

ADMINISTRATION OF PENNSYLVANIA'S CHILD ABUSE LAW

Property of
Joint State Government Commission

A Legislative Oversight Evaluation
conducted on behalf of the
SENATE COMMITTEE ON AGING AND YOUTH
and the
HOUSE COMMITTEE ON HEALTH AND WELFARE
by the staff of the
JOINT STATE GOVERNMENT COMMISSION

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JOINT STATE GOVERNMENT COMMISSION
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LETTER OF TRANSMITTAL

January 1979

HONORABLE JOSEPH E. GURZENDA
Chairman, Committee on Aging and Youth
Senate of Pennsylvania

HONORABLE JOSEPH V. ZORD JR.
Chairman, Committee on Health and Welfare
House of Representatives

The staff of the Joint State Government Commission is pleased to present this report of staff findings and evaluations resulting from a comprehensive review of the administration of the Child Protective Services Law at the State and local levels of government.

The study of more than a year's duration was conducted on behalf of your respective committees pursuant to Section 24 of the statute, which sets forth requirements for legislative oversight.

In this report, the staff analyzes the extent and efficiency of the implementation of the statute's major provisions as well as the resulting achievements and difficulties. Moreover, the report provides detailed data to assist the General Assembly in its consideration of proposed changes in the law.

Respectfully submitted,

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Research Director
Joint State Government Commission



PREFACE

Act No. 124 of 1975, the Child Protective Services Law, requires a legislative oversight study of "the manner in which this act has been administered at the State and local level." Section 24 directs the Senate Committee on Aging and Youth and the House Committee on Health and Welfare to exercise oversight for purposes of

- (1) providing information that will aid the General Assembly in its oversight responsibilities;
- (2) enabling the General Assembly to determine whether the programs and services mandated by this act are effectively meeting the goals of this legislation;
- (3) assisting the General Assembly in measuring the costs and benefits of this program and the effects and/or side-effects of mandated program services;
- (4) permitting the General Assembly to determine whether the confidentiality of records mandated by this act is being maintained at the State and local level; and
- (5) providing information that will permit State and local program administrators to be held accountable for the administration of the programs mandated by this act.

In the summer of 1977, the Senate Committee on Aging and Youth through Senator Michael A. O'Pake, then chairman of the committee and prime sponsor of the child abuse statute, requested assistance from the staff of the Joint State Government Commission in conducting the study and invited participation of the House Committee on Health and Welfare, chaired by Representative Anita P. Kelly, and its

subcommittee on Youth and Aging, chaired by Representative William J. McLane. On July 6, 1977, the Senate Committee adopted the following resolution:

RESOLVED, That the Senate Committee on Aging and Youth utilize the staff services of the Joint State Government Commission in conducting a thorough review of the administration of the Commonwealth's Child Protective Services at the State and county levels pursuant to the legislative oversight provisions of Section 24 of Act No. 124 of 1975; that the staff of the Joint State Government Commission have access to all information necessary to exercise the mandated legislative oversight responsibilities; and that the staff of the Joint State Government Commission prepare a report of the committee's findings and recommendations for the information of the members of the General Assembly.

From the outset, both committees assigned staff members to follow the development of the study and participate in formal meetings with individuals involved in implementing the law. Senator Thomas M. Nolan, who served as chairman of the Senate committee during the 1978 Session, maintained his committee's staff involvement.

Considerable cooperation was provided in this study by representatives of the Department of Public Welfare-- particularly the staffs of the Bureau of Child Welfare, ChildLine, the Bureau of Public Education, the Office of Legal Counsel and the four regional child welfare offices-- as well as the staffs of the 67 county child welfare agencies throughout the Commonwealth.

Comprehensive suggestions for amendment of Act No. 124 were submitted by the Departments of Justice and Public Welfare, the Pennsylvania Council of County Child Welfare Administrators, the Pennsylvania Legal Services Center and the Support Center for Child Advocates.

The staff of the Joint State Government Commission recognizes with appreciation the extensive cooperation provided.

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SUMMARY OF FINDINGS

The Statute

1. Act No. 124 of 1975, the Child Protective Services Law, does not apply to a large majority of the children who receive protective services from county children and youth social service agencies throughout the Commonwealth. These children have not been neglected or injured to a sufficient degree to be substantiated as abused under the law. (pages 49-50)
2. While the child abuse program authorized by the statute is a small but integral part of county services to children and youth, the law for the most part treats it as an independent service by requiring separate organization, planning, procedures and annual reporting. This isolated approach has substantially added to the complex, overlapping and sometimes conflicting array of laws and regulations under which social services to children and youth are delivered. (page 55)
3. Although the law encompasses child abuse in institutions, neither the statute nor the regulations provide clear procedures for reporting and investigating institutional abuse and are silent concerning the provision of services. (pages 35-36)
4. A wide variety of revisions to the law have been suggested that would change its scope and requirements. Many of these proposals present conflicting policy alternatives. (pages 81-85)

Reporting and Report Substantiation

5. From the first to the second year of implementation of the law, total reports of suspected child abuse increased 100 percent while reports substantiated as abuse by the county agencies increased nearly 60 percent. (pages 13-14)
6. Of all reports of suspected child abuse received in Pennsylvania in 1977, approximately one-third, or 4,499, were substantiated as abuse under the statute. (page 14)
7. Approximately 70 percent of sample substantiated cases were reported by persons who, because of their professions, are required reporters of suspected child abuse. Nearly 60 percent of these mandated reporters made their initial oral reports to the county children and youth social service agencies, despite the requirement of the law to use the State telephone line. (pages 14-15)
8. The majority of the injuries reported and substantiated under the law are physical injuries. While serious physical neglect was the primary type of injury alleged in approximately one of every four reports received in 1977, it was the basis for about one in every eight substantiated cases of child abuse. Sexual injury was the primary allegation in about 10 percent of all cases reported and substantiated and mental injury in less than 3 percent. (pages 58-59)
9. In sample substantiated cases, the majority of abused children were not injured severely enough to require medical treatment. About one in ten, however, required hospitalization. (page 89)
10. Medical evaluations were not obtained by the county agencies for nearly half of sample substantiated cases of child abuse. A majority of the cases which appear to be least serious (those without medical evaluation and for which no treatment was required) were substantiated on the basis of admission of abuse by the perpetrator. (pages 64-66)
11. Analysis of county-by-county statistics shows that reports of suspected child abuse per 1,000 children tend to increase as nonwhite county population increases

and per capita income decreases. There is little or no significant relationship between tested county demographic and income data and the proportion of reports substantiated as child abuse. (page 19)

12. Statistical analysis also indicates that the number of substantiated child abuse cases per 1,000 children tends to increase with increases in the proportion of reports made initially to the county agency rather than ChildLine and with increases in the amount of county child abuse expenditures per child in the population. Demonstrable program response to changes in the level of spending is unusual in the social welfare field. (pages 19-22)

Investigation

13. In 1977, for less than half of the reports of suspected child abuse, investigations were completed and status determined in 30 days as required by law. Investigations were completed for 85 percent of all reports in 60 days. The remaining reports were expunged according to the law, even though they may not have been investigated. Three-quarters of the over 60-day expunged reports were from one county. (page 57)
14. About one of every four abused children in sample substantiated cases was not seen by the county agency within a week after the report was received and about one in ten was not seen in 29 days. (pages 57, 89)
15. County administrators complain that much staff effort is consumed in investigating reports with frivolous, harassing or highly questionable allegations of abuse. Department of Public Welfare policy does not permit report screening. (page 60)
16. The subjects of many unsubstantiated reports require social services. Referral is complicated by expunction and notification requirements of Act No. 124. (page 61)
17. While intended to preserve confidentiality, strict limitations of the act on information recorded in the central register and on individuals having access cause problems in investigating reports, providing services, monitoring and oversight research. (pages 61-62)

18. Social service specialists and law enforcement officials, while supporting the helping, nonpunitive approach of the statute, have voiced the need for police involvement in the investigation of certain child abuse reports. (pages 62-63)

Services

19. Not every type of protective service mandated by the statute is available in every county. (page 69)
20. Multidisciplinary teams are still in the initial phase of development--less than 20 percent of sample substantiated cases of abuse reported in 1977 received team services. (page 73)
21. Parents who perpetrate child abuse are often in need of services to help them cope with parenting and the stresses of family life. Outside of casework counseling, parenting services are far from fully developed throughout the State and were utilized in only a small percentage of sample cases. (pages 69-70)
22. The children or parents in about one in every four sample substantiated cases received physical health services. Approximately the same number of cases received mental health services. (page 70)
23. Approximately one of every five abused children in sample cases received some type of placement service outside the home, usually foster care. (page 74)
24. While the Department of Public Welfare is required to monitor the provision of protective services and the Legislature to conduct oversight, these efforts are hampered because the law does not authorize data on services to be maintained in the central register of substantiated child abuse cases. (page 87)

Court Proceedings

25. From 1976 to 1977, the number of reports receiving dependency adjudications based on child abuse declined by 35 percent to 137 cases. These statistics do not reflect the number of reports of abuse that were adjudicated as dependent on other grounds. (page 64)

26. No guardian ad litem was appointed for about one-quarter of sample cases for which a court hearing was held. In general, court procedures were utilized only to the degree necessary to dispose of cases short of full due process hearings. (pages 77-78)
27. The definition of dependent child and the custody provisions of the Juvenile Act are in need of review to determine their applicability to all children requiring emergency custody and child protective social services. (pages 78-79)

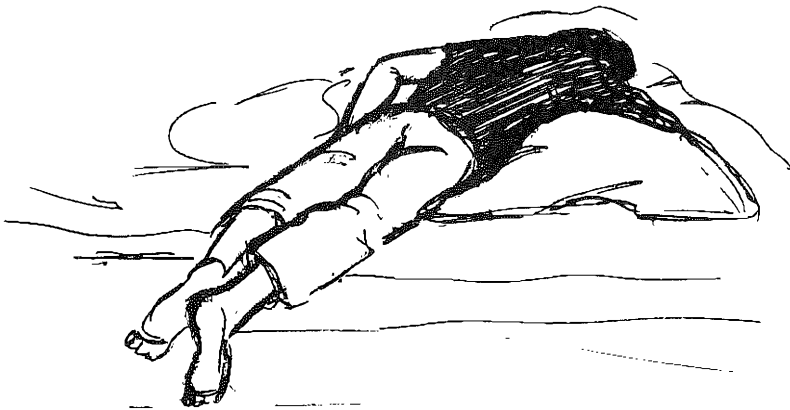
State Administration

28. All major activities assigned to the Department of Public Welfare are being performed. However, program staffing is spread thin in the central and regional offices and is lacking in specialization. (pages 23-27)
29. ChildLine operations--i.e., the State telephone system, pending complaint file of suspected abuse reports and central registry of substantiated reports--were found to be in accordance with the law. (pages 29-30)
30. Although there has been cause to do so, the Department of Public Welfare, as authorized by law, has not withheld funds or instituted any legal action for county failure to perform mandated activities and for other violations of the law. There is no central record of action taken by the department on all complaints of county violation of the law. (pages 32-34)

County Administration

31. All county children and youth social service agencies receive calls and provide emergency services on a 24-hour basis. A majority have no separate protective service units as required by law. Departmental regulations allow this requirement to be waived. (pages 33-34, 48-49)
32. On the average, county casework staffs handling protective services have heavy work loads and relatively high employment turnover rates. There is great need for ongoing staff training. (pages 49-51, 53-54)

33. Child abuse plans for the 1978 calendar year were prepared and certified for all counties, although some were not completed until well after the beginning of the plan year. Beginning with plans for 1979, the department has authorized integration of child abuse plans with those required for all county social services for children and youth. (pages 34-35)



I. INTRODUCTION

THE CHILD PROTECTIVE SERVICES LAW

Purpose and Scope

The Child Protective Services Law states as its purpose in Section 2:

Abused children are in urgent need of an effective child protective service to prevent them from suffering further injury and impairment. It is the purpose of this act to encourage more complete reporting of suspected child abuse and to establish in each county a child protective service capable of investigating such reports swiftly and competently, providing protection for children from further abuse and providing rehabilitative services for children and parents involved so as to ensure the child's well-being and to preserve and stabilize family life wherever appropriate.

The intended recipients of the social, medical, legal and court services mandated by the act are the "abused child," as defined by the statute, and his family, when appropriate.

The legislative history of 1975 Senate Bill 25, which was enacted on November 26, 1975 as Act No. 124, was marked by controversy and compromise. The predecessor of the legislation, 1973 Senate Bill 1166, had been vetoed by the

Governor on December 30, 1974.¹ The difficulties in construing and implementing the statute are largely attributable to the delicate balancing of competing goals, specifically, achieving the widest possible detection and reporting of child abuse while protecting family privacy. The statute contains penalties for violations of the provisions of the act intended to accomplish these dual goals.

The definition of "abused child"--which determines the application of the act--was the subject of much discussion.² Physical and mental injury and physical neglect must be "serious" in nature, and a child cannot be determined abused because he is being furnished treatment by spiritual means or if his injury has resulted from environmental factors beyond the control of his parent or guardian.

At the outset it should be recognized that despite the intended scope of the statute as indicated by its title, "Child Protective Services Law," the act covers only a small percentage of children throughout the State who receive protective services from county child welfare agencies. See Chapter IV, pp. 49-50.

1. In his message accompanying Veto No. 52, Governor Milton J. Shapp stated: "Many of the provisions of this bill are good and should be incorporated into a comprehensive law to protect children from abuse. However, as drafted, the bill has several serious defects which force me to conclude that in the interest of protecting the privacy and integrity of the family, I must withhold my approval."

2. "Abused child" is defined in Section 3 as: "a child under 18 years of age who exhibits evidence of serious physical or mental injury not explained by the available medical history as being accidental, sexual abuse, or serious physical neglect, if the injury, abuse or neglect has been caused by the acts or omissions of the child's parents or by a person responsible for the child's welfare provided, however, no child shall be deemed to be physically or mentally abused for the sole reason he is in good faith being furnished treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof or solely on the grounds of environmental factors which are beyond the control of the person responsible for the child's welfare such as inadequate housing, furnishings, income, clothing and medical care."

Implementing Responsibilities

Public Reporting--The act encourages and facilitates reporting of suspected abuse of children under 18 by the general public and mandates reporting by an enumerated list of "persons who, in the course of their employment, occupation, or practice of their profession come into contact with children," including the medical, educational, legal, law enforcement and social services professions.³ Immunity from any civil or criminal liability is granted for good-faith reporting and confidentiality is assured the reporter.

State Government--Administrative and service responsibilities assigned to the Department of Public Welfare include:

- Providing a statewide child abuse telephone line, pending complaint file of reports under investigation and central register of substantiated cases.
- Monitoring the provision of child protective services, including certifying county child abuse plans and auditing the performance of county agencies.
- Investigating reports of abuse involving employees and agents of county child welfare agencies.
- Providing public education as well as training to county staffs and mandated reporters.
- Submitting an annual report to the General Assembly.
- Promulgating regulations.

In addition to the above, the department administers federal and State funding programs for child protective services.

3. The prior, far less comprehensive child abuse reporting law in Pennsylvania--act of August 14, 1967, P.L. 239, No. 91, as amended--required physicians, school nurses and teachers to report gross physical neglect or intentionally caused serious injury to county child welfare agencies. Any adult was permitted to report. The law did not require a central register or state telephone line.

County Government--Each county child welfare agency--now called children and youth social service agency under departmental regulations--is assigned the following major activities:

- Establishing a child protective service to carry out required service, public education and other program responsibilities.
- Receiving and investigating reports of suspected abuse and substantiating the existence of abuse under the law.
- Planning and providing emergency as well as preventive and rehabilitative services for abused children and their families.
- Initiating court proceedings involving custody, assisting the courts and implementing court orders for child welfare services.

The statute also places specific responsibilities on the common pleas courts relating to emergency custody, rules of evidence and appointment of guardians ad litem.

THE OVERSIGHT STUDY

The study was initiated in fall 1977 with review of the State-level implementation of the law. Joint State Government Commission staff members met with officials from the Department of Public Welfare, requested all pertinent documents and reviewed the operation of the statewide telephone line and the central registry. In allowing the oversight staff access to confidential child abuse records, the department acted in accord with the opinion of its legal advisors that "Implicit in the duty to carry out the legislative oversight responsibilities is the authority to review any and all information necessary to do so."

Because of its location, Dauphin County was chosen for a pilot county study. Complications were encountered when the solicitor for the county children and youth social service agency advised against allowing access to confidential

data because he feared staff liability under Act No. 124, which provides penalties for release of information identifying the subjects of child abuse cases to individuals not specifically authorized by law to receive such information. While the Commission's counsel was not in agreement with the solicitor, he did not consider his position to be unreasonable. Therefore, it was decided not to utilize subpoena power to obtain confidential county records but to gather only nonidentifying information, although this would preclude firsthand examination of county child abuse records. An amendment to clarify this matter is necessary to assure access to all pertinent information if legislative oversight is to be an ongoing process.

