

**THE CHILDREN AND YOUTH SERVICES
DELIVERY SYSTEM IN PENNSYLVANIA:
SUMMARY OF TESTIMONY BEFORE THE TASK FORCE ON
SERVICES TO CHILDREN AND YOUTH**

November 2004



General Assembly of the Commonwealth of Pennsylvania
JOINT STATE GOVERNMENT COMMISSION
Room 108 Finance Building
Harrisburg, PA 17120-0018

The release of this report should not be interpreted as an endorsement by the members of the Executive Committee of the Joint State Government Commission of all the findings, recommendations and conclusions contained in this report.

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INTRODUCTION

Senate Concurrent Resolution 97 of 1999 (Printer's No. 1515)¹ directed the Joint State Government Commission to establish a task force and advisory committee to study Pennsylvania's children and youth services delivery system. A list of current task force members is found on page v of this report. The resolution instructed the task force to determine whether the Commonwealth is meeting the needs of at-risk children and families and, if it is not meeting those needs, to recommend appropriate corrective measures. The designated initial area of review was placement services for children unable to live with their birth family, but the task force was empowered to prioritize other issues concerning children and youth services and address them accordingly.

An advisory committee of experts from across the Commonwealth was appointed to assist the task force. The Advisory Committee on Services to Children and Youth consisted of child advocates; private service providers; foster parents; county children and youth administrators; the Deputy Secretary of the Office of Children, Youth and Families, Department of Public Welfare; the Auditor General; the Attorney General; judges; attorneys for children and parents; educators; a pediatrician and others with experience with the children and youth services delivery system.²

Senate Concurrent Resolution 114 of 2001 (Printer's No. 1350)³ extended the deadline for the study.

The Joint State Government Commission issued an advisory committee report in November 2002 detailing findings and recommendations in the following four broad categories, based on the subcommittees formed to conduct the study: Services and Issues in Placement, Options Outside Placement (including prevention services), Accountability and Structural and Systems Issues. Specifically, the report included discussions of the following:

- (1) Placement Services
 - (a) Older children in placement
 - (b) Education
 - (c) Health care
 - (d) Out-of-state placement and long-distance placement within the state
 - (e) Kinship care
 - (f) Assessment and evaluation

¹ Pages 83-85 of this report.

² Page 93 of this report lists the members of the advisory committee at the time of publication of the advisory committee report in November 2002.

³ Pages 87-88 of this report.

- (g) Concurrent planning
- (h) Improving access to services
- (i) Parents
- (j) Drug and alcohol addiction treatment
- (k) Foster parents
- (l) Principles of care for children and families
- (2) Children’s Ombudsman and Complaint Resolution
- (3) Performance Evaluation Systems
- (4) Accountability and Data Collection
- (5) Opening Dependency Court Proceedings
- (6) Confidentiality
- (7) Judicial Training and Assignments
- (8) Recruitment and Retention of Caseworkers
 - (a) Staff turnover
 - (b) Work environment and job satisfaction
 - (c) Financial incentives
 - (d) Training and professional development
 - (e) Recognition of the importance of caseworkers and staff
 - (f) Civil service reform
 - (g) Parity between private and public sector providers
 - (h) Employer costs
- (9) Prevention Efforts
 - (a) Analysis of key indicators of child well-being, contributors to maltreatment, effects of maltreatment and the costs to society, child welfare data, child placements and annual expenditures on other programs
 - (b) Analysis of specific prevention programs: Olds model of prenatal and infancy home visitation by nurses, Family School model, Family Intervention Crisis Services program, the Healthy Families America initiative, Family and Schools Together program, family centers, teen centers, Communities That Care, after-school programs, mentoring programs, Valley Youth House, Beacon schools
 - (c) Community-based prevention services in Philadelphia
 - (d) Administrative and fiscal challenges
- (10) Independent Living Programs
- (11) Medically Fragile Children
- (12) Subsidized Permanent Legal Custodianship
- (13) Services for Incarcerated parents
- (14) Faith-Based Institutions
- (15) Services Relating to Adoption
- (16) Cross-Systems Coordination

The report also included proposed legislation and policy changes. Among the major proposals were new 23 Pa.C.S. Chapter 63, Subchapters D.1 (“The Children’s Ombudsman Act”) and D.2 (“The Prevention Services for Children and Families Act”)

and new Article VII-A in the Administrative Code of 1929⁴ (“The Cross-Systems Coordination Act”).

