Ex-Penn State Coach Accused of Child Sex Abuse

Charity chief resigns amid Penn State scandal

Syracuse fires assistant basketball coach

Child-abuse-reporting rules advance in state Legislature

PSU trustees fire Paterno, Spanier

Legislators back bill on child sex abuse crimes

DA: Syracuse Statute of Limitations Has Passed

Legislature to consider changing abuse-reporting laws

Current Penn State crisis eyed by lawmakers in West Virginia

Scandal leaves Paterno's reputation in tatters
Coaches Face New Scrutiny on Sex Abuse

The case of Jerry Sandusky, a former defensive coordinator for Penn State’s football team accused of child sexual abuse, is now working its way through the courts. But it is already having an impact on thousands of other coaches, both volunteer and paid, who find themselves facing new scrutiny from parents, sports organizations and even state legislators.

According to the National Conference of State Legislatures, which tracks such laws, most states spell out exactly which professions must report child abuse, including everyone from teachers to social workers to health care providers. Legislators say the proposed new laws are not meant to cast doubt on innocent coaches, but to close loopholes in states where they are not explicitly named in abuse-reporting laws.
TODAY’S AGENDA

I. Introductions

II. Overview of current reporting statutes

III. 2012 Introduced State and Federal Legislation

IV. State Experiences: Pennsylvania and West Virginia

V. Questions and Answers
TODAY’S PANELISTS

Kelly Crane
NCSL Denver Office

Sheri Steisel
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Senator Dan Foster
West Virginia

Senator Kim Ward
Pennsylvania
Mandatory Reporting of Child Abuse and Neglect

- All states, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands have statutes identifying persons required to report suspected child abuse or neglect.

- Approximately 48 states designate professions whose members are mandated by law to report child maltreatment.

Mandatory Reporting of Child Abuse and Neglect

- In approximately 18 states any person who suspects child abuse or neglect is required to report.

- Mandated reporters are required by most States to make an immediate report when they suspect or know of abusive or neglectful situations.

Mandatory Reporting of Child Abuse and Neglect

- In approximately 9 States, reports of child abuse and neglect are referred to law enforcement agencies.

- In approximately, 47 States and the District of Columbia, penalties are enforced on mandatory reporters who knowingly or willfully fail to make a report when they suspect that a child is being abused or neglected.

Source: Child Welfare Information Gateway
Statutory Provisions of Introduced Bills

As of April 12, 2012, approximately 102 bills in 30 states and D.C. have been introduced

- Adds to list of reporters: 58 bills
  - Higher education staff, administrators, coaches: 31 bills
  - Any person: 10 bills
- Penalties for failure to report: 29 bills
- Report to law enforcement: 15 bills
- Training/education/sex abuse prevention: 14 bills
- Workplace immunity from reporting: 5 bills
- Other: 12 bills
Mandated Reporting Federal Legislation: 2012

- 9 bills introduced in 111th
  - Variety of penalties, mostly in CAPTA
  - Mainly message bills
- Senate hearing in December about child abuse that included mandatory reporting
Looking at Federal Legislation

- How does it effect existing state law and practices?
- Does it preempt state law?
- Does it improve federal policy or inform state policy?
- Are there additional resources or cost-shifts to states?
Examples of Federal Legislation

- **Speak Out to Stop Child Abuse Act, H.R. 3486**
  - Bass (D-CA) & Schilling (R-IL) + 24 additional co-sponsors; mirrors CA law
  - Requires all adults over the age of 18 to report sexual abuse against a child to law enforcement officials or state child protective service agencies. CAPTA penalty.

- **Speak Up to Protect Every Abused Kid Act, S.1877**
  - Casey (D-PA) & Boxer (D-CA)
  - Amends CAPTA definitions and state plan requirements.
What's Next, Federally?

- Current focus is on federal budget and appropriations
- When the Sandusky trial begins…
Pennsylvania

2011 PA SR 250: Establishes an 11 member bicameral, bipartisan Task Force on Child Protection empowered to conduct a comprehensive review to:

(i) ascertain any inadequacies relating to the mandatory reporting of child abuse and 
(ii) restore public confidence in the ability of the Commonwealth to protect the victims of child abuse.

Task Force on Child Protection website: www.childprotection.state.pa.us

Senator Kim Ward
Chair of Aging and Youth Committee
West Virginia

2012 WV SB 161 (Enacted)

- Adds youth camp counselor, employee, coach or volunteer of an entity that provides organized activities for children to the list of persons mandated to report abuse and neglect of children.
- Adds any person over the age of 18 who has actual knowledge of or observes any sexual abuse or sexual assault of a child to the list of mandated reporters who shall immediately report the circumstances to a law-enforcement agency.
- Creates education and training for persons required to report suspected abuse or neglect and for the general public.

Senator Dan Foster
Chair of Pensions Committee
Questions?
Contact NCSL

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NCSL Mandatory Reporting of Child Abuse and Neglect: 2012
Future Webinars

April 27, 2012, 1 pm EDT
Social Media: Social Media Policies for State Legislatures

Many state legislatures are adopting—if not embracing—social media as a communications tool. However, there are many legitimate concerns about legal liabilities about what can and should be said. We'll review the trends, policies and best practices and answer your questions on social media policies.

Friday, May 11, 2012, 1 pm EDT
Becoming an Effective Negotiator

Movement on issues, office work and even household chores can come to a standstill when compromise can’t be reached. Our guest speaker, a former state legislator and nationally recognized expert on communication skills, gives you insight on how to move from “no” to “yes.”