An oversight survey utilizing a variety of questionnaires was designed by the Commission staff to gather data that would give a valid picture of the abused child and the extent to which the 67 counties are handling individual reports in compliance with the law and providing both parents and children with appropriate services. Questionnaires for county child welfare directors as well as for State personnel were formulated to obtain information on administration, staffing, funding, services and problems in implementing the law.

A 10 percent random sample of all abuse reports received from January 1 through June 30, 1977 was taken from the ChildLine research file. The 613 case numbers selected represent 6,130 reports of suspected abuse, 214 of which are recorded as substantiated child abuse. The county agencies were requested to complete a questionnaire for each substantiated sample case. Since the law requires county expunction of unsubstantiated reports, the only information available on unfounded sample reports is that in the research file (see Chapter III, p. 28).

While information was gathered from all 67 counties, more detailed case and administrative questionnaires were sent to 11 counties selected for in-depth evaluation-- Allegheny, Berks, Chester, Dauphin, Erie, Franklin, Luzerne, Lycoming, Philadelphia, Westmoreland and York. These were chosen because of their representative ranges of size, location, population characteristics and level of reporting.

The questionnaires were mailed to the 67 counties in July 1978 and all were eventually returned. Telephone communication and correspondence were necessary to stimulate this complete response and to acquire as much uniform data as possible.

In addition to the survey information, the staff has received the views and suggestions of many individuals involved in services to children--child welfare administrators, social workers, court and law enforcement officials, educators, medical professionals, health officials, attorneys--as well as private citizens and members of the press.



II. CHILD ABUSE REPORTING AND REPORT SUBSTANTIATION

STATEWIDE REPORTING

Trends

The Child Protective Services Law encourages public reporting of suspected child abuse by requiring the State and counties to receive reports 24 hours a day, 7 days a week, and to undertake comprehensive public education activities. Since enactment of the law, reporting of suspected child abuse has risen dramatically. From 1976 to 1977, the number of reports of suspected child abuse from all sources increased by over 100 percent--from 6,415 to 12,939 reports.⁴ Estimates of the Department of Public Welfare for the six-month period ending June 30, 1978 show 7,579 reports of suspected abuse--60 percent of the reports received in all of 1977.

The number of reports substantiated by the counties as child abuse, however, has not increased in the same proportion as the total reporting. In 1976, 44 percent of the 6,415 reports or 2,851 were substantiated (founded or indicated).⁵ Although the number of substantiated reports

4. The annual reports on child abuse for 1976 and 1977 published by the Department of Public Welfare in compliance with 1975 Act No. 124 present data on the reports of abuse received within the entire state from all sources.

5. Under the law, a report is "founded" "if there has been any judicial finding that a child who is a subject of the report has been abused." A report is "indicated" "if an investigation by the child protective service determines that substantial evidence of the alleged abuse exists based on (i) available medical evidence and the child protective service investigation or (ii) an admission of the acts of abuse by the child's parent or person responsible for the child's welfare."

increased in 1977 to 4,499, they comprised only 35 percent of the total reports. Particularly noteworthy is the drop in the number of reports receiving judicial determinations of child abuse from a total of 209 (3 percent of all reports) in 1976 to 137 (1 percent) in 1977. See discussion in Chapter IV, p. 64.

Review of all types of telephone calls received by telephone counselors for ChildLine (the toll free child abuse telephone line) shows that in 1977 only two-thirds of all calls received were classified as abuse calls.⁶ The remaining were calls for counseling, information, referral to other agencies and miscellaneous matters. Miscellaneous calls include those concerning procedural requirements as well as silent and obscene calls. Departmental policies concerning expansion of the purposes of ChildLine and their impact are reviewed in Chapter III, pp. 27-29 and Chapter IV, p. 60.

For 359 reports in 1977, or 3 percent of total reports, there were records of one or more prior reports of substantiated abuse for the same child in the central register, which has been in operation since March 25, 1976. This percentage might be expected to increase as data in the register increase.

The number of abuse calls per hour increased from the first six months to the second six months of 1977--from an average of 1.4 to 1.6 calls per hour. However, over 90 percent of the calls of suspected abuse were received by ChildLine from 8:00 a.m. to 12 midnight and from Monday through Friday.

In 1976, the county agencies initially received 72 percent of the oral reports of suspected child abuse, while ChildLine received 28 percent. In 1977, the county services received 43 percent and ChildLine 57 percent.

Mandated Reporting

The law requires persons mandated to report suspected cases of child abuse by virtue of their occupations to

6. ChildLine unofficial monthly statistical reports of number of calls from the general public, mandated reporters and county agency personnel.

orally report to ChildLine immediately and permits oral reporting to the county as well. These reporters are to make written follow-up reports to the appropriate county protective service agency within 48 hours of the oral report.

Since no statewide data are maintained of mandated reporting, the sample study conducted by the Commission staff was used for analysis. See Appendix A, p. 88. Of the total sample of substantiated reports for which data were provided, a substantial majority--about 70 percent--were made by mandated reporters. Approximately 30 percent were reported by others, including the abused child, neighbors, relatives and members of the general public. The data below indicate the extent to which these 141 mandated reporters were in compliance with the law.

	Location of initial sub- stantiated oral reports by mandated reporters		Total reports
	<u>ChildLine</u>	<u>County CPS</u>	
Reports with written follow-up	48	61	109
Reports without written follow-up	<u>10</u>	<u>22</u>	<u>32</u>
Total reports	58	83	141

Only 48 of the 141 mandated reporters (34 percent) complied with the statutory requirements to make the oral report directly to ChildLine with written follow-up to the appropriate county unit. This suggests the need for a procedure to notify mandated reporters of their reporting obligations. It is also significant that, contrary to the direction of the law, a majority of the mandated reporters contacted their county units rather than ChildLine.

A frequent suggestion of mandated reporters is that the law should be amended to authorize their receipt of information concerning action taken on their particular reports and the services provided.⁷

7. See footnote 11, p. 21.

Injuries Reported

As shown in the annual report, 56 percent of all abuse injuries reported in 1977 were physical injuries; 32 percent, neglect; 8 percent, sexual; and 4 percent, mental.⁸ Many reports involved multiple injuries. As Table 1 indicates, altogether 16,197 injuries were alleged in the 12,939 total reports.

The reporting figures cannot be considered a reliable indication of the true proportion of the incidence of the various types of injuries, but do give some insight into the degree to which the various types are detectable. For example, there were 710 allegations of mental injuries as compared with 9,102 alleged physical injuries. Further insight is provided by Table 1 which divides injuries by whether these injuries were shown on substantiated or unsubstantiated reports.

Table 1

NUMBER AND PERCENTAGE OF INJURIES ALLEGED IN 1977
IN SUBSTANTIATED AND UNSUBSTANTIATED REPORTS OF ABUSE

	<u>Substantiated</u>		<u>Unsubstantiated</u>		<u>Total injuries</u>	
	Number	Percent	Number	Percent	Number	Percent
Physical injuries	3,920	65	5,182	50	9,102	56
Mental injuries	233	4	477	5	710	4
Sexual injuries	627	11	629	6	1,256	8
Physical neglect	1,170	20	3,959	39	5,129	32
Total injuries	5,950	100	10,247	100	16,197	100

SOURCE: Data presented in The 1977 Child Abuse Report.

Table 1 shows that only 20 percent of all injuries alleged in substantiated reports were physical neglect

8. The definitions of the various categories of abuse in the regulations implementing Act No. 124 are set forth in the appendix.

injuries. This figure is no doubt somewhat inflated because, in the case of reports with multiple injuries, it is not known on which alleged injuries substantiation was actually based. For example, in the case of a report alleging both physical injuries and neglect, the report may have been "indicated" more on the basis of the physical injuries than on neglect. The percentage of reports substantiated on the basis of mental injuries may even be lower than that shown on the table. Only 29 physical neglect injuries and 6 mental abuse injuries were shown on reports that resulted in court adjudications finding abuse in 1977.

The fact that the proportion of sexual injuries to total injuries is higher for substantiated reports than for unsubstantiated reports may illustrate that when sexual abuse finally becomes apparent it has a higher probability of existing or that a greater effort is made to substantiate cases where sexual injury is alleged. There were 46 sexual abuse injuries shown on reports that ultimately received a court adjudication finding abuse in 1977.

In 1977, the annual child abuse report shows that bruises/welts/ecchymosis constituted 30 percent (4,915) of all injuries reported. It is noteworthy that more than 4,000 physical neglect allegations were classified as "other" neglect injuries on Welfare Department forms instead of being categorized by the caseworkers investigating the reports as malnutrition, failure to thrive, abandonment (resulting in injury), exposure to elements or poisoning. This further highlights the difficulties associated with neglect allegations under the child abuse law.

In 1977, there were 26 reports alleging death because of child abuse. It is the opinion of the department that this figure does not reflect all cases involving death, since these are often processed solely through the criminal justice system and not reported to ChildLine or the county children and youth social service agencies.

COUNTY REPORTING

Trends

With the exception of Bedford, Pike and York counties, all counties had increased numbers of reports of suspected

Table 2

COUNTY 1977 CHILD ABUSE REPORTING AND PROGRAM EXPENDITURES
RELATED TO ESTIMATED POPULATION UNDER 18

	Estimated population under 18 (000's)	Density (estimated population per square mile)	Total abuse reports	Substantiated abuse reports	Reports per 1000 children under 18		Abuse expenditures per 1000 children under 18
					Total reports	Substantiated reports	
STATE	3,422.8	262.7	12,939	4,499	3.8	1.3	\$1,088
Adams	19.4	117.5	48	21	2.5	1.1	442
Allegheny	402.3	2,084.1	1,343	442	3.3	1.1	910
Armstrong	22.6	117.2	53	13	2.4	.6	1,139
Beaver	60.2	471.9	182	47	3.0	.8	624
Bedford	13.7	43.0	22	8	1.6	.6	958
Berks	83.8	353.9	311	141	3.7	1.7	1,000
Blair	38.5	251.7	157	36	4.1	.9	678
Bradford	20.2	52.2	72	30	3.6	1.5	821
Bucks	154.2	745.5	258	149	1.7	1.0	846
Butler	44.4	172.9	176	55	4.0	1.2	993
Cambria	55.2	270.1	112	43	2.0	.8	514
Cameron	2.0	17.0	8	3	3.9	1.5	1,565
Carbon	14.4	127.9	45	15	3.1	1.0	534
Centre	31.9	96.5	91	35	2.9	1.1	628
Chester	90.5	383.2	262	134	2.9	1.5	1,538
Clarion	12.6	67.8	51	25	4.0	2.0	2,083
Clearfield	24.8	67.5	54	17	2.2	.7	521
Clinton	11.0	42.1	48	20	4.4	1.8	1,210
Columbia	17.4	121.4	86	46	4.9	2.6	1,028
Crawford	26.4	83.9	84	16	3.2	.6	1,662
Cumberland	50.9	307.4	142	62	2.8	1.2	568
Dauphin	63.6	432.9	495	139	7.8	2.2	2,739
Delaware	165.6	3,188.8	405	185	2.4	1.1	665
Elk	12.1	46.9	11	2	.9	.2	218*
Erie	88.0	334.1	207	91	2.4	1.0	1,001
Fayette	46.2	193.8	417	79	9.0	1.7	1,540
Forest	1.6	12.7	11	4	7.1	2.6	7,363
Franklin	33.4	138.4	56	9	1.7	.3	347
Fulton	3.8	25.7	3	2	.8	.5	2,204
Greene	11.5	66.6	54	22	4.7	1.9	423
Huntingdon	11.9	44.7	35	5	2.9	.4	1,372
Indiana	26.1	101.5	62	13	2.4	.5	656
Jefferson	13.7	70.8	28	14	2.0	1.0	172
Juniata	5.6	45.4	16	11	2.8	2.0	505
Lackawanna	62.1	518.6	310	54	5.0	.9	1,370
Lancaster	107.7	360.8	246	123	2.3	1.1	795
Lawrence	29.6	288.5	79	17	2.7	.6	113*
Lebanon	32.0	290.0	154	58	4.8	1.8	2,054
Lehigh	73.5	762.4	175	106	2.4	1.4	2,497
Luzerne	90.1	390.7	355	72	3.9	.8	1,224
Lycoming	35.2	94.5	123	52	3.5	1.5	944
McKean	15.5	51.4	76	22	4.9	1.4	1,134
Mercer	37.5	188.0	98	43	2.6	1.2	296
Mifflin	13.6	104.1	31	8	2.3	.6	1,074
Monroe	15.7	90.6	73	40	4.6	2.6	1,645
Montgomery	179.8	1,271.1	245	86	1.4	.5	452
Montour	4.6	131.1	23	6	5.0	1.3	4,235
Northampton	62.2	595.7	206	98	3.3	1.6	2,714
Northumberland	28.2	219.5	111	54	3.9	1.9	584
Perry	10.0	57.1	83	33	8.3	3.3	1,917
Philadelphia	517.9	14,147.6	3,973	1,394	7.7	2.7	1,439
Pike	3.9	26.5	9	4	2.3	1.0	2,265
Potter	5.4	15.7	27	2	5.0	.4	659
Schuylkill	42.3	202.9	135	47	3.2	1.1	966
Snyder	9.6	94.7	21	10	2.2	1.0	637
Somerset	23.1	72.4	34	12	1.5	.5	829
Sullivan	1.7	12.1	6	4	3.5	2.4	1,492
Susquehanna	12.1	43.8	28	9	2.3	.7	158
Tioga	13.5	35.9	41	26	3.0	1.9	444
Union	8.7	98.3	14	6	1.6	.7	823
Venango	19.2	93.1	66	8	3.4	.4	176
Warren	13.7	52.1	59	24	4.3	1.8	1,972
Washington	60.5	249.8	231	14	3.8	.2	678
Wayne	10.3	44.0	33	5	3.2	.5	956
Westmoreland	109.5	368.1	295	78	2.7	.7	609
Wyoming	8.0	55.7	41	9	5.1	1.1	914
York	86.6	314.2	133	41	1.5	.5	1,992

*Estimated.

SOURCES: Population under 18: 1976 estimates made by Bureau of Management Assistance, Pennsylvania Department of Public Welfare, from Office of State Planning and Development estimates of Pennsylvania population. County population: 1975 estimates from Office of State Planning and Development. Land in square miles, 1970: 1978 Pennsylvania Statistical Abstract, Department of Commerce, Table 9, p. 13. Number of child abuse reports: The 1977 Child Abuse Report, Department of Public Welfare. County abuse expenditures: Department of Public Welfare, account structure cost center for protective services-child abuse, 1977.

child abuse in 1977 over 1976. However, in a county-by-county comparison, the number of substantiated cases remained the same or decreased in 16 counties.

As shown in Table 2, the numbers of reports of suspected child abuse and of substantiated cases per 1,000 children under 18 in the population exhibit wide variations among the 67 counties. The total reports range from .8 reports in Fulton County to 9.0 reports in Fayette County and substantiated reports from .16 (rounded to .2 on the table) in Elk County to 3.3 in Perry County.

Factors Influencing Reporting

To explain the wide variations among counties in total reports of suspected abuse, various economic and demographic factors were correlated with the reported abuse rate per 1,000 children under 18 years of age. The results indicate that racial composition and per capita income are significant variables in explaining about 20 percent of the county-by-county variation of total reports, although neither has an effect upon substantiated abuse rates. These correlations show that total county reporting tends to increase with an increase of nonwhite population and to decrease as per capita income increases.

Factors Influencing Substantiation

In analyzing variations in substantiated abuse rates, the only tested variables having major significance are the agency receiving the initial abuse report--ChildLine or the county--and the dollars spent on county child abuse services. The "best-fit" regression equation, which explains about 30 percent of the county-by-county variation in substantiated child abuse rates, is the following:

$$Y = - 1.28 + .631X_1 + .0000905X_2 + .0122X_3$$

(.59) (.22) (.000041) (.0038)

where:

Y = number of substantiated child abuse cases in 1977 per 1,000 children under 18 years of age (see Table 2).

- X_1 = logarithm of county expenditures⁹ for services to abused children and their parents in 1977 per 1,000 children under 18 years of age (see Table 2).
- X_2 = population density, estimated 1975 county population per square mile (see Table 2).
- X_3 = percentage of total 1977 (suspected) abuse reports received initially at county children and youth social service agencies (The 1977 Child Abuse Report, Table XXII, p. 44).

The numbers in parentheses under the equation on the preceding page are the standard errors for the corresponding coefficients and indicate that both X_1 and X_3 have greater than 99 percent probability of being different from 0 while X_2 --population density--has a 97 percent probability of being different from 0.

