



By Michael Smerconish

November 13, 2011

The Pulse: Scandal cries out for tougher child-abuse reporting law

Among the many things that need to change in the aftermath of the Penn State scandal is Pennsylvania law.

First, the commonwealth needs to require that *any* witness to child abuse must call the police. Second, the statute of limitations for civil claims against child abusers needs to be expanded.

Consider that when Mike McQueary saw a 10-year-old boy being raped in the shower at the campus' Lasch Football Complex, he was under no legal obligation to dial 911 - much less intervene. According to the grand jury report, on March 1, 2002, McQueary saw Jerry Sandusky, a retired Penn State coach, raping a boy believed to be about 10 years of age. The report makes no mention of any intervention.

Instead, the report says the 28-year-old graduate assistant told his father, and the father suggested he tell Joe Paterno, which he did the next day.

Pennsylvania's Child Protective Services Law was put on the books in 1975. The law imposes a child-abuse reporting mandate on any individual who comes into contact with children in the course of his or her work or professional practice - medical professionals, child-care workers, teachers - and has "reasonable cause to suspect" that the minor has been abused. The law requires these "mandatory reporters" to notify a person in charge or a designated agent, not the police.

Arguably, applying the law to McQueary, he discharged his duty when he reported what he'd seen to Paterno, his supervisor, not law enforcement.

"Shouldn't we all be mandatory reporters?" asks Mary C. Pugh, executive director of Montgomery Child Advocacy Project. "Who is expected to take care of abused and neglected children? I think everyone."

She notes that aside from "mandatory reporters" mentioned in the state law, Pennsylvania does not require the report of any crime against a child, however heinous.

"Common decency and the moral conscious dictates that a person try to stop the commission of a vile crime, like the rape of a child, or at the very least a report to authorities," Pugh said. "As a child advocate, I see too many children who have been abused physically and sexually, and many people knew or should have known. . . .

"Sadly, there is still a stigma about sexual abuse where people do not want to get involved - it is too dirty. Everyone needs to take ownership and protect the children who are being harmed by those whom they trust. It is our duty as people."