House Concurrent Resolution 131 of 2003 (Printer’s No. 1815)⁵ reconstituted the task force for the purpose of holding public hearings on the recommendations contained in the report. Four public hearings were held as follows:

February 2, 2004	Harrisburg	Cross-systems coordination of services
May 6, 2004	Youngwood	Accountability
June 1, 2004	Allentown	Prevention services
October 4, 2004	Harrisburg	Placement services

The February 2, 2004 public hearing centered on how best to coordinate services and programs for children and families, since several departments or agencies may have jurisdiction over the services and programs. As a point of reference, the report contains a proposal to establish a commission for cross-systems administration, consisting of representatives from various governmental departments and entities to (1) develop and oversee a cross-systems approach regarding services and programs for children and families and resolve systemic coordination problems (such as categorical funding and multiple funding streams); (2) review state regulations and recommend improvements; (3) establish a baseline for performance measurements and outcomes for the counties and review such outcomes; (4) facilitate the exchange and release of information regarding children and families; (5) develop a comprehensive and coordinated educational effort for legislative officials and staff, stakeholders in the children and youth services delivery system and the general public regarding services to children and families and cross-systems approaches; (6) oversee the development of cross-systems training and education for caseworkers and staff in the children and youth services delivery system; (7) develop ways to reduce paperwork and eliminate duplicative procedures and documentation. Each county would designate a county cross-systems coordinator, who is assisted by a county board consisting of local service representatives.

The May 6, 2004 public hearing focused on accountability issues. The Advisory Committee on Services to Children and Youth supported the establishment of a children’s ombudsman office, the opening of dependency court proceedings to the public and a variety of proposals to strengthen performance review and data collection. Other recommendations would modify confidentiality provisions to better accommodate foster parents and reporters of child abuse and to permit meaningful performance auditing by the Auditor General.

The June 1, 2004 public hearing focused on the prevention recommendations outlined in the report. The advisory committee supported the establishment of an Office of Prevention Services, headed by a director appointed by the Governor, with the advice and consent of the State Senate. The Office of Prevention Services would develop,

⁴ Act of April 9, 1929, P.L. 177, No. 175.

⁵ Pages 89-91 of this report.

coordinate and oversee prevention services across the Commonwealth. A prevention services board, comprised of representatives from various departments and agencies, would also be established to assist in improving the delivery of prevention services across the Commonwealth. Each county would have a prevention services coordinator to develop, coordinate and oversee local prevention services. Prevention services block grants would be developed to enable counties to distribute funds to local entities through a request for proposal process.

The October 4, 2004 public hearing focused on placement services. The advisory committee discussed at length issues concerning older children in placement, education, health care, the nature and quality of placements, assessments and evaluations, service planning, access to and quality of services for children and families, foster parents and principles of care for children, parents and foster parents. The advisory committee also recommended numerous legislative and regulatory changes to improve the children and youth services delivery system. This public hearing was enhanced by the testimony of three former foster children, all of whom currently serve as members of the Client Advisory Board of the Support Center for Child Advocates in Philadelphia.

This report summarizes the testimony before the task force at the four public hearings. Individuals who testified or submitted written testimony with respect to the public hearings, along with the date when such testimony was made part of the record, are listed on pages 5-6 of this report. The Joint State Government Commission has retained a copy of all written testimony submitted at the public hearings, as well as the transcripts of each proceeding.

INDIVIDUALS PRESENTING TESTIMONY

The Task Force on Services to Children and Youth heard from many witnesses during its four public hearings. The following chart lists the individuals who testified or submitted written testimony, along with the date of the hearing at which their testimony was made part of the record and the page number in this report on which a summary of their testimony begins.