County Program Spending--The finding of a significant correlation between the level of spending and substantiated child abuse rates is noteworthy. It is unusual in the social welfare area to be able to demonstrate a definite program response to changes in the level of spending. The purpose of using logarithms for X_1 in the equation is to impose a nonlinear relationship to reflect presumed diminishing returns from increased expenditure levels. For example, an increase in expenditures from \$3,000 to \$4,000 per 1,000 children under 18 would not be expected to have as great an impact on the child abuse substantiation rate as an increase from \$1,000 to \$2,000. The use of logarithms implies that equal percentage changes in spending will produce equal absolute changes in the substantiated child abuse rate.¹⁰ The coefficient of .631 for the spending variable indicates that a doubling of expenditures (for example, from \$1,000 to \$2,000) would be expected to produce approximately a .2 increase in a substantiated child abuse rate. Although the statewide substantiated abuse rate is 1.3 for 1977, the arithmetic average rate for the 67 counties is 1.2.

9. For a description of county expenditure data used in the regression analysis see p. 52.

10. The relationship, however, is only valid within the range of the data upon which the equation is based.

Population Density--Little attention need be given the effect of population density on the substantiated child abuse rate since the significance of this variable is determined solely by the high population density of Philadelphia. When the regression is recalculated excluding Philadelphia, the population density coefficient becomes insignificant in explaining the variation in the substantiated child abuse rate in the remaining 66 counties.

Agency Receiving Report--Of special interest because of its policy implication is the finding that the percentage of suspected child abuse reports made initially to the county agency is directly related to the substantiated child abuse rate. The coefficient of X_3 , .0122, indicates that an increase, for example, from 30 to 50 percent in the percentage of abuse calls received initially at the county office could be expected to increase the substantiated child abuse rate by .24 per 1,000 children under 18. Such an increase is 20 percent of the average abuse rate of 1.2 per 1,000 children. It is recognized that the percentage of calls received at the county agency is only a proxy variable for a number of operating characteristics of the child abuse reporting system. For example, about 70 percent of substantiated reports in the sample previously discussed were submitted by mandated reporters, the majority of whom, despite the clear directive of the law to report initially to ChildLine, made their initial reports to the county agency. Furthermore, the total sample of 613 reports of suspected abuse shows that initial reports to ChildLine have a substantiation rate of 26.8 percent; whereas, initial reports to the county agency have a substantiation rate of 46.5 percent.

It appears that respected, experienced and efficient county child protective service operations are likely to induce a higher level of public reporting of actual child abuse cases.¹¹ In view of these findings, it may well be

11. Laurie Beckelman, "Why the Cry of the Beaten Child Goes Unheard," The New York Times Magazine, 16 April 1978, p. 82, as stated by Kathern Bond of the American Humane Association, Englewood, Colo., "The amount of reporting is directly proportionate to the amount of services received. This is especially true for professionals. If a doctor calls a couple of times, and no one gets to him and he knows the child is still being abused, he's not going to call back. Why waste his time?"

unwise for the Legislature to encourage greater reporting through ChildLine. The 1977 Child Abuse Report states that, based on the experience of other states in their first two years of operation, the percentage of calls to ChildLine is expected to continue to increase in the following years and tend to level off at about a 70-30 ChildLine/county ratio. To the extent that existing relationships persist in the future, an increase in the proportion of initial reports to ChildLine and a decrease in reports to the county agencies may constitute an inefficient and unproductive development for the child abuse reporting system.



III. STATE AND REGIONAL IMPLEMENTATION

ORGANIZATION, STAFFING AND FUNDING

Goals and Responsibilities

The Child Protective Services Law assigns responsibilities to the Department of Public Welfare to increase and facilitate public reporting of suspected child abuse and to monitor and expedite county provision of child protective services. As the child abuse program is an integral part of the Commonwealth's system to provide social services to children and youth, in evaluating implementation of the statute it is necessary to look at all segments of the system.¹²

Implementation

Organization and Staffing--Within the Department of Public Welfare, statewide administrative and service responsibilities are performed in the Office of Children and Youth by the

12. Also see Pa. Joint State Government Commission, Services to Troubled Youth: A Review and Recommendations (Harrisburg, March 1975). In addition to Act No. 124, social service programs for children and youth in the Commonwealth are provided pursuant to Articles VII and IX of the Public Welfare Code, June 13, 1967, P.L. 31, No. 21, as amended by the act of July 9, 1976, P.L. 846, No. 148; the Juvenile Act, 42 Pa.C.S. Section 6301, et seq.; Section 2168 of the County Code, August 9, 1955, P.L. 323; Section 405, the County Institution District Law, June 24, 1937, P.L. 2017.

staff of the Bureau of Child Welfare--which includes Child-Line personnel--and the child welfare staffs of the four regional offices, located in Pittsburgh, Harrisburg, Scranton and Philadelphia. This staffing is supplemented by assistance from the Bureau of Public Education and the Office of Legal Counsel. Much of the data on personnel and staff responsibilities presented in this chapter were derived from questionnaires returned by the acting bureau director and regional child welfare directors and are current through June 30, 1978.

The Bureau of Child Welfare in Harrisburg has responsibilities in four major program areas, including child abuse.¹³ Central office bureau staffing includes an acting director and 8 professionals, 2 in each program area. In addition, the telephone line and registry functions are performed by the ChildLine staff located in Lanco Lodge on the Harrisburg State Hospital grounds. ChildLine staffing is analyzed on pp. 28-29.

The activities of the two child abuse program specialists in the central office include ChildLine supervision, preparation of the annual report, training and public education, preparation of regulations and policy interpretation, county performance monitoring, federal grant administration and direction of a State-level multidisciplinary team. The bureau's professional staff members involved in the child abuse program are on call 24 hours a day.

The regional office child welfare staffs have responsibilities relating to the full range of programs for children and youth--protective services, adoption, temporary out-of-home placement services and related supportive social services. No personnel concentrate solely on child abuse. Child abuse related responsibilities of regional office staff include monitoring of county implementation of the act, investigation of reports of suspected abuse involving county agents and employees, county-plan certification and budget review, policy interpretation, county staff training,

13. The other areas are family planning, including a computerized invoicing system for federal- and state-funded family planning services; foster care and adoption, including developing State policy, guidelines and procedures for foster, group and institutional child care and adoption; and policy and administration, including responsibilities for regulations, procedures and county plan review pursuant to Act No. 148 of 1976.

complaint follow-up, contract monitoring of service providers and review of child care facilities.

The regional directors of the children and youth services staffs indicate the following number of staff professionals, including the director and field staff: Western Region, 5 staff with field responsibilities for 23 counties; Central Region, 7 staff for 24 counties; Northeast Region, 4 staff for 15 counties; and Southeast Region, 9 staff for 5 counties including Philadelphia.

Two activities have been undertaken to expand staff capability. One is the establishment of a State multidisciplinary advisory team with representation of the legal, educational, health and social services professions. To date this group, assisted by a professional consultant, has largely concentrated on developing model standards and guidelines for county multidisciplinary teams. The other activity involves the contracting with professional consultants under federal grants. In addition to technical assistance on multidisciplinary teams to the State and counties, consultants provided initial training and materials for the ChildLine and regional personnel.

Funding--In 1977-1978, expenditures for the central office of the Bureau of Child Welfare for all child welfare programs were \$326,000 funded through Commonwealth appropriations, and \$443,000 for ChildLine funded under Title IVB of the federal Social Security Act. A breakdown of program expenditures in 1977 for the five regional offices and for the Bureau of Public Education was not available. The federal and State funding administered by the department to the counties is discussed in Chapter IV.

Evaluation

All major responsibilities requiring State and regional implementation mandated by Act No. 124 have received staff assignment and some degree of implementation. The wide-ranging responsibilities of each central office and regional staff member, however, limit continuing in-depth attention to any one assignment and would preclude significant expansion of activities. The program was initially assimilated into central and regional office functions without a staffing

increase commensurate with the increased responsibilities. Furthermore, the bureau staff is not supported on a continuing basis with a coordinated range of specialist assistance in such areas as protective services program development and evaluation, technical assistance and staff training, although the consultant assistance and the establishment of the multidisciplinary team show recognition of need in this area.

To provide a measure of departmental staff effectiveness, the survey questionnaire for the directors of the county children and youth social service agencies requested their rating of the child abuse program assistance provided them by the central and regional offices. Table 3 indicates the number of counties that rated each type of assistance as excellent, good, fair or poor.

Table 3

COUNTY RATING OF CENTRAL AND REGIONAL OFFICE ASSISTANCE

Type of assistance	Total responses	Number of counties				Average rating*
		Excellent	Good	Fair	Poor	
ChildLine and central register service	66	5	41	16	4	2.7
Training assistance	66	1	19	19	27	1.9
Public education assistance	66	2	22	24	18	2.1
Technical assistance	65	2	23	29	11	2.2
Policy interpretation	65	1	28	19	17	2.2

*The following values are assigned: Excellent, 4; Good, 3; Fair, 2; Poor, 1.

SOURCE: Joint State Government Commission legislative oversight survey, July 1978.

The results indicate that county directors perceive ChildLine and the central register service consistently to

be the best assistance provided by the department to the counties with an average rating approaching good and a modal rating of good. All other average ratings were in the vicinity of fair, with training assistance having a modal rating of poor and policy interpretation of good. It should be noted that ratings of poor by individual counties for several of the types of assistance showed no relationship to county location, case load or degree of urbanism.

CHILDLINE

Goals and Responsibilities

To facilitate reporting and swift, thorough investigation of suspected child abuse, the law requires a 24-hour State telephone line to receive reports and central records of pending complaints and substantiated abuse reports. To protect privacy, limitations are made on the information that can be maintained or released from the central files and who may have access to them. Specific provisions allow subjects of reports to receive information from their records in the central register and establish requirements for amending or sealing this information.

As noted in the annual report for 1976, the Department of Public Welfare named these operations "ChildLine" in order "to project a helping, caring image as opposed to a cold, judgmental, official organization" and expanded the purposes to include abuse crisis counseling and information and referral service for persons calling with nonabuse-related problems.

Implementation

The ChildLine staff provides 24-hour coverage of the statewide telephone line. When an abuse report is received from the public or a report summary from a child protective service agency, a telephone counselor checks the central register for prior substantiated reports on the child, perpetrator and parent/guardian; assigns a number to the report; and completes an appropriate form for the pending complaint file. Departmental policy permits no screening of reports of alleged abuse. For reports initially received at

ChildLine, in accordance with departmental policy, the counselor immediately advises the appropriate county unit of the report by telephone. Written notice to the county is mailed within three days.

The law requires that investigation of a child abuse report be initiated within 24 hours and completed in 30 days. When an investigation is completed and the status of a suspected case is determined, the county agency sends a status report (CY-48) to ChildLine. The status reports for substantiated cases are placed in the central register and the identifying records of reports determined to be unfounded are expunged. Also in accordance with the law, records for suspected cases for which a status report has not been received in 60 days are expunged.

Status reports for all reports are prepared without identifying information and placed in the research file. This record serves as the basis for statistical data presented in the annual child abuse report required under the law.

The staff at ChildLine daily monitors the receipt of county status reports on cases in the pending complaint file and, for cases in which status reports are not received in 30 days, notifies the county units and regional offices, which are to follow up the overdue reports.

The law requires expunction of records in the central register and notification of subjects when the subject child of a substantiated report reaches age 18. In strict conformance with the law, the ChildLine staff totally expunges the records of indicated reports and expunges only identifying information for the subject child of founded reports, leaving the remainder of the report in the register.

The staff, which in 1977 handled 20,000 telephone calls and kept records for 13,000 cases of suspected abuse, includes a program specialist-administrator, 2 shift supervisors, 12 telephone counselors and 3 clerical personnel. To handle the increasing work load, 2 telephone counselors were added since the initial staffing in early 1976.

Turnover of professional staff at ChildLine has not been excessive. The administrator, 2 supervisors and 8 of the telephone counselors have been employed at ChildLine since it began operations in March 1976. The average years

of all child welfare experience for the counselors, including that at ChildLine, was two and two-thirds years. The administrator has a total of 14 years of child welfare experience.

Evaluation

Law and Departmental Policies--The expunction of records when a status report has not been received by ChildLine in 60 days may result in a report never being investigated and an abused child left unprotected. In 1977, approximately 2,000 over 60-day reports were expunged. Approximately 1,500 of these were Philadelphia reports. It has been suggested that the law be amended to assure status determination in the 31-60 day grace period provided in the statute. Specific proposals are summarized in Chapter V.

The requirement of sending an expunction notice to each subject of a report when the child reaches age 18--even to those who are no longer part of the family unit--has been reported to sometimes cause trauma and serious family problems. Since this difficulty will increase over time as the volume of files maintained in the central register becomes greater, this requirement in the law deserves review. It has also been proposed that all central registry records for founded cases be expunged when the subject child reaches 18.

It may reasonably be concluded that the Department of Public Welfare's policy to expand the purposes of ChildLine combined with its firm prohibition on screening has contributed to the burden of county investigation of many questionable or frivolous allegations of abuse and to the drop in the ratio of substantiated to unsubstantiated reports. Proposals regarding screening are reviewed in Chapter IV, p. 60.

Telephone Operation--An evaluation of ChildLine counselors' telephone performance in fall 1977 indicates that the counselors are performing competently in accordance with the requirements of the law in taking calls, checking the central register for prior incidence of abuse, making referrals to county agencies and completing forms. The oversight staff evaluator, who monitored the handling of 30

calls taken by 6 counselors in 3 different sessions, observed that staff performance could be improved by training or computerized assistance on variant name spellings and inclusion of a medical glossary in the training manual.

Written responses of telephone counselors to questionnaires provided by the oversight staff in fall 1977 included suggestions for utilization of an electronic on-call system for late night and weekend duties (when low reporting may not justify staff presence), increased peak-hour weekday staff, need for additional clerical staff or reduction of paperwork, increased public education as to the definition of child abuse under Act No. 124 and need for medical and legal consultation services. Nearly all counselors wanted the authority to screen calls before referring them to the counties.

Examination of employment data leads to the conclusion that the lack of field child welfare experience of the telephone counselors coupled with the lack of case information in the research file on services provided to abused children and their families may limit the telephone workers proficiency in counseling.

Record Keeping--The oversight staff reviewed the information included on the department's forms for pending complaint file and central registry records, the confidentiality arrangements of the ChildLine operation and the actual files maintained and found them to be in compliance with the law. The revised forms for 1978 reports should result in better research data on injuries reported and on the bases on which the reports were substantiated.

Results of the mandated quarterly audits of the Child-Line files by the Attorney General, to determine if expunction is being carried out, revealed no violations in the central register but a small number of unexpunged over 60-day reports in the pending complaint file. An examination of the 1,650 reports in the pending complaint file by the oversight staff in July 1977 showed 10 reports over 60 days. The oversight staff concluded that computerization would result in a more efficient, accurate and flexible record-keeping operation.

MONITORING, ENFORCEMENT AND INVESTIGATION

Goals and Responsibilities

To assure compliance by the counties and protection of children from abuse by foster parents and employees of county agencies and child-caring institutions, the law delegates major monitoring, enforcement and investigation responsibilities to the Department of Public Welfare:

- Section 14 requires the department to "be capable of . . . monitoring the provision of child protective services 24 hours a day, seven days a week," to conduct performance audits of agencies which do not properly investigate reports in 30 days and to institute legal action or withhold reimbursements if provisions of the act are not strictly followed.
- Section 16 directs the department to certify annual county child abuse plans and to withhold reimbursements for all or part of the activities of the agencies whose plans do not fulfill the purposes or requirements of the act as well as to investigate child abuse reports when suspected abuse has been committed by a county child welfare agency, its agents or employees.
- Section 20 authorizes the secretary or his designee to direct, at their discretion, a performance audit of any activity engaged in pursuant to the act.

Sole monitoring responsibility is placed upon the department, with the exception of the mandated audits of the central files by the Attorney General and oversight by the General Assembly.

The importance of the monitoring and enforcement responsibilities is underscored by the facts that the county child protective service is entrusted with sole responsibility for unsolicited intervention in a family situation to investigate alleged serious injury of a child by his parent or guardian, to protect the child if he is abused and provide him with emergency treatment, and to determine outside the courtroom whether a parent or guardian is in

fact a perpetrator of serious child abuse and should have his name carried in a central child abuse registry. All of these responsibilities must be performed under the most confidential circumstances, which serve to protect the reporter and the family but also to obscure the performance of the child protective service.

Implementation

Monitoring responsibilities are assigned to the staffs of the Bureau of Child Welfare, ChildLine, the Office of Legal Counsel and the regional offices. As noted, the monitoring of county notifications to ChildLine of the status of all reports that are over 30 days old is a daily activity of ChildLine and the regional offices. The Bureau of Child Welfare has directed three performance audits relating to the act and conducted "on-call raids" to determine the availability in each county of 24-hour service. A tickler file is maintained in the central office to monitor regional investigation of complaints concerning county performance.

The regional offices investigate reports of abuse involving county agents and employees and certify the annual county child abuse plans. (Reports involving abuse in State institutions are to be investigated by the counties.) In addition, the regions are required under other regulations to conduct annual evaluations for each county of the full range of child welfare services, including protective services, and make recommendations.

Officials of the department report that to date they have not withheld or delayed county funds, have recommended county disciplinary action of only one county employee, have not instituted legal action against any county and are not aware of any penalty being invoked under the child abuse law.

