mistreated and not safe- serves 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. Our trainers are child welfare experts with more than 350 collective years of experience, and our training has been developed and evaluated by some of the top experts in the field. 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 point out that our current definition of child abuse has been a road block to getting quality

reports of suspected child abuse to our child welfare system. The definition is cumbersome and lacks clarity, making it extremely difficult for mandated reporters to apply the law to the various situations they encounter with the degree of confidence necessary to adequately fulfill their legal obligation.

Senator Washington's legislation, Senate Bill 20, seeks to make improvements in our state's current child abuse definition. I would like to first comment on the areas of the bill where PFSA believes the legislation brings improvement and then highlight some areas for consideration where we believe the legislation could be strengthened.

PFSA supports:

- Removing the two-year time frame for suspected abuse that results in deaths will aid investigations. Sometimes, the facts surrounding a child's death are not known or understood for an extended period of time.
- Broadening the scope of mental injury to include significantly contributing to a serious mental injury. Serious mental injury is the least substantiated type of abuse. The challenge in substantiating these types of cases results from a psychologist or psychiatrist being able to ascertain that the child's mental health diagnosis was the direct result of the perpetrator's actions. There may be other possible reasons for the child's diagnosis with the perpetrators actions significantly contributing.
- 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 tested. 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 children. 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.

Areas that could be strengthened:

- We would suggest 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. As this language deals with children less than one year of age, PFSA feels it is appropriate to broaden this term.
- We encourage defining bodily injury, intentionally and recklessly within the Child Protective Services Law. It is helpful for mandated reporters not to have to search another Title for definitions. These three words will have a large impact in determining what abuse is and what abuse is not.
- We recommend striking the term “serious bodily injury” from the definition of abuse. Bodily injury is a lower threshold for child abuse than serious bodily injury; therefore, seriously bodily injury is not necessary.

- Removing “intentionally and recklessly” from sexual abuse. If the act is defined as sexual abuse then it is already intentional and reckless. If the act is unintentional and not reckless then it would not be defined as sexual abuse.
- Including institutional sexual assault under the definition of sexual abuse will help to strengthen the Commonwealth’s ability to protect older teens from school employees and school volunteers who sexually exploit students.
- Adding “pursuant to a law enforcement investigation” to the child abuse sections of the definition that concern meth labs, driving under the influence and a felony violation of the Controlled Substance, Drug Device and Cosmetic Act. All three of these types of cases stem from the crimes code and therefore should be pursuant to a criminal investigation.
- Because these three types of cases will involve civil and criminal investigations language should be added so that children and youth services and law enforcement can share information under §6340 (related to release of information in confidential reports) and initiate a joint investigation under §6365 (related to services for prevention, investigation and treatment of child abuse).

As you move forward, please keep in mind that with every month that goes by PFSA is training more mandated reporters. This means more mandated reporters will have received training on what will become the old law. Between now and the end of the year we expect to train an additional 14,000 mandated reporters. This does not include those who are being trained by their own staff who have successfully completed our Train-the-Trainer course. Certainly, we will

update those who have had training about changes impacting mandated reporters. We will do what is necessary to ensure that those who have successfully completed our train-the-trainer course and are in good standing are prepared. While we appreciate the care that this committee has taken in order to “get it right” for PA’s kids, we do ask that that the amendments to the CPSL are passed as soon as possible and are treated as a complete package. This will help us to reduce confusion among mandated reporters.