INDIVIDUAL	DATE	PAGE
Bernadette M. Bianchi	February 2, 2004	10
Gail Chang Bohr	May 6, 2004	33
Larry Breitenstein	May 6, 2004	28
Honorable Robert P. Casey, Jr.	May 6, 2004	41
Frank P. Cervone	February 2, 2004	8
	May 6, 2004	17
	June 1, 2004	45
	October 4, 2004	66, 74
Marc Cherna	May 6, 2004	25
Eileen Condie	May 6, 2004	43
Susan Dichter	June 1, 2004	46
Honorable John J. Driscoll	May 6, 2004	41
Brian D. Dunbar	May 6, 2004	38
Jane R. Ervin	June 1, 2004	51
David R. Fair	June 1, 2004	55
Valarie Fritsch	October 4, 2004	68
Scott Hollander	May 6, 2004	31
Terri Katzman	May 6, 2004	29
Edward Q. Lewis	October 4, 2004	67
Marcie Lightwood	June 1, 2004	53
Ellen Mancuso	June 1, 2004	48
Lynne Martinez	May 6, 2004	20
Grayson E. McNair	February 2, 2004	12
Marilyn McSparrin	May 6, 2004	22
Suzanne M. Meiners	February 2, 2004	14
Estelle B. Richman	February 2, 2004	7
	October 4, 2004	63
Robert G. Schwartz	February 2, 2004	15

INDIVIDUAL	DATE	PAGE
Donna Felton Smallwood	October 4, 2004	66
Chuck Songer	February 2, 2004	13
	May 6, 2004	42
	June 1, 2004	61
	October 4, 2004	76
Janet F. Stotland	February 2, 2004	14
Terry L. Watson	June 1, 2004	59

In addition, the following individuals also submitted written testimony for the record, which is on file with the Joint State Government Commission: Carol Clapp, Robert G. Kearns, Jr. and Sonya Ormsby.

**Task Force on Services to Children and Youth
Public Hearing
Monday, February 2, 2004, 10:00 A.M.
Room 8E-A, East Wing of the State Capitol
Harrisburg, Pennsylvania**

Task Force Members present: Senator Charles W. Dent (Chair), Representative Julie Harhart (Vice Chair), Senator Allen G. Kukovich, Representative Phyllis Mundy and Senator Jane Clare Orie.

Introduction

Senator Dent called to order the public hearing and introduced the members of the task force. He stated that the purpose of this public hearing was to focus on cross-systems coordination, since many services and programs for children and families fall under the jurisdiction of more than one department or agency.

***Testimony of Estelle B. Richman,
Secretary of the Pennsylvania Department of Public Welfare (DPW)***

Ms. Richman testified that although she agreed with many of the findings contained in the report, including the need to employ a more integrated cross-systems approach concerning the children and youth services delivery system, she did not support the recommendation to create a Governor's commission on cross-systems coordination, in light of the Governor's Cabinet on Children and Families, established in 2003. She noted that the Cabinet is designed to improve linkages across such systems as behavioral health, child care, family literacy, health care coverage, health education and nutrition; it consists of the Secretaries of Education, Health, Labor and Industry and Public Welfare; the Secretary of the Budget; the Insurance Commissioner; the Directors of the Office of Health Care Reform and the Governor's Policy Office; the Governor's Chief of Staff; and the Chairpersons of the Juvenile Court Judges' Commission and the Commission on Crime and Delinquency. She added that Lance Simmens of DPW is the Executive Director of the cabinet.

Secretary Richman stated that the cabinet is identifying systemic barriers, gaps and flaws and will develop remedial recommendations and highlight best-practice procedures concerning local cross-systems coordination efforts. She observed that the cabinet has begun to develop performance measurements to evaluate prenatal and infant health, healthy child and youth development, school readiness, child success in schools, safe families and communities, and stable and self-sufficient families. She added that Pennsylvania was recently selected as one of six states to participate in the National Governors' Association Center for Best Practice Policy Academy on cross-system innovation.

In response to a question from Representative Harhart, Ms. Richman stated that Pennsylvania recently received funding to create in nine counties a Systems of Care Initiative to bring together all the necessary parties to create models for integrated systems.

Representative Mundy applauded the efforts of the current administration regarding children's issues but added that she supports the creation of an ombudsman. She expressed concerns that the cabinet, created by executive order, could be dismantled or its work severely curtailed depending upon fiscal constraints, other immediate departmental priorities and changes in the Governor's office. Secretary Richman responded that more entities have a vested interest in the success of the cabinet and that the structure in place represents a clear partnership between governmental departments and agencies to provide supports for vulnerable families in the Commonwealth. She added that local input and accountability are emphasized, so that the counties, providers, advocates and families can be more involved in the planning and development processes.