Evaluation

Overdue Reports--In 1977, the daily monitoring of over 30-day reports for which status had not been determined resulted in the return in 60 days of status reports on 85 percent of all reports. Data on county performance in returning these reports is detailed in the annual child abuse reports. In Philadelphia, status reports were not filed for 1,521 of the 3,973 suspected abuse reports

received for the city in 1977. For the remainder of the State, status reports for 423 of 8,966 reports of suspected abuse were not received in 60 days. In the case of Philadelphia, the department has conducted a performance audit but has taken no forceful steps to achieve compliance with the mandates of the law concerning investigation and status reporting.

Performance Audits--Summaries of the three audits made under the act were supplied by the Bureau of Child Welfare in response to the oversight survey in July 1978. A performance audit of the Philadelphia child abuse program, made in September 1976 as part of a review of the entire Philadelphia welfare department, found 15 significant areas of violations of Act No. 124 involving organization, staffing, reporting, investigation, expunction, confidentiality and services. The bureau currently reports that although the city is "far from being in total compliance or correcting all the problems," progress is being made, including 24-hour emergency service, staff reorganization and submission of an annual plan. The regional office is reported to be working with the county in achieving compliance.

The central office in a 1977 audit in Erie County investigated news media allegations of a "cover up" of criminal activities of child abuse perpetrated by foster parents on children in the custody of the agency. The audit revealed that, although there was criminal activity, the agency was prohibited from notifying the police because of confidentiality restrictions in the law. Audit team recommendations for restructuring the Erie County child protective service and for staff training have been implemented.

A performance audit in Lackawanna County in 1978 resulting from a complaint by parents of an allegedly abused child found that the staff had violated confidentiality provisions and erroneously determined status of the case. The audit team recommended disciplinary action against the staff member who violated confidentiality as well as additional staff training and staff legal representation. It was also recommended that the notification letter to parents concerning reports of suspected abuse be redrafted.

On-Call Performance--To evaluate 24-hour on-call service at the county agency level, the oversight staff reviewed three on-call surveys conducted by the department. These surveys

(conducted in November 1975 and February and June 1976) indicated substantial improvement in responses from the counties both in numbers of counties returning calls and in the average time needed to respond to the telephone calls. The county agencies have been generally successful in establishing systems to receive calls on a 24-hour-a-day basis.

Complaints--Efforts of the oversight staff to evaluate staff monitoring of complaints of county noncompliance under Act No. 124 led to the conclusion that there is presently no way to prove that all complaints have been investigated and followed up since there is no complete central file of complaints with follow-up correspondence attached. The review also suggests that there is need for additional performance auditing. The oversight staff reviewed available written complaints received in 1976 and 1977 by the central office and ChildLine from all sources, including agencies, individuals and ChildLine counselors, and asked the regional offices to provide information on the number and types of complaints received in 1977 and the findings of their subsequent investigations.

The Southeast Region staff listed numerous complaints of noninvestigation of reports primarily for Philadelphia, but noted that it could not follow up these complaints because of the law's required expunction of reports for which status is not determined within 60 days. Complaint investigation in other regions largely centered on alleged violations of confidentiality by county employees. The number and characteristics of the complaints by region did not always match those complaints reviewed from the central office files.

Citizens who have been involved with abuse reports have conveyed to legislative and oversight staff members that department and county administrators have been unresponsive in acting on citizen complaints.

Plan Certification--The regional offices certify each year the annual child abuse plans in accordance with the law and specific regulations. Responses to the survey by the regional offices show that while 1978 plans for all counties were submitted, reviewed and certified, the plans for 15 counties were not finally approved until after the beginning of the plan year, in most cases because of required revisions. Lawrence and Philadelphia counties did not submit their plans for approval until April 1978.

Under the regulations implementing Act No. 148 of 1976, which revises the State funding levels for children and youth social services, the county agencies in 1978 are permitted to incorporate their child abuse plans as separate elements of the newly required county plans for children and youth services. It has been recommended that Act No. 124 be amended to specifically authorize this integrated approach.

State Investigation of Abuse/Institutional Abuse--Data on regional office investigation of reports of abuse by county agents and employees (foster parents, county employees and employees of child-caring institutions) indicate general compliance with the act. Regional responses to the oversight survey show that of the 176 reports of suspected abuse in 1977, the subject children were generally seen by the regional staff in three of the four regions within 24 hours,¹⁴ with the exception of a number of children in Philadelphia, Allegheny and Montgomery counties. Only one-quarter of the reports were substantiated as child abuse, which is below the State average of approximately one-third for all reports.

The central office suspects that institutional abuse is generally underreported. The bureau's survey response largely dealt with (1) the counterproductiveness of investigators not being permitted by law to share information with the superiors of the employee under investigation (2) the lack of clarity in the law concerning the governmental agency responsible for providing services (3) the lack of policies concerning services to be provided (4) the need for specialized training and (5) the need for amendment to the law to allow the names of the institutions in which abuse has occurred to be included in the central register. The regional offices reported problems due to duplication of investigation completed by county agencies, the long distances to be covered, hostility, lack of sources for medical examinations and other services and lack of agreement on what constitutes proper child-rearing practices.

Some county agency staff members suggest that, because of the basic differences between institutional child abuse and abuse occurring in the home, there is need for more specific legal requirements relating to institutional abuse and perhaps modification of confidentiality provisions in these situations. The department reports that the regulations

14. The central region did not provide data on investigations.

are being revised to include specific procedures relating to suspected child abuse in institutions. While federal grants are available for investigation and correction of child abuse and neglect in institutions, the department states it has insufficient manpower to prepare and administer the grant.

PUBLICITY AND EDUCATION

Goals and Responsibilities

To increase reporting and facilitate the establishment of effective county and local child protective services, Section 13 of Act No. 124 dictates an ambitious education program:

Education and Training.--The department and each child protective service, both jointly and individually, shall conduct a continuing publicity and education program for the citizens of the Commonwealth aimed at the prevention of child abuse, the identification of abused children, and the provision of necessary ameliorative services to abused children and their families. In addition, the department and each child protective service shall conduct an ongoing training and education program for local staff, persons required to report, and other appropriate persons in order to familiarize such persons with the reporting and investigative procedures for cases of suspected child abuse and the rehabilitative services that are available to children and families.

Implementation

The Bureau of Child Welfare is responsible for all statewide public education and training. The bureau staff has held conferences, seminars and workshops, given speeches, and provided consultation, in addition to advising the department's Bureau of Public Education, which carries out nearly all components of the program aimed at the general public and produces most of the printed material for mandated

reporters. The regional office staffs do most direct State-level training of county staff.

A multimedia public awareness campaign aimed at the general public was staggered by region, beginning in the Northeast Region in March 1976. In 1976 and 1977, components of the campaign included press conferences, news releases, filmed television public service announcements, recorded radio announcements--including some in Spanish translation--billboards, car cards for buses, pamphlets, flyers, posters, bookmarks, newspaper advertisements, telephone stickers, envelope stuffers, general information packets, short films for use by community organizations, articles in journals and newsletters and the annual child abuse reports published in 1977 and 1978. Overall, the Bureau of Public Education estimates that since the inception of the child abuse publicity campaign, it has distributed more than 1.3 million pieces of material.

In 1976 and 1977, emphasis of the publicity directed at mandated reporters and social services staff was on basic knowledge needed to fulfill requirements of Act No. 124. In 1978, concepts such as the multidisciplinary team have been emphasized through a special conference and publications.

In accordance with the regulations, the Bureau of Public Education has utilized audio-visual materials produced elsewhere and free and low-cost publicity.

A portion of a federal grant will be used by the Bureau of Child Welfare to contract with a consultant in management and government to provide training assistance to 40 counties in forming multidisciplinary teams. Under a federal contract, the consultant in 1976 provided technical assistance to 11 Pennsylvania counties in the establishment of multidisciplinary teams. A training conference on the multidisciplinary team was held in May 1978.

The Division of Pupil Personnel Services of the Department of Education initially participated in efforts to educate mandated reporters, including conducting 14 half-day workshops, preparing and distributing a Basic Education Circular to the standard mailing list of public and private school educators and sending all intermediate units a film strip on abuse especially prepared for educators. Currently,

however, the division's child abuse activities are confined to consulting services on a request basis only.

Evaluation

Public Education--To evaluate the education efforts of the department, the oversight staff reviewed all publicity materials, attended a conference, interviewed staff involved and included questions on education and training on the regional office and county questionnaires.

The Department of Public Welfare's vigorous dissemination of child abuse materials to implement Act No. 124 certainly stimulated the marked increase in the number of suspected abuse reports received as discussed in Chapter II. While the department's publicity efforts have been extensive, additional refinement and more careful professional evaluation of the entire program and the materials utilized appear to be in order. Some materials, such as the special May-June 1976 issue of Challenge and The 1977 Child Abuse Report are particularly useful public education resources. The review of many publicity materials, however, showed need for greater emphasis on the definition of abuse and the type of services available. A line from a radio public service announcement states, "Child abuse is simply not giving care when a child needs it." Since county child protective services workers have heavy case loads (see Chapter IV) and there is no screening of abuse reports by ChildLine, it is important that publicity materials not unnecessarily stimulate a heavy influx of reports of children for whom social services are not warranted or available.

The broad, nonspecific nature of many audio-visual materials may be attributable to the fact that they were intended for national distribution or were acquired from a state with a different definition of abuse:

In the decade that passed between the identification of the battered child syndrome and the universal adoption of mandatory reporting, society's knowledge of the complex problem grew. As public awareness grew, the definition of child abuse expanded also. What was originally defined as a serious, non-accidental physical injury became enlarged in scope until, in some jurisdictions, child

abuse became synonymous with any harm to a child that resulted from a parent's nonfeasance, misfeasance, or malfeasance.¹⁵

There is also need for inclusion of specific reporting-related provisions of Act No. 124 in publicity materials. Information related to immunity, confidentiality and mandated reporting has consistently been omitted. Since the sample survey showed that approximately 70 percent of substantiated cases of abuse are reported by persons required by law to report, it is important that material supplied mandated reporters be as complete as possible.

An error was found in one item. A flyer on how Child-Line works, widely distributed and included in the child abuse prevention kit, shows ChildLine routinely reporting back to the reporter to notify him of action taken, something for which there is no statutory directive and, if done, could violate confidentiality provisions of Act No. 124.

There is need for ongoing review and planning of the public education program and professional input. While members of the Pennsylvania Council of Child Welfare Administrators have been asked by the department to review public service announcements, films on child abuse have been widely distributed for use by community organizations without screening by physicians or psychologists expert in child abuse or by individuals knowledgeable of Pennsylvania law or available social or medical services.

Training--Survey questionnaires sent by the oversight staff to regional office child welfare directors as well as the child welfare directors of the 11 study counties invited comments and suggestions regarding State and regional training efforts directed at county staff. Staff from three of the four regional offices stressed the need for ongoing formal training. Formal training was recommended in such areas as the law and regulations, intervention techniques, treating and understanding sexual abuse and service provision in rural areas. Input by specialists was requested.

15. Fraser, Independent Representation for the Abused and Neglected Child: The Guardian Ad Litem, 13 Calif. W. L. Rev. 19 (1976-77). Also see Education Commission of the States, Trends in Child Protection Laws--1977 (Denver, March 1978).

One county director remarked, "State programs only good for rank beginners. More 'how-to' courses needed rather than continual 'overviews.'" Another commented that while informal State assistance was readily available either through field representatives or ChildLine, formal training is very infrequent. Another noted that State assistance was primarily in the form of written materials. Two county directors stressed the need for more coordination between the State and counties in providing training. Training in handling sexual abuse cases was also requested.

Those presentations made by medical professionals at the conference on multidisciplinary teams were considered particularly useful by the oversight staff.

PROGRAM EVALUATION

Goals and Responsibilities

Section 19 of Act No. 124 provides a basic tool for evaluation of the extent and effectiveness of implementation:

Annual Reports.--No later than April 15 of every year, the secretary shall prepare and transmit to the Governor and the General Assembly a report on the operations of the central register of child abuse and the various child protective services. The report shall include a full statistical analysis of the reports of suspected child abuse made to the department together with a report on the implementation of this act and its total cost to the Commonwealth, the secretary's evaluation of services offered under this act and recommendations for repeal or for additional legislation to fulfill the purposes of this act. All such recommendations should contain an estimate of increased or decreased costs resulting therefrom.

Implementation

Annual reports for calendar years 1976 and 1977 have been published by the Office of Children and Youth of the Department of Public Welfare. Responsibility for compilation

of the annual report is assigned to the Bureau of Child Welfare and the ChildLine staff. Both reports have presented a well-organized summary of major provisions of the act; lists of activities of the Bureau of Child Welfare, ChildLine and regional offices; data on numbers of cases of suspected child abuse, status of cases, injuries reported, time of reports and agency receiving reports; and proposed revisions of the law.

For the calendar year 1977 report, the department has additionally furnished statistics on county-by-county program staffing and funding as well as statistics and discussion concerning service activities.

Evaluation

While coverage of the report has been expanded in the second year, the reporting would be more in compliance with the law with improvements in fiscal information and in-depth analysis.

The funding information in the report shows expenditures of the county programs for services delivered directly by the agencies to abused children as explained in the footnote on p. 52. These expenditures, funded by a combination of federal, State and local resources, do not include post-intake costs for homemaker and out-of-home services to the abused child. The report does not indicate expenditures by the department and sources of funding for the operation of ChildLine, personnel assigned to the child abuse program in the central and regional offices, public education costs, consultant fees and other costs.

More in-depth analysis of the data presented is necessary to make valid conclusions and county comparisons concerning such matters as rates of reporting and report substantiation, service delivery, costs and fiscal commitments. In particular, measurement of county activities could be refined and related to program objectives and standards.

Finally, the annual report could be an even more useful document if the department would also use it to present an annual State child protective services plan. This would provide information on the department's short- and long-range program objectives and allow comparison of annual progress

in implementation of these objectives. The usefulness of the report could also be enhanced by expanding its scope to include all social services to children and youth.

REGULATIONS

Goals and Responsibilities

To provide uniform and thorough statewide implementation in compliance with the law, Act No. 124 in Section 21 directs the Department of Public Welfare to promulgate regulations.

Implementation

The regulations were published in Volume 6, Pennsylvania Bulletin, page 833, et seq. Developed by a team consisting of representatives of the Governor's Office, the Department of Justice, Community Legal Services, Inc. and the Department of Public Welfare, the initial draft of the regulations was revised taking into consideration testimony received at public hearings held throughout the State.¹⁶

Following publication of the regulations, many questions were directed to the department by regional office and county child welfare staff members. In response, several social services memoranda were issued to clarify policy and procedures.

Evaluation

The regulations were reviewed to evaluate the extent to which they accurately reflect the intent of the major provisions of the law and establish guidelines and procedures for effective implementation. The oversight staff made a detailed comparison of the regulations to the provisions of the law, reviewed clarifications contained in the social services memoranda as well as related problems and deficiencies in implementation to the regulations. Of high

16. Department of Public Welfare, The 1976 Child Abuse Report, p. 6.

priority was determination of whether procedures are clearly and firmly established to preserve the balance between provisions intended to increase reporting of child abuse and protection of children on the one hand and to provide confidentiality for the family on the other.

The review showed that many of the regulations correspond verbatim with the act and many additions are chiefly of a housekeeping nature. The following significant expansions of provisions of the law generally appear to be in keeping with the legislative intent:

- The definitions added, e.g., "serious mental injury," "serious physical injury," "serious physical neglect" and "sexual abuse" (see Appendix B). However, the difficulties experienced in classifying and substantiating serious neglect suggest need for revision of this definition.
- The descriptions, requirements and authorized staff for the services mandated but not elaborated upon by the law. However, it may be questionable whether the legislative intent concerning the requirement of emergency caretaker service corresponds with the role of the homemaker position which was substituted by the regulations.
- The requirement for investigation of reports made by anonymous reporters.
- Procedures for expunction, for the release of confidential information upon written authorization of subjects of reports and for amendment and sealing of abuse reports upon the request of subjects.
- The grounds for severe disciplinary action and dismissal of State and county employees and the grounds for imposition of sanctions against a county agency by the department.
- Requirements for preparing, airing and certifying annual child protective services plans.
- Requirements and procedures concerning the taking and reporting of protective custody--including notification of local law enforcement officials in an emergency situation.

The regulations conflict with the requirement of Section 16(a) of Act No. 124 that "Every county public child welfare agency shall establish a 'child protective service' within each agency" by waiving this requirement for the county which "has demonstrated in its CPS local plan a lack of need for such a separate organization unit and has received a waiver from the Department." The Department of Public Welfare proposes that the law be amended in this respect, since requiring a separate unit is unrealistic in the case of smaller counties (see Chapter IV).

A major regulating provision which appears to have increased the burden of county implementation of the law is the requirement of immediate telephone transmission of all reports of suspected abuse by ChildLine to the counties, which would result in weekend and nighttime contact of county staffs for nonemergency reports. Section 14(f) of the law requires prompt written notification and oral transmission only if advisable.

Confusion might be avoided or the law implemented more effectively if the regulations provided clearer requirements and procedures relating to:

- Determination of serious neglect.
- Determination of report status. In the case of "indicated" reports, guidelines should be established concerning appropriate medical evidence and "admission of abuse." Guidelines are also needed for the classification of judicial findings of dependency based on abuse and/or neglect.
- Petitioning the courts for findings of dependency based on abuse and/or neglect.
- Referral of unfounded cases in need of protective services.
- Reporting, investigating and providing service relating to child abuse in institutions.
- County instruction of mandated reporter to make oral report to ChildLine and to file written report.
- Organization and function of multidisciplinary teams and county training programs.

Finally, the oversight study of regulations revealed notable omission of specific policies and procedures relating to:

- Actions to be taken by department when report status is not determined in 60 days.
- Differentiating ChildLine processing of abuse reports from counseling and referral calls.
- Investigating and responding to citizen complaints of improper actions by counties.
- Conducting and following up performance audits.
- Maintaining and releasing confidential information by county child welfare agencies.
- Acquiring and paying for nonemergency medical evaluations.
- Approving the suitability of public education materials prepared by other agencies.



IV. COUNTY IMPLEMENTATION

ORGANIZATION, STAFFING AND FUNDING

Goals and Responsibilities

Section 16 of Act No. 124 mandates the establishment of a child protective service within each county child welfare agency "to prevent further abuses to children," "to safeguard and ensure the child's well-being and development," and "to preserve and stabilize family life wherever appropriate." Section 16(a) specifically provides:

Every county public child welfare agency shall establish a "child protective service" within each agency. The child protective service shall perform those functions assigned by this act to it and only such others that would further the purposes of this act. It shall have a sufficient staff of sufficient qualifications to fulfill the purposes of this act and organized in such a way as to maximize the continuity of responsibility, care and services of individual workers toward individual children and families. The child protective service of the county public child welfare agency shall be the sole agency responsible for receiving and investigating all reports of child abuse made pursuant to this act . . . for the purpose of providing protective services.

In addition, the law directs the county protective service to investigate abuse in facilities operated by the Department of Public Welfare and other public agencies,

petition and assist the courts, prepare an annual plan, provide or arrange for specific emergency and nonemergency services, train staff members and provide public education.

In providing the full range of social services to abused children, the counties are also governed by comprehensive regulations promulgated December 31, 1977 to implement Act No. 148 of 1976 (Volume 7, Pennsylvania Bulletin, page 4037, et seq.). These regulations cover management and funding of social services to children and youth.

Most data on county activities summarized in this chapter are taken from the oversight study questionnaires completed by county staffs in July 1978. See Chapter I, p. 11. In addition, some data were summarized from The 1977 Child Abuse Report of the Department of Public Welfare.

Implementation

Organization--The county child welfare agencies have developed differing internal organizations for the provision of protective services for abused children as well as for other neglected and dependent children.¹⁷ The organization adopted generally reflects the total work load of the agency. While the child abuse law requires a separate child protective service for handling abuse cases, the regulations allow the department to waive this requirement in counties which do not have a sufficient number of reports of suspected abuse to justify full-time protective service personnel. The annual report shows 36 waivers with 6 pending as of December 31, 1977.

Table 4 relates county organization to average numbers of abuse reports and substantiated reports for 1977.

17. Act No. 148 regulations divide child protective services into two categories--"protective service-child abuse" and "protective service-general." Abuse services include those activities pursuant to Act No. 124. General protective services "are provided to children and families when the children have been neglected, exploited, or injured by their parents to an extent not sufficient to be covered by Act 124. . . . Included are runaway children by virtue of their status."

Table 4

ORGANIZATION OF COUNTY CHILDREN AND YOUTH SOCIAL SERVICE AGENCIES
FOR THE PROVISION OF CHILD PROTECTIVE SERVICES*

Type of county organization	County organization for			
	Receiving and investi- gating abuse reports		Providing services	
	No. of counties	Average 1977 reports	No. of counties	Average 1977 substantiated reports
A. No separate unit for protective services	39	59	36	14
B. Separate unit for all protec- tive services	8	125	10	52
C. Separate unit for abuse cases only	19	299	20	104

*Not included above is Philadelphia's response which indicates a separate unit for all protective services both for taking and investigating its 3,973 reports for 1977 and for providing services for the 1,394 substantiated reports.

SOURCE: Joint State Government Commission legislative oversight survey of county directors of children and youth social service agencies, July 1978, and The 1977 Child Abuse Report.

Staffing--Staff responsibilities vary according to agency organization. In larger agencies, workers may specialize full time in child abuse intake or services, in middle-size agencies, in protective service activities and in small agencies, in the full range of children and youth social services. All county staffs provide 24-hour emergency service.

To receive a broad picture of the relative proportion of case loads for various types of children and youth services, an oversight survey question requested the number of

active abuse, general protective service and all other child welfare service cases carried by each county agency as of July 1, 1978, January 1, 1978 and January 1, 1977. Data usable for these calculations were supplied by 53 counties.¹⁸

The percentage distribution of active cases carried over this time period was approximately 10 percent abuse cases, 55 percent general protective service cases and 35 percent cases requiring other types of child welfare services. Although there was a wide range in numbers of abuse cases as related to general protective service cases, overall for these counties there were over 5 times as many general protective services cases as abuse cases.

Survey data were also used to calculate staff work loads and service characteristics as of June 30, 1978. Twenty-six supervisors of child protective service caseworkers for 10 study counties, excluding Philadelphia (see p. 11), had the following characteristics: average years of employment with the agency, 6; average age, 32; average total years of social services experience, 8; average annual salary, \$14,800; average number of caseworkers and trainees under each supervisor, 4.6. Philadelphia's 15 supervisors on the average had 10 years of employment with the agency, were age 42, had salaries of \$20,800 and were responsible for supervising 4.6 social workers and trainees. Many supervisors in smaller counties were reported to carry case loads in addition to their supervisory responsibilities.

For the 10 study counties, 106 full-time caseworkers having protective service case load responsibilities had the following characteristics and work load: average years of employment with agency, 2; average age, 28; average total years of social service experience, 3; average annual salary, \$11,200; average case load, 51 children. Philadelphia's 61 social workers on the average had 3.5 years of service with the agency, were age 34 and had salaries of \$14,700. No data were provided for their case loads.

18. The 14 counties not incorporated in this average were Butler, Clinton, Crawford, Dauphin, Delaware, Erie, Mercer, Montgomery, Montour, Philadelphia, Somerset, Warren, Westmoreland and York.

For 49 of the 56 remaining counties, the average case load of 287 full-time caseworkers having protective service case responsibilities was 54 children.¹⁹

In addition to case supervisors and caseworkers, the regulations for Act No. 124 provide for the following positions to be considered part of the child protective service when their functions are utilized: homemaker, emergency foster parent, multidisciplinary consultant and attorney. Each agency providing child protective services is required to either retain or have the capability to obtain an attorney at all times. Act No. 148 regulations detail the standards and requirements for children and youth social service agency personnel.

Funding--The major source of county child abuse funding is provided under Title XX of the federal Social Security Act. For 1977-1978 the dollar amount of Title XX federal and State funds for all child welfare services (in a 75/25 percent ratio) was \$16.8 million. The Department of Public Welfare allocated these dollars by providing a \$20,000 flat amount for each county plus an amount distributed according to the number of children under 18 in each county. For 1977-1978 the department allocated approximately \$4.00 per child for each county (excluding Philadelphia) for county expenditures as defined by the department for child abuse, general protective services and foster care. Philadelphia's allocation was \$7.65 per child. The total amount of Title XX funds for these purposes remained constant from 1976-1977 to 1977-1978. However, a reduction in Philadelphia's allocation per population in 1977-1978 resulted in an increased allocation for 59 of the other counties over 1976-1977.

According to the annual report of the department, two-thirds of the counties used Title XX funds to pay for over 90 percent of their child abuse program expenditures. Due to ceilings and regulations on use of Title XX funds, the remaining one-third found it necessary to fund part of their child abuse programs with State funding under 1976 Act

19. Not incorporated in this average were Clarion, Cumberland, Delaware, Lackawanna, Lawrence, Montgomery and Snyder counties and the 11 study counties.

No. 148. In 1977 the actual State reimbursement to counties was 60 percent of the children and youth program expenditures in excess of funding from Title XX and other sources. Department policy requires the Title XX funding to each county to be used first for expenditures for child abuse.

Table 2 in Chapter II, p. 18, shows total county child abuse expenditures in 1977 per 1,000 children under 18 in the population. These figures represent the expenditures in the protective services child abuse cost center in the department's account structure for child and youth services.²⁰ They do not include the cost of services to abused children in other cost centers, such as day-care and temporary or permanent placement out of the home. In addition, abused children and their families are provided with other referral services. In the oversight survey of sample cases in the 11 study counties, data were requested on the per diem cost of hospital/clinic or shelter/residential/institutional services and sources of funding where applicable. Since this information was fully provided for only half of the 35 cases involving this type of service, it is not presented in this report.

Changed levels of State funding for costs in excess of Title XX and other funding for various placement services under Act No. 148 went into effect in January 1978. These rates range from 90 percent for shelter care to 50 percent reimbursement for institutional care, including general child-caring facilities and juvenile detention centers. Administration costs are reimbursed at the rate of 60 percent.

The Act No. 148 regulations require the counties to submit a budget for children and youth social services in their annual plans, which are due November 15 beginning in 1978. The counties are also required to obtain independent

20. Expenditures shown under the protective service child abuse cost center include receiving, processing and investigating reports of suspected abuse, maintaining records of abuse reports, initiating legal proceedings, providing and arranging for temporary placement of children who have been taken into protective custody (actual cost of placement to be charged to shelter care services), notifying parents regarding reports of suspected abuse and providing for protective and preventive social counseling, multidisciplinary teams, education programs for parents and self-help groups for abusers.

audit reports within 90 days of the end of the calendar year. The department has prepared audit guidelines to be used for the 1978 calendar year.

Evaluation

Organization and Staffing--The manner in which county agencies are organized and have "sufficient staff of sufficient qualifications" may be evaluated by utilizing established standards. Child protective service standards issued by The American Humane Association stress the need for specialized workers, skilled and experienced supervisors, rigorously trained and closely supervised caseworkers and case loads far smaller than for other areas of social service.²¹

For all children and youth services, Act No. 148 regulations specify that a caseworker "shall not be assigned a workload which consistently requires overtime or exceeds 60 children" and "a supervisor shall not be assigned responsibility for more than 5 caseworkers or students."²² The initial draft of these regulations specified a maximum case load of 40, but because of county objections centering on staff costs, the final regulations continued the department's maximum case load of 60.²³

Oversight survey data shows work loads for caseworkers and supervisors approaching the maximums established by the

21. "Child Protective Services Standards," Englewood, Colorado (1978). The 12 operational areas listed in the standards pamphlet are administrative commitment, specialization, 24-hour coverage, case load control, multidisciplinary input, availability of community resources, a high quality of supervision, the CPS worker, flexibility in staff scheduling, continuing in-service training, good salaries and community support.

22. The regulations also specify that "there shall be a minimum of 1 clerical staff to 4 professional staff members." Although the clerical function was not studied, a common complaint of child welfare administrators was the heavy paperwork burden.

23. In the Act No. 148 regulations, the department indicated its intention "to develop caseload standards based on such variables as the type of service being provided, the type of child being served and the amount of experience and productivity of the caseworker."

department. Consideration of the heavy work loads combined with the short average length of employment and relative inexperience of the average caseworker leads to the conclusion that many counties may find it difficult to provide quality child protective service casework. The need for ongoing and intensive in-service staff training is apparent.

While organizational specialization is a recognized goal, because of the fact that the Commonwealth places the responsibility for administering social services to children and youth exclusively with each county government, this goal is unfeasible throughout Pennsylvania. As of January 1, 1978, more than half the 67 counties had waivers for separate units. As shown on Table 4, as of July 1, 1978, 20 had separate staff units for abuse services only. It has been proposed that Act No. 124 be amended to permit regional arrangements for provision of child protective services.

Comparison of counties granted waivers with Table 4 indicates that most waivers are properly granted according to the level of abuse reports received. However, a more rational determination of whether a county should have a separate protective service unit would take into consideration the total protective service case load--abuse as well as general.

Directors in the 11 study counties who responded to a question on problems in organization and staffing said that off-hours coverage is more workable if the total professional staff can share the off-hours duties rather than just protective service workers. Another problem mentioned was duplication of efforts by separate units.

Funding--The high average case loads and staff turnover would indicate need for additional allocations for personnel in many counties. The evaluation of the impact of funding in Chapter II, p. 20, indicates that increased county expenditures per 1,000 children under 18 in the population tends to bring about an increase in the number of substantiated reports of abuse. Since the analysis in Chapter II indicates that lower-income populations and larger proportions of nonwhite populations tend to generate more total reports, counties with substantial populations having these characteristics would require greater than average staff expenditures.

The oversight staff requested from the 11 study counties reports of their independent audits required by the department of expenditures of Title XX funds for children and youth social service programs. The audits, which covered the 1977 calendar year, were received from 7 of the 11 counties. Only two of the audit reports showed that an examination of the system of internal accounting and administrative control was made. Recently completed departmental guidelines for the audits of 1978 expenditures call for more in-depth and uniform review. The prescribed audit routine and procedures present the minimum items which must be reviewed and verified by the auditor. They include expenditures of the agency by specific categories and revenues received by source, cash on hand, accounts receivable and payable, fixed asset control and internal control. In addition, all information submitted by the agency on fiscal reports to the department must be verified. The auditor's findings and recommendations are to include findings regarding compliance with applicable laws and regulations and efficiency and economy in using resources.

Laws and Regulations--Confusion has been reported by the counties because of the overlapping laws and regulations governing the provision of protective services by county agencies. Act No. 124 requires services only for abused children as defined by the act. These children have been shown to comprise roughly 10 percent of the total child welfare case load statewide since the beginning of 1977. Under regulations implementing Act No. 148 of 1976, requirements for protective services apply to other dependent, neglected and runaway children for whom services are mandated by the Welfare Code and the Juvenile Act as well as to abused children. Altogether these comprise approximately two-thirds of the total child welfare case load. Court procedures and requirements for abused children are found in both the Child Protective Services Law and the Juvenile Act.

It has been pointed out that except for the reporting, investigating, confidentiality and special court requirements applying only to child abuse, the type and management of services provided to abused children are the same as those for children falling under the general protective service category. Because of the confusion and, in some cases, conflicts created by the overlapping requirements, a more unified approach to child welfare law and regulations has been suggested by many welfare specialists.

INVESTIGATION AND INTERVENTION

Goals and Responsibilities

After a report of suspected abuse is received by the county child protective service, the law requires that investigation be initiated in 24 hours and completed in 30 days. Investigation is a particularly critical phase of child protective service. The family members must be assured that the purpose of intervention is to help, not to find fault. At the same time they must be made aware of the implications of being subjects of an abuse report and their rights under the law. The caseworker must assess the risk to the child of remaining in his home environment and of his need for emergency care. The goal under the law is to secure voluntary acceptance of needed service and preserve and stabilize the family situation.

Review of the characteristics of abused children, their families and the perpetrators of abuse, presented in Appendix A, shows that in a majority of instances the caseworker will be dealing with normal children and parents having difficulty coping with parenthood and the stresses of everyday life. In a significant number of instances, he will encounter uncontrollable children or mentally ill or alcoholic/drug dependent parents. In a smaller percentage of cases the children will be disturbed, retarded or slow in development, or the parents abnormally hostile or character-disordered.

Act No. 124 requires that the county child protective service investigate all reports other than those involving its employees and agents and that no information be released that would identify the reporters. Due process and confidentiality are built into the law by specific requirements governing written notification of the report to subjects, information that can be maintained and released, determination of report status, expunction of unsubstantiated reports and the taking of emergency custody.

The pending complaint file cannot be used by counties as a source of investigative information. Information in the central register is accessible only to authorized child protective service workers, medical personnel, guardians ad litem, departmental employees, court officials and subjects

of reports. Of the information in the central register, authorized county workers and other persons may be informed only of the existence of a prior founded or indicated report on the child under investigation, the number of such reports, the nature and extent of the alleged instances of suspected child abuse and whether the reports are founded or indicated.

Implementation

Statistical findings of the oversight survey and data included in the department's annual child abuse report serve to describe the efficiency and results of county investigations. The annual report shows that in 1977, 43.1 percent of all reports were investigated and status determined in 30 days and 41.9 percent in 31-60 days. Of the 15 percent that were expunged because status was not determined in 60 days, three-quarters were from Philadelphia. In 1977 and during the first ten months of 1978, over one-third of all Philadelphia reports were overdue and expunged. From the beginning of 1977 through the end of October 1978, ChildLine expunged over 3,000 over 60-day Philadelphia reports. Child abuse was substantiated for 35 percent of the total reports received in 1977. The annual report shows the children in 40 percent of the reports of suspected abuse were seen within 24 hours. Protective custody was taken in about 7 percent of the total cases reported or in about 20 percent of substantiated cases. Survey data on services provided to substantiated reports show that service was refused or not provided in only 12 of 197 sample cases.