Senator Kukovich highlighted the following five recommendations contained in the Joint State Government Commission report and requested that Secretary Richman review them: (1) directing DPW to establish a method to provide assessment and treatment for alcohol and drug addiction problems for children and parents through the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program; (2) directing DPW to apply for a waiver from certain Social Security Act requirements to establish a demonstration project under which drug and alcohol addiction treatment can be provided to family members while providing day care services for their children; (3) directing DPW to add the basics of drug and alcohol addiction to the CORE training for caseworkers and supervisors; (4) directing DPW to extend Medicaid eligibility to young people who leave foster care at age 18 until they reach age 21 and (5) directing DPW to update the informational manual for foster parents. Secretary Richman acknowledged that DPW has contributed to fragmentation problems regarding drug and alcohol addiction treatment services, but she noted that she has brought together representatives from various departments and entities to review how to integrate such services in a better manner.

***Testimony of Frank P. Cervone,
Executive Director of the Support Center for Child Advocates and
Chair of the Advisory Committee on Services to Children and Youth***

Mr. Cervone explained that his organization is Philadelphia's lawyer pro bono program for abused and neglected children, which also provides the legislature with assessments of both children's needs and the effectiveness of services and programs affecting children. He then described the advisory committee and its processes in evaluating issues facing caseworkers, public and private service providers, foster parents, birth parents, adoptive parents, children, advocates and the court system. He opined that consideration should be given for future analysis of the child welfare system, given its complexity and the myriad of issues and concerns that confront the system.

Mr. Cervone emphasized five considerations: (1) funding streams and financial payments to multiple service providers; (2) reliance on the federal government as the main source of funds through block grants and specially-funded initiatives; (3) case management of services, which involves multiple service providers and reimbursement sources, overlapping and sometimes conflicting regulations, conflicting philosophies among service providers, the need for administrative supports (such as accounting, supervision, cash financing and legal services), the need for information from other service providers and the desire to provide additional services; (4) negative family experiences, such as the need to work with multiple professionals and burdensome time commitments for travel and participation in services, because of the fragmentation of services across multiple agencies and the lack of cross-systems coordination; and (5) children's needs and negative experiences, including change in schools, loss of school records, delays in curriculum planning, staff turnover (including welfare caseworkers, children and youth agency social workers, provider agency social workers, child advocates, school counselors, special education teachers, therapists and wraparound case managers) that causes the child to meet new professionals over and over again and the lack of sibling visitation, treatment for the family, job training, mental health care and drug addiction treatment. He reiterated that the system is basically a loose amalgam of programs, services and providers, sometimes connecting helpfully with its disparate parts but often failing to communicate with each other. In addition, he stated that the child welfare system is only one part of a much broader system of supports, all of which seem to operate independently.

Mr. Cervone explained the proposed statutory provisions detailed in the advisory committee's report. Under the provisions, a commission for cross-systems administration would be created, with representatives from the Departments of Public Welfare, Health, Labor and Industry, Education and Community and Economic Development; the juvenile justice system; the insurance industry; the managed care industry; a medical care facility specializing in the special needs of children; and county government. Within one year, the commission would be required to provide a comprehensive assessment and plan for the development of a cross-systems approach regarding children and families. If the plan is produced, within three years, the commission would be dissolved. Each county would be required to designate a cross-systems coordinator to work on issues at the local level. Turning to the legislative findings under the proposed statutory provisions, Mr. Cervone emphasized that the children and youth services delivery system is frequently complicated by the multiplicity and complexity of problems faced by children and families, the fragmentation of services among various public and private service providers and the diversity of funding streams designated for the support of services. He observed that a child or family may have simultaneous involvement with the following services and programs: children and youth services, medical assistance, mental health, juvenile justice, early intervention, child care, job training, housing, education and drug and alcohol addiction treatment and prevention. He added that the specific duties of the commission are set forth in the report.

Mr. Cervone further emphasized that (1) current needs-based planning and budgeting remains inflexible and needs review; (2) the actual costs of providing

mandated services (not to mention the costs of care due to accreditation, regulations and best practice standards) exceed current reimbursement levels, and counties and the Commonwealth have come to expect the private sector to subsidize mandated services and (3) public awareness of the scope of child welfare services is limited and the public