Sample data on Table 5 indicate that investigations generally are started and completed sooner for reports received initially by the county agency. For reports of suspected abuse received by the counties for which data were available, 64 percent of the children were seen within 24 hours and 51 percent of the investigations completed in 30 days; for those received by ChildLine, 34 percent were seen in 24 hours and 38 percent of the investigations completed in 30 days. Ten percent of the reports received by the counties were expunged after 60 days and 19 percent of those received by ChildLine were expunged.

Of 184 sample substantiated cases of child abuse for which survey data were provided (see Appendix A), 76 percent of the children were seen in a week or less after the report was received; 14 percent were seen between 8 and 29 days; and 7 percent were first seen after 29 or more days. Six children (3 percent) were never seen by investigators.

Table 5

INVESTIGATION TIME INTERVALS FOR SAMPLE CHILD ABUSE REPORTS

	Initial reports received by		Total reports with data
	ChildLine	County agency	
Child seen within 24 hours	101 of 299 calls	147 of 231 calls	530
Status report:			
Received in 30 days	136	128	264
Received in 31-60 days	155	100	255
Not received in 60 days (auto- matically not substantiated)	<u>67</u>	<u>25</u>	<u>92</u>
	358	253	611

SOURCE: Random sample from ChildLine research file of 613 reports of suspected child abuse received during the first six months of 1977.

Data in Table 6 for all counties except Philadelphia illustrate the difficulty experienced in substantiating suspected neglect reports under Act No. 124. While physical neglect was the primary injury alleged in 24 percent of total cases reviewed, only 13 percent of all substantiated cases had physical neglect as the primary injury. On the other hand, 30 percent of reports determined to be unfounded had physical neglect as the primary injury and 39 percent of the unfounded cases with no status determination in 60 days were physical neglect cases.

A review of 70 cases examined in detail for the 11 study counties showed general compliance with the mandate to notify subjects in writing of the existence of the report.

Evaluation

Efficiency--The fact that status reports for more than half of the total reports of abuse were not received in 30 days indicates inefficiency in meeting the 30-day investigation deadline.

However, counties other than Philadelphia are generally efficient in returning status reports in 60 days. The child welfare director of Philadelphia attributes the fact that many reports were expunged after 60 days without status determined to the need for additional staff and the growing number of reports generated by increased public awareness. This explanation, however, was not accompanied by work load data for supervisors and caseworkers which were requested in the oversight survey.

Table 6

1977 SUBSTANTIATED AND UNSUBSTANTIATED CHILD ABUSE REPORTS
BY PRIMARY TYPE OF INJURY (EXCLUDING PHILADELPHIA)

	Total reports		Founded and indicated reports		Unfounded reports			
	Number	Percent	Number	Percent	Total		Over 60 days	
					Number	Percent	Number	Percent
Physical	5,938	65%	2,310	74%	3,628	60%	201	50%
Mental	271	3	73	2	198	3	7	2
Sexual	755	8	342	11	413	7	36	9
Physical neglect	<u>2,212</u>	<u>24</u>	<u>400</u>	<u>13</u>	<u>1,812</u>	<u>30</u>	<u>158</u>	<u>39</u>
Total	9,176	100	3,125	100	6,051	100	402	100

SOURCES: Responses by directors of county children and youth social service agencies to oversight survey questionnaires and ChildLine research file data.

Some county administrators, noting that the 30-day deadline is often difficult to meet because of delays experienced in court proceedings and in obtaining evidence, have suggested that the time period be extended in the law. On the other hand, some law enforcement officials and professionals involved in providing services to abused children have suggested that overdue reports be investigated by another agency, such as regional offices of the

department or the police, and that the county child welfare agency be penalized in some manner.

The sample data for substantiated cases are disturbing in that 24 percent of these abused children were not seen within one week of the date of the report and that some cases were substantiated as abuse without the child being seen.

Investigation is clearly more efficient when reports are made initially to the county agency rather than Child-Line. For a report made to the county, it is more likely that investigation will be initiated and completed sooner and, as shown in Chapter II, that the report will be substantiated as child abuse. Also as illustrated, investigation of reports with neglect allegations are likely to take longer and have a lower probability of substantiation than investigations of reports alleging other injuries.

It is difficult to evaluate the effectiveness of each county's investigation activities by its record of report substantiation. The substantiated reports of child abuse per 1,000 children in the county range widely as shown in Chapter II. Analysis revealed there is little or no significant relationship between report substantiation data and available county demographic or income data.

ChildLine Screening--While county child welfare directors on the average rate ChildLine service as good (see pp. 26-27), they commonly complain that their staffs are greatly burdened by investigation of reports referred by ChildLine with highly questionable or frivolous allegations of abuse. As discussed earlier, the law and regulations do not address screening and departmental policy does not permit it. Many county staffs suggest that it would be more efficient and children would be served better if the counties could screen reports through preliminary investigation and determine how the reported children can best be processed in the child welfare system. The counties would notify ChildLine of the reports which were reasonably determined to be suspected child abuse for placement in the pending file and processing under Act No. 124. State officials recognize the need for screening but propose that the ChildLine workers determine which calls received by them are to be immediately processed under Act No. 124 and which are to be referred to the counties for preliminary investigation and screening.

Neglect Investigation--The difficulties experienced in investigating and substantiating neglect reports suggest that there is need to provide a clear definition of serious neglect in the law or regulations, or that there is wide-spread difficulty in substantiating serious neglect based on investigation and medical evidence. The department's legal staff has proposed that neglect be removed from Act No. 124 as have some county staffs. Others have suggested that investigation or medical evidence be one basis for the "indicated" status determination. This has also been proposed to make it easier to "indicate" sexual abuse.

Expunction--Problems in offering services often result from cases which ultimately cannot be substantiated. When a notification is sent to the subjects that abuse has not been established and the case records destroyed, it is difficult to encourage voluntary acceptance of general protective services; in addition, information which would be useful in case referral is lost. Although county directors claim that a significant number of unfounded abuse reports require general protective services, the oversight staff could not ascertain the number of reports in this category because of expunction. Suggestions to alleviate these problems include amending the law to allow screening of less serious neglect cases from investigation under Act No. 124 and/or relaxing expunction requirements by permitting county records to be kept on unfounded cases accepting services, with all reference to the abuse report expunged.

Also, expunction of over 60-day reports prevents follow-up of whether the reports have been investigated and the children protected. Several county directors pointed out that expunction limits monitoring of unfounded reports where a dangerous situation shows signs of erupting.

Although expunction requirements were written into the law to protect the privacy of families who are the subjects of unsubstantiated reports, the suggestion has been voiced by county staffs that all expunctions be eliminated to facilitate service referral and case monitoring.

Information--Complaints have frequently been received that restrictions on individuals authorized to have access to confidential information hamper investigation and service provision. Representatives of the following groups have requested that the law specifically permit their access to

appropriate confidential information: law enforcement officials, supervisory personnel in child-caring institutions, counsels for the parents/guardians or children, persons providing services to children, mandated reporters, auditors, agents of the Attorney General when monitoring expunction and agents of the General Assembly when exercising oversight.

The department and others feel county investigation would be assisted if the central register would also contain and release such basic information as the county or institution in which abuse has occurred, the relationship of the perpetrator to the child, the sex of the child and services provided.

While a report is under investigation, it would be possible to detect "hospital shopping"--i.e., the practice of taking a repeatedly injured child to more than one medical facility for treatment--if an amendment were made to the law authorizing a check of the pending file for previous reports.

Another problem involving information is that child welfare staffs have difficulty getting access to information on children under investigation from hospitals, doctors, police, schools, mental health agencies and social agencies. County staffs suggest that the law be amended to authorize access to such information.

Law Enforcement Involvement--A situation in Erie County in which the county agency was charged with cover-up of criminal activities connected with alleged abuse in a foster home may illustrate the need for law enforcement involvement in some investigations. In particular, cases involving nonparent guardians of children may require law enforcement action or follow-up to prevent abuse of other children.

In Philadelphia, law enforcement screening and investigation has been urgently requested by law enforcement officials and others because of the investigating inefficiency of the county child welfare agency. Screening of reports by the district attorney has been suggested as a means of local monitoring of the county agencies.

Copies of all reports were required to be supplied to the police under the previous child abuse reporting law. Bills were introduced in the 1977-1978 Session to permit the child protective service to notify law enforcement officials or to require screening of reports by the district attorney.

Another proposed amendment would require that the county child protective service be "the sole civil agency" authorized to investigate abuse.

It is argued that the possibility of law enforcement involvement will discourage reporting by mandated reporters. The data on severity of abuse and the characteristics of the perpetrators of abuse shown in Appendix A would indicate that there is no need for police intervention in a large percentage of cases. When the abuse is so serious or the home situation so risky that custody is taken and court proceedings initiated, the prosecutors may determine to file criminal charges. Also, it is not illegal for the county agency to encourage other subjects of a report to file charges. The annual report shows that in 1977 criminal charges were brought against the perpetrator in at least 405 cases.

STATUS DETERMINATION

Goals and Responsibilities

A suspected case of abuse is determined to be substantiated under the child abuse act if the case is "founded," i.e., there has been judicial determination based on a finding that a child has been abused, or if the case is "indicated," i.e., investigation by the county agency determines that substantial evidence of the alleged abuse exists based on (1) available medical evidence and the county investigation or (2) admission of the acts of abuse by the parent or person responsible for the child's welfare. An "unfounded" case is one which is neither founded nor indicated.

One purpose of the founded and indicated determinations is to provide a basis for records for a central registry on child abuse to facilitate investigation of subsequent cases. The "unfounded" status establishes which records are to be expunged. Since the "indicated" status is arrived at without the benefit of due process court procedures, it is important that it is carefully determined in conformance with the law. Furthermore, as earlier explained, whether a case receives an indicated or unfounded status has a definite bearing on the voluntary acceptance of services and the preservation of case information.

Implementation

In 1976, 209 or 3 percent of all suspected cases of abuse were substantiated cases based on judicial findings; in 1977 the number of "founded" cases fell to 137, or 1 percent of all cases for that year. Since the Juvenile Act provides no statutory basis for a judicial finding of abuse, founded cases are actually adjudicated "dependent" based on abuse per Act No. 124. Indicated cases, those substantiated by investigation and medical evidence or admission by the individual who perpetrated the abuse, increased by 65 percent from the first to second years.

As there was no information in the ChildLine files on the basis of status determination of 1977 reports, data from the sample study are utilized. Table 7 shows data on the 199 sample substantiated cases for which the counties provided information. The table relates the status determinations, their legal basis and the severity of injury of the child as perceived by the county agency. Severity statistics are utilized because the law requires that physical injury and neglect be serious in nature.

Review of the first two columns of Table 7 shows inconsistency in the classification of cases in each category. For example, all cases in set A should be founded and those in sets C and D should be indicated. It is questionable whether the cases in set B are classified properly. Since the child welfare agency sometimes will petition the court for a dependency ruling under the Juvenile Act rather than the child abuse act to avoid the risk of the case being dismissed, confusion exists concerning whether a dependency ruling in such a case should be classified as founded, indicated or unfounded abuse.

Further study of the sample data shows that of the children in set D--substantiation based on investigation and medical evidence--approximately 45 percent required no treatment and 32 percent did not receive medical evaluations. Of the children in set C--substantiation based on admission of abuse by the perpetrator--74 percent required no treatment and 70 percent did not receive medical evaluations.

A review was made of the basis of determination for the 82 sample cases for which there was no treatment necessary for the abused child, no medical evaluation and no court hearing. Almost two-thirds of these 82 cases were determined

Table 7

RELATIONSHIP OF CASE STATUS DETERMINATION,
LEGAL BASIS AND SEVERITY OF ABUSE

Determination based on	Total reports by status*	Severity of abuse**			
		No treatment necessary	Moderate/ treatment required	Serious/ hospital-ization necessary	No data
A. Judicial finding of dependency based on abuse as defined by Act No. 124	5-F 2-I	2	3	2	0
B. Judicial finding of dependency based on neglect (per Juvenile Act)	1-F 1-I	2	0	0	0
C. Admission of abuse by perpetrator	1-F 79-I	59	14	5	2
D. Investigation and available medical evidence	1-F 77-I	35	32	10	1
E. Combinations of abuse determinations	2-F 25-I	17	8	2	0
No data on basis of determination	5-I	4	0	1	0
Total	10-F, 189-I	119	57	20	3

*F-Founded, I-Indicated.

**Two other severity of abuse categories--permanent disability and fatal--did not describe any sample abuse cases.

SOURCE: 1978 Joint State Government Commission legislative oversight survey of a sample of 214 substantiated cases reported during the first six months of 1977.

on the basis of admission of abuse by the perpetrator. For 28 of these cases, substantiation was based on investigation and available medical evidence (although none had medical evaluations), sometimes in combination with admission by the perpetrator. Three of these cases listed no basis on which determination was made. Services were provided to 76 of these 82 cases, 31 of which received casework counseling only.

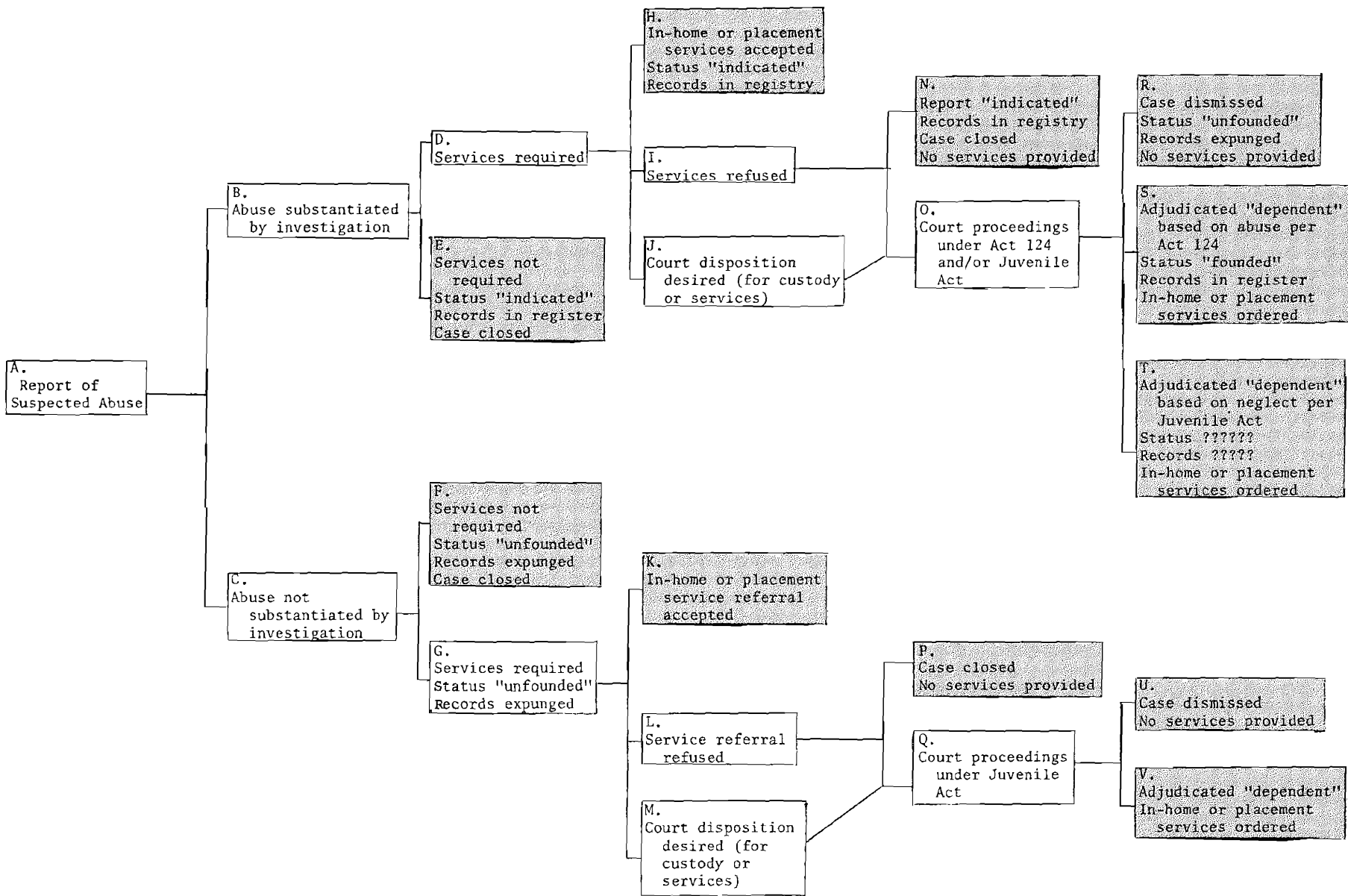
Evaluation

Analysis of these sample data indicates that many caseworkers are not classifying reports as indicated abuse based on the physical seriousness of injury or neglect and, for a large percentage of cases, do not acquire medical evidence. Of 198 sample substantiated cases, 53 percent received medical evaluations. Caseworkers may well be classifying cases on their own practical considerations of whether the injury resulted from parental action seriously exceeding normal disciplinary action, whether the care of the child was seriously below minimum standards of acceptability, whether there appeared to be substantial risk of further abuse and/or whether the child or family could benefit from social services. This suggests that the Legislature give attention to the definitions of physical abuse and neglect in the law to determine if clarification is in order and to the need for the requirement of medical evidence in all cases where abuse is not admitted. It may be useful in the law or regulations to establish what abuse is not, e.g., by delineating standards for acceptable discipline and minimal child care.

The tendency to substantiate cases which do not appear to be particularly serious might also be reduced by report screening and modification of the expunction requirement for unfounded cases requiring services.

The fact that many of the least severe cases appear to be based on admission of abuse by the perpetrator suggests that many parents may not fully understand the meaning of abuse or neglect under the law. The suggestion has been made that written notice be given to the perpetrators of indicated cases explaining the implications of this determination.

PROCESSING OF SUBSTANTIATED AND UNSUBSTANTIATED CHILD ABUSE REPORTS



To assist in understanding the classification and processing of abuse reports under Act No. 124, the informal diagram on p. 67 shows the possible outcomes for reports from the time they are received to the point of either referring the case for post-intake services or closing the case without services. The last steps for various outcomes are shaded. About one-third of the reports received in 1977 fall into block B and the remainder in block C. Sample data show that most of those starting in B end up in H. Because of expunction, it is not possible to know how many cases are involved in the sequence starting in block C. As noted earlier, block G is a problem area and is reported to involve a substantial number of unfounded reports. Block T indicates the problem area for status determination.

SERVICES

Goals and Responsibilities

Section 16 of Act No. 124 specifically mandates that each county agency make available the following services for the prevention and treatment of child abuse: multidisciplinary teams, instruction in education for parenthood, protective and preventive social counseling, emergency caretaker services, emergency shelter care, emergency medical services, and groups organized by former abusing parents to encourage self-reporting and self-treatment of present abusers.

The law also authorizes the protective service to provide or contract with other agencies for the protection of the child in his home whenever possible and for care of the child in protective custody. In addition to the abused child, the law directs services for the child who is being harmed by factors beyond the control of the parent or guardian. Requirements for the provision of each mandated service are provided in the regulations.

Implementation

The intention of the oversight survey is to provide a valid picture of the range of protective services available throughout the State, the method of delivery, the major difficulties associated with service provision and the type

Table 8

METHODS OF PROTECTIVE SERVICE DELIVERY BY COUNTY CHILDREN
AND YOUTH SOCIAL SERVICE AGENCIES*

Service	Percentage distribution of counties by manner of service delivery			
	Direct delivery	Contract provider	Referral	Unavailable or of very limited availability
Emergency medical:				
A. Physical	a%	13%	86%	1%
B. Mental	2	5	91	2
C. Sexual	4	9	83	4
Follow-up medical:				
D. Physical	1	13	85	1
E. Mental	4	6	87	3
Emergency child care:				
F. Caretaker	45	12	10	33
G. Shelter care	51	28	4	17
H. Foster home	86	14	0	0
I. Group home	12	40	8	40
Nonemergency child care:				
J. Foster home	84	16	0	0
K. Group home	13	50	12	25
L. Child-caring facility	10	66	10	14
Other:				
M. Legal	26	24	48	2
N. Casework counseling	91	2	7	0
O. Homemaker	38	27	31	4
P. Mental retardation	5	2	89	4
Q. Day-care	17	18	62	3
R. Education in parenting	42	11	25	22
S. Surrogate parent	12	1	22	65
T. Parental self-help group	10	8	39	43
U. Income maintenance/medical assistance/food stamps	0	0	100	0
V. Job training/employment service	0	0	92	8

*Sixty-seven counties responded for each service except for G, I, M and U, for which 66 responded, and S for which 64 responded.

a. Rounds to less than 1 percent.

SOURCE: 1978 Joint State Government Commission legislative oversight survey of county directors of children and youth social service agencies, July 1978.

and number of services applied to individual cases. Table 8 presents how various types of services that are mandated or considered appropriate for abused children and their families are delivered by counties throughout the State as of July 1, 1978.

Table 9 shows the services that were provided to the children and/or families for 197 substantiated abuse cases in the sample case survey. As shown on Table 10, multiple services were often involved.

Table 9
SERVICES PROVIDED TO SUBJECTS
OF 197 SAMPLE SUBSTANTIATED CHILD ABUSE CASES

Services	Cases	
	Number	Percent
Casework counseling	157	80%
Medical/physical	52	26
Medical/mental health	47	24
Legal	30	15
Foster home	27	14
Education in parenting	22	11
Day-care	14	7
Income maintenance/medical assistance/food stamps	14	7
Shelter facility	11	6
Child-caring facility	11	6
Medical/sexual	9	5
Homemaker	6	3
Parental self-help group	6	3
Surrogate parent	6	3
Emergency caretaker	6	3
Job training/employment service	6	3
Group home	4	2
Mental retardation service	1	1
Other	16	8
No service	12	6

SOURCE: 1978 Joint State Government Commission legislative oversight survey of sample substantiated reports received during first six months of 1977.

Table 10 gives a picture of the numbers of services provided to subjects of each of the sample cases.

Table 10

NUMBER OF SERVICES PROVIDED
TO 197 SAMPLE SUBSTANTIATED CHILD ABUSE CASES

Services provided	Number of cases	Percent
No services or refused services	12	6%
One service:		
Casework counseling	51	26
Other than casework counseling	15	8
Multiple services:		
One service plus casework counseling	45	23
More than one service plus casework counseling	<u>74</u>	<u>37</u>
Total	197	100

SOURCE: 1978 Joint State Government Commission legislative oversight survey of sample substantiated reports received during the first six months of 1977.

A review of Tables 9 and 10 indicates that 12 cases had no services provided, while 66 cases received only one service, usually casework counseling. Of the sample cases, 119 received multiple services ranging from medical services and foster care for the child to parental self-help and income maintenance and job training for parents.

Eighteen percent of the sample substantiated reports for which data were provided received multidisciplinary team services.

More extensive case survey forms were provided for 70 cases in the 11 study counties. Although the number of cases is small, the 59 sample cases with complete service and

assessment data furnish a picture of agency services and staff assessment in meeting service goals to date for cases started in early to mid-1977. The average number of services provided was 2 and the rating of progress through June 1978 was 7 on a scale of 1 (very little progress) to 10 (service goal met or nearly met).

Evaluation

Service Needs--Services not only must be provided to protect the health of the abused child but also to treat the family to determine and, when possible, relieve the underlying difficulties which created the abusive situation. Statistical data from the sample survey give a picture of the wide range of community services necessary and their relative degree of need.²⁴

In the sample survey, 57 percent of the abused children were girls and 43 percent boys. Fifty-four percent were under 10 years of age and 46 percent between 10 and 17. More than two-thirds received physical injuries. Nearly 30 percent sustained moderate injuries that required treatment and 10 percent received serious injuries requiring hospitalization. Of the 192 abused children for which information was provided, 60 percent had no problem or abnormality discernible to the child welfare staff. However, about 20 percent of the abused children were uncontrollable by their parents and smaller percentages were hyperactive, had learning disorders or were diagnosed or suspected mentally retarded, delayed in development, chronically ill or developmentally disabled or emotionally disturbed. Oftentimes, more than one characteristic was applied to the same child.

In 86 percent of the sample cases the perpetrator was a parent--about equally divided between the mother and father and in a small percentage of cases both in combination. In small percentages of cases the perpetrator was another relative of the child, the mother's paramour, a foster parent, a teacher or a babysitter. Nearly half of the abuse resulted from loss of control during discipline with over a third of the perpetrators exhibiting lack of tolerance to the child's disobedience and provocation. More than one in

24. See Appendix A for complete survey results of substantiated cases.

four of the perpetrators were perceived to lack basic parenting skills and nearly one in four was thought to be alcoholic or drug dependent. About one of every six perpetrators was thought either to be mentally retarded or to have a mental health problem. More than 10 percent were considered to be repeated child abusers and 10 percent to have abused their spouses as well as their children. Smaller percentages were thought to be abnormally hostile or character-disordered.

Nearly half of the 164 families for which data were provided were headed by a single parent, over one-third were thought to have insufficient income or to misuse their income and nearly 20 percent lived in housing considered insufficient. Over a third of the families were characterized by nonviolent discord and over 20 percent by social isolation and/or family violence. In 15 percent of the cases there was a heavy, continuous family care responsibility and about one in ten had recently moved, had an unemployed breadwinner or had a new baby in the home.

Service Provision--The above characteristics indicate the need for a wide variety of community services and professional input into the planning and handling of child protective service cases. The multidisciplinary team concept mandated in the law shows promise but is as yet in the developmental stage. Only 18 percent of the sample substantiated cases had received this service by July 1978. The annual report shows that by the end of 1977 there were teams in 60 counties with 57 utilized in case assessment and treatment.

Since many of the problems of the perpetrators and families relating to parenting along with family responsibilities and relations, the need is apparent for such parental education and support services as education in parenting, parental self-help and surrogate parent. Table 8 shows that significant percentages of counties do not have these services. Even more notable in Table 9 is the low percentage of cases in which such services have been used.

Other observations from Table 9 include the relatively low usage of medical services, particularly considering the need for medical evidence in substantiated cases of abuse. Table 8 shows that significant percentages of counties

do not have a full range of placement services other than foster homes. Despite the goal to preserve the family unit, about 20 percent of the abused children in the sample were provided some form of out-of-home placement service.

Service Problems--Responses to the child welfare directors' questionnaires showed most problems in providing services related to lack of cooperation from mental health and mental retardation agencies and from medical care facilities, especially in emergency situations. The Philadelphia director termed the amount of time spent in getting emergency medical care "astronomical" and said follow-up care presents similar problems. Many of the rural counties expressed problems in establishing parental services due to limited resources and lack of anonymity for parents in small community settings. Concern was expressed over lack of sufficient emergency placement facilities and nonemergency group home facilities. Several counties noted the lack of quality of some referral services.

A number of counties have reported problems with creating viable multidisciplinary teams, including acquiring full participation in case review and the lack of community and monetary support for the teams.

A number of referral problems were related to funding. County staffs report that medical services often do not like handling Medicaid cases and families who do not meet low-income requirements usually must pay for their own services when referred by the county protective services. Under Act No. 148 regulations, the State will not reimburse counties for mental health and mental retardation services, certain drug and alcohol abuse treatment services, medical and dental services when other funds are available and educational services.

The wide range of services required and the widespread reliance on referral services underscore the need for comprehensive service planning with active community involvement. This has been implemented under Act No. 124 and recently, in an integrated manner, under Act No. 148.

Although most county staffs cooperated fully in the oversight survey, the oversight staff in gathering information on the sample substantiated cases found that county records in some instances did not provide basic data on the children, perpetrators and families that would seem essential to appropriate investigation and service planning.

CUSTODY AND COURT DISPOSITIONS

Statutory Authority and Responsibilities

The basic jurisdictional statute for the authority to take a child into custody and to adjudicate a modification of the otherwise usual parent-child relationship is the Juvenile Act, codified as Chapter 63 of the Judicial Code, 42 Pa.C.S. § 6301, et seq. In addition, specific provisions of Act No. 124 supplement the Juvenile Act. With regard to allegedly abused children, the acts must be read together with the specific provisions of Act No. 124 controlling.

In a case where a court adjudication modifying the usual parent-child relationship is desired or required, the procedures are set forth in the Juvenile Act. The pertinent statutory definition is "dependent child" which in relevant part is defined in Section 6302 as a child who:

(1) is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals;

* * *

(3) has been abandoned by his parents, guardian, or other custodian;

(4) is without a parent, guardian, or legal custodian; . . .

Section 6324 of the Juvenile Act provides that protective custody may be taken by a law enforcement officer or a duly authorized officer of the court.

Under Section 8 of Act No. 124 a child may be taken into custody as provided in Section 6324 of the Juvenile Act, and by

a physician examining or treating the child or by the director, or a person specifically designated in writing by such director, of any hospital or other medical institution where the child is being

treated, if such protective custody is immediately necessary to protect the child from further serious physical injury, sexual abuse or serious physical neglect.

Under this provision, a child may be held in "emergency protective custody" for not more than 72 hours without a detention hearing while, under the Juvenile Act, a detention hearing is required prior to his being detained or placed in shelter care

unless his detention or care is required to protect the person or property of others or of the child or because the child may abscond or be removed from the jurisdiction of the court or because he has no parent, guardian, or custodian or other person able to provide supervision and care for him and return him to the court when required, or an order for his detention or shelter care has been made by the court pursuant to this chapter. (Section 6325)

Under Act No. 124, medical personnel taking emergency custody must immediately notify the county child protective service agency, which must obtain a court order if the child is to be held longer than 24 hours. The county agency has specific responsibilities under Act No. 124 relating to notifying the child's parents or guardian of his whereabouts, expediting the return of the child to his home and assisting the courts in all stages of the proceedings.

Neither Act No. 124 nor the Juvenile Act permits custody to be taken by a child protective services worker without a court order. The regulations for Act No. 124 specify that when determining that emergency detention is necessary, the child protective service must immediately notify local law enforcement officials to take appropriate action. In nonemergency situations, the child protective service petitions the court for a court order.

Other pertinent provisions of Act No. 124 specifically authorize a court to make available confidential records, require the court to appoint an attorney-at-law to serve as guardian ad litem for the child who is the subject of an abuse proceeding and provide for special evidence rules in child abuse proceedings.

Implementation

Of the 23 cases in which custody was taken in the sample substantiated cases of the 11 study counties it is instructive that, while the law contemplates a hearing before a taking of custody, in about one-fourth of these cases no detention petition under the Juvenile Act was ever filed. Though Act No. 124 requires a guardian ad litem, in over one-fourth of the cases no guardian was appointed. In 13 of the cases an emergency custody arrangement was undertaken, while in only 10 was a detention hearing actually held.

Review of the 23 cases indicates that once the court procedures are involved it is only in the "serious" cases, usually involving incest or other sexual abuse, that the mandated procedures of the act were substantially complied with. Even in cases where serious physical injury was sustained by the child, the court procedures were often utilized only to the degree necessary to dispose of the case short of a full due process hearing.

The annual report of the Department of Public Welfare states that it is difficult to determine the true activity relating to the taking of protective custody because child welfare personnel frequently failed to provide data to ChildLine. The report shows that in 1977 about 7 percent of the total cases reported were taken into protective custody. Of that group (855 reports), 12 percent were ultimately determined to be founded cases, 70 percent indicated and 18 percent unfounded. Of the total number of children substantiated as abused in 1977, 19 percent were taken into protective custody. The department reports that of the 612 children who were taken into emergency protective custody during 1977, 20 percent were taken by a physician or director of a medical facility, 65 percent by a law enforcement officer or court official and 15 percent by a protective service worker with a court order.

Spokesmen for a number of organizations report widely differing court procedures among the counties. In some counties the child welfare agencies may petition for custody under both Act No. 124 and the Juvenile Act simultaneously. In other counties the agencies petition under one or the other act. If petition is brought only under Act No. 124, the agency runs the risk of the case being dismissed because

the situation falls short of abuse as defined in Act No. 124. Alternatively, if custody proceedings are undertaken pursuant to the Juvenile Act, the emergency provisions of Act No. 124 do not apply.

In response to a question concerning difficulties associated with court proceedings, child welfare directors of three of the 11 study counties--Allegheny, Erie and Philadelphia--complained of the complexities and large amount of time involved. In Philadelphia, caseworkers are reported to spend as much as eight hours waiting in court, with most cases being continued and the workers obligated to appear "time and time again." Berks County reported that the court process works well except for the necessity to prepare for a full hearing within only 10 days following the detention hearing. Chester County reported satisfaction with the 24-hour service provided by the board of judges. Luzerne County reported no problems but finds it more feasible to initiate proceedings under the Juvenile Act rather than Act No. 124.

Evaluation

When Act No. 124 was drafted, it was intended that the existing procedures for bringing a child within the jurisdiction of the juvenile court division would be utilized, rather than erecting a procedural superstructure for the limited purpose of formalizing the founded status of an abuse complaint. Certain additional procedural necessities were recognized; the emergency custody provisions in Act No. 124 responded to those needs. The dependency definition in the Juvenile Act, Section 6302, supra, was originally formulated to avoid "fault" connotations being placed upon the family, the rationale being that the necessity of obtaining treatment to alleviate the family situation was paramount. In Act No. 124, again the paramount consideration was making available treatment to the abused child and intervention in the family situation to avoid future occurrences rather than highlighting the fault concept. While criminal proceedings against the perpetrator of child abuse--the ultimate "fault" determination--were not ruled out, Act No. 124 discourages such proceedings by not explicitly incorporating the law enforcement and prosecutorial function within its ambit.

The foregoing considerations have resulted in some serious confusion. It is recommended that the pertinent provisions of the Juvenile Act be reviewed to determine their applicability to abused children and other children requiring protective social services and that the procedural provisions of the two acts be integrated. In addition, it is recommended that further study be given to bringing the law enforcement and prosecutorial functions within the parameters of Act No. 124, particularly in those cases where an emergency is evident or the injury is serious.



V. PROPOSED AMENDMENTS

The preceding evaluation of the first two years of implementation of 1975 Act No. 124 sheds light on both the strengths and weaknesses of the statute. It may be concluded that the law has stimulated the awareness and detection of child abuse and has established a functioning statewide system for reporting and investigating suspected abuse and providing emergency and rehabilitative protective services. On the other hand, implementation has revealed major problems within the system created under the act as well as difficulties resulting from imposition of this system on the existing child welfare and judicial systems functioning under other laws. These problems are set forth throughout this report.

The perceived shortcomings of the law have been of particular concern to individuals involved in social services at the State, regional and local levels who are confronted with the resulting problems on a daily basis as well as law enforcement officials and members of the legal community involved in representing the interests of parents and children. Throughout the study representatives of these interests have provided numerous, wide-ranging and detailed suggestions for revision of Act No. 124 as well as of the Juvenile Act, in addition to those contained in legislation introduced in the 1977-1978 Session.²⁵

25. Proposed amendments to Act No. 124 of 1975 are incorporated in 1977 Senate Bills 584 and 1641, Pr.'s Nos. 614 and 2160; 1977 House Bills 23, 982 and 999, Pr.'s Nos. 23, 1143 and 1170.

The significant proposed revisions--which are enumerated below--present a variety of differing policy alternatives.

Scope

1. Expand the scope of the law to encompass all children requiring protective social services. Consolidate requirements for service planning, administration, delivery and evaluation. Differentiate reporting, investigation, record keeping and confidentiality requirements for abuse cases. Expand the purposes of ChildLine to include nonabuse counseling and referral.
2. Further restrict the application of the statute by removing neglect from its scope.
3. Place all requirements relating to court procedures for children in the Juvenile Act and revise these requirements to facilitate the processing of protective service cases.
4. Provide full procedures for petitioning for an abuse ruling in Act No. 124. Clarify status classification for dependency rulings which are not based upon child abuse as defined in Act No. 124.
5. Integrate the Juvenile Act and the Child Protective Services Law into a comprehensive statute.
6. Expand or facilitate application of the law in any of the following ways: Remove the "serious" restriction on abuse, define neglect separately with less emphasis on physical injury, provide specific definitions for each type of injury, revise requirements for medical evidence or include threatened harm.
7. Provide specifically for the reporting, investigation and provision of services for institutional abuse.
8. Provide that a perpetrator of child abuse cannot be anyone under age 12 and clarify meaning of "person responsible for the child's welfare."

Reporting

9. Give mandated reporters option to make their initial oral reports either to the county children and youth social service agency or to ChildLine and authorize

their receiving information on whether reports have been investigated and services provided.

10. Provide that mandated reporters cannot be fired from their jobs for good-faith reporting of suspected abuse.
11. Allow for screening of reports by ChildLine and/or county agencies with requirement that all reports be investigated and referred for services if necessary.
12. Restrict ChildLine operations to maintaining a central register and require that all oral reports be made to counties.

Record Keeping

13. Relax county expunction requirements for unfounded cases accepting services and specify procedures for referral and transferring reports.
14. Eliminate all expunction requirements.
15. Require pending complaint file and central register to include data on the county or institutions in which abuse has occurred, whether the reporter was required to report by law, the relationship of the perpetrator to the child, the sex of the child, services required and provided and the basis for status determination.

Notification

16. Revise notification requirements when the subject child reaches age 18 to eliminate disruption of the family, eliminate status notification to subject child in the case of an unfounded report and provide for complete expunction of founded reports when the subject child reaches age 18.
17. Require that the perpetrators of indicated cases be notified of this status and its implications.

Investigation

18. Allow a period longer than 30 days for completion of investigation.

19. Insure investigation of all reports by revising expunction requirements for over 60-day reports for which status has not been reported, or requiring investigation of over 30-day reports by another agency.
20. Allow referral of some reports for law enforcement investigation or require law enforcement screening of all reports.
21. Allow the following individuals to have access to specified confidential information when there is cause: anyone authorized to take a child into protective custody; supervisory personnel in child-caring institutions; counsel for the parent/guardian or child; agency or person authorized to treat or supervise the abused child; person in charge of institution, school facility or agency which made report; auditors; agents of the Attorney General when monitoring expunctions of cases from the pending complaint file and central register; and agents of the General Assembly when exercising oversight.
22. Allow release of information in the pending complaint file concerning the existence of prior reports.
23. Authorize child protective service entry to public or private schools and access to information on children under investigation from hospitals, physicians, police, schools, mental health agencies and social agencies.

Services

24. Specify objectives for each service mandated.
25. Change parental self-help groups from a mandated to encouraged service.
26. Encourage referral to and coordination with other community services that are needed to treat and rehabilitate families, including nonemergency medical, mental retardation, drug and alcohol abuse, day-care, legal, job training and employment.
27. Require that services must be offered before court proceedings are initiated.

28. Require periodic service review and mandate visits between family and child placed outside the home.

State Administration

29. Clarify requirements for performance audits and monitoring of services.
30. Expand purpose of annual report to include statement of State program objectives for forthcoming year and strengthen and clarify program evaluation requirements.

County Administration

31. Provide for waiver by department of separate county child protective service unit.
32. Authorize counties to enter into regional arrangements for the provision of child protective services.
33. Authorize integration of annual plans for child abuse and for children and youth social services into one comprehensive plan.
34. Specify procedures for county maintenance and release of confidential information.
35. Change reference from "county child welfare agency" to "county children and youth social service agency" to conform with name change under new regulations.
36. Change requirement that courts of common pleas have judge available "on a 24-hour-a-day, 365 days a year basis" to issue court order to "within 24 hours or next court business day" as provided by the Juvenile Act.



APPENDIX A

RESULTS OF OVERSIGHT SURVEY OF SUBSTANTIATED CHILD ABUSE CASES

The purpose of the oversight survey of a random sample of 214 substantiated child abuse cases reported throughout the State during the first six months of 1977 was to gather data not recorded in the central research file maintained by the Department of Public Welfare that would assist in the oversight evaluation.¹ The oversight case questionnaire requested information on the reporter, severity of abuse, basis for report substantiation, procedures and time intervals, services provided and characteristics of the abused child, perpetrator and family. Completed questionnaires were signed by the directors of the county children and youth social service agencies which received the reports.

The survey questionnaires provided a wealth of information, the most pertinent of which is summarized in the following tables.² In reviewing these tables, one should keep in mind that the data represent substantiated and not total reports of abuse. The sample data are supplemental to the information contained in the ChildLine central research file which is presented in the annual child abuse reports of the Department of Public Welfare. In particular, the research file lacks basic profile data on reporters and subjects of abuse reports and information on the services provided.

Three tables presenting sample case data are not included here but incorporated elsewhere in this report. Table 7, p. 65, shows the legal basis for case status determination. Table 9, p. 70, and Table 10, p. 71, show services provided by type and number.

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1. The survey is described in Chapter I, pp. 7-12. The 214 cases reviewed in this appendix represent the substantiated cases of a random sample of 613 reports of suspected child abuse.
 2. Since complete information was not always available for every case, totals on the tables vary.

1. Reporters of abuse cases related to agency receiving initial oral report and existence of written follow-up report. (Act No. 124 requires that mandated reporters make their initial oral reports to ChildLine and written follow-up reports to the appropriate county child protective services. The public may report orally to either ChildLine or the appropriate county agency and no written report is required.)

Reporter	Number of Oral Reports to				Total	
	County		ChildLine			
	Written follow-up	Oral only	Written follow-up	Oral only	Number	Percent
Mandated:						
Private physician	2	1	0	1	4	2%
Hospital/clinic physician	22	0	8	0	30	15
Hospital/clinic personnel, including nurse	10	2	11	0	23	11
School nurse	8	3	10	2	23	11
Teacher/other school personnel	10	6	9	3	28	14
Social agency	4	5	7	2	18	9
Court	0	0	1	0	1	*
Law enforcement officer	3	5	1	1	10	5
Multiple and anonymous	2	0	1	1	4	2
Subtotal	61	22	48	10	141	69
Nonmandated:						
Victim		4		2	6	3
Parent/substitute		9		2	11	6
Other relative		10		9	19	10
Friend/neighbor		8		5	13	7
Babysitter		2		0	2	1
Other		4		3	7	4
Subtotal		37		21	58	31
Total					199	100

*Rounds to less than one percent.

2. Time intervals between receipt of oral abuse reports by ChildLine or county agencies and when children were seen by county caseworker.

<u>Interval</u>	<u>Agency receiving report</u>		<u>Total cases</u>	
	<u>County</u>	<u>ChildLine</u>	<u>Number</u>	<u>Percent</u>
Within 24 hours	74	30	104	56%
2-4 days	17	8	25	14
5-7 days	8	3	11	6
8-29 days	9	16	25	14
30 or more days	5	8	13	7
Not seen	<u>1</u>	<u>5</u>	<u>6</u>	<u>3</u>
Total	114	70	184	100

3. Types of injury and sex of abused children.

	<u>Number of males</u>	<u>Number of females</u>	<u>Total children</u>	
			<u>Number</u>	<u>Percent</u>
Physical	63	67	130	66%
Mental	0	1	1	1
Sexual	2	22	24	12
Neglect	13	14	27	14
Multiple injuries	<u>5</u>	<u>8</u>	<u>13</u>	<u>7</u>
Total	83	112	195	100

4. Severity of abuse and medical evaluations provided abused children.*

<u>Severity of abuse</u>	<u>Total cases</u>		<u>Cases receiving medical evaluation</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
No treatment necessary	119	60%	32	31%
Moderate/treatment required	57	29	51	49
Serious/hospitalization necessary	20	10	19	18
Permanent disability	0	0	0	0
Fatal	0	0	0	0
No data on severity	<u>3</u>	<u>1</u>	<u>2</u>	<u>2</u>
Total	199	100	104	100

*No medical history available for one case in which severity of abuse was known.

5. Provision of multidisciplinary team service and medical evaluation of child.

<u>Type of service</u>	<u>Total cases</u>	<u>Number served</u>	<u>Percent served</u>
Multidisciplinary team	199	36	18%
Medical evaluation	198	104	53

6. Relationship of perpetrators to abused children.

	<u>Number of cases</u>	<u>Percent of cases</u>
Mother	72	37%
Father	77	39
Mother and father	14	7
Mother and paramour or other relatives	7	3
Mother's paramour	8	4
Other relative	10	5
Foster parent	2	1
Teacher/institutional staff	3	2
Babysitter	<u>3</u>	<u>2</u>
Total	196	100

7. Special characteristics of abused children. (Some of the 192 children for which data were provided had multiple characteristics.)

	<u>Number of cases</u>	<u>Percent of cases</u>
Hyperactive	5	3%
Premature birth	6	3
Learning disorder	9	5
Diagnosed or suspected mentally retarded	10	5
Chronic illness/developmentally disabled	10	5
Developmental delay	15	8
Emotionally disturbed	16	8
Uncontrollable by parent	39	20
No apparent problem or abnormality	116	60

8. Special characteristics of perpetrator. (Many of the 178 perpetrators of child abuse for which data were provided had multiple characteristics.)

	<u>Number of cases</u>	<u>Percent of cases</u>
Loss of control during discipline	86	48%
Lack of tolerance to child's disobedience and provocation	64	36
Absence of basic parenting skills	49	28
Authoritarian method of discipline	47	26
Unrealistic in expectations of child	44	25
Alcohol dependence/drug dependence	41	23
Mental health problem/mental retardation	31	17
Repeated child abuser	21	12
History of abuse of spouse/by spouse	18	10
Abnormally aggressive hostile personality	15	8
Character disordered	13	7
History of abuse as child	12	7
Police/court record	12	7
Other problems	12	7

9. Special characteristics of families of abused children. (Many of the 164 families for which data were provided had multiple characteristics.)

	<u>Number of cases</u>	<u>Percent of cases</u>
Only one parent in home	76	46%
Family discord, excluding violence	61	37
Insufficient income/misuse of income	55	34
Social isolation	39	24
Family violence	38	23
Inadequate housing	30	18
Heavy continuous family care responsibility	25	15
Recent relocation	18	11
New baby in home/pregnancy	15	9
Recent unemployment of breadwinner	15	9

10. Age and sex of abused children.

	<u>Female</u>	<u>Male</u>	<u>No data</u>	<u>Total number of children</u>	<u>Percent of children</u>
Less than 2 years	13	11	0	24	12%
2-5	17	22	2	41	21
6-9	22	21	0	43	22
10-13	20	18	2	40	20
14-17	<u>40</u>	<u>11</u>	<u>0</u>	<u>51</u>	<u>25</u>
Total	112	83	4	199	100

Ethnicity of abused children.

	<u>Number of cases</u>	<u>Percent of cases</u>
Caucasian	125	65
Black	53	27
Other	<u>15</u>	<u>8</u>
Total	193	100

Marital status of families of abused children.

	<u>Number of cases</u>	<u>Percent of cases</u>
Legal marriage	105	54
Divorced/separated	50	26
Never married	23	12
Widowed/deserted	<u>15</u>	<u>8</u>
Total	193	100

13. Income level of families of abused children.

	<u>Number of cases</u>	<u>Percent of cases</u>
\$0-4,999	47	34%
5,000-9,999	50	36
10,000-19,999	35	26
20,000-and over	<u>5</u>	<u>4</u>
Total	137	100

14. Age of perpetrator. (Data on the age of the perpetrator(s) were supplied for 124 cases.)

	<u>Cases with one perpetrator</u>	<u>Cases with multiple perpetrator</u>
14 and under	0	2
15-19	5	3
20-29	34	18
30-39	42	7
40-49	24	1
50-59	2	0
60 and over	<u>2</u>	<u>0</u>
Total	109	31

15. Highest level of education completed by perpetrators.

	<u>Number of cases</u>	<u>Percent of cases</u>
Elementary education	39	35%
High school education	64	58
One or more years of college education	<u>8</u>	<u>7</u>
Total	111	100

APPENDIX B

INJURY DEFINITIONS (Act No. 124 Regulations)

- 2-23-40 Serious Mental Injury.
- 2-23-41 Serious Mental Injury is a psychological condition as determined by a psychiatrist, psychologist, or pediatrician apparently caused primarily by acts or omissions of a parent or person responsible for the child (including the refusal of appropriate treatment) which (1) renders the child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that his/her life and/or safety is threatened; (2) makes it extremely likely that the child will become chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or be in reasonable fear that his/her life is threatened; or (3) seriously interferes with the child's ability to accomplish age-appropriate developmental milestones, or school, peer and community tasks.
- 2-23-42 Serious Physical Injury.
- 2-23-43 Serious Physical Injury is injury apparently caused primarily by acts or omissions of a parent or person responsible for the child's welfare which significantly jeopardizes the child's safety, causes the child severe pain, significantly impairs the child's physical functioning, either temporarily or permanently, or is accompanied by physical evidence of a continuous pattern of separate, unexplained injuries to the child.
- 2-23-44 Serious Physical Neglect.
- 2-23-45 Serious Physical Neglect is prolonged or repeated abandonment of a child not old enough to care for himself/herself or a willful or wanton failure to provide essentials of life by parents or a person responsible for the child's welfare who have the ability to provide those essentials, which results in a physical condition which endangers the child's life or development or impairs his/her

physical functioning. However, environmental factors which are beyond control of the person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing, and medical care, shall not of themselves constitute physical neglect.

2-23-46 Sexual Abuse.

2-23-47 Sexual Abuse is any of the following when committed by a parent or person responsible for the child's welfare or knowingly allowed by him/her to be committed by another:

- rape - Sexual intercourse by force or compulsion - 18 PA.C.S. Section 3121;
- statutory rape - Sexual intercourse with a child who is less than 16 years of age - 18 PA.C.S. Section 3122;
- involuntary or voluntary deviate sexual intercourse (by mouth or rectum or with an animal) - 18 PA.C.S. Sections 3123, 3124, 3101;
- indecent assault - Offensive contact involving touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire in either - 18 PA.C.S. Sections 3126 and 3101;
- incest - Sexual intercourse with ancestor or descendant (by blood or adoption), brother or sister of the whole or half blood, or an uncle, aunt, nephew or niece of the whole blood - 18 PA.C.S. Section 4302; or
- promoting prostitution - Inducing or encouraging the child to engage in prostitution - 18 PA.C.S. Section 5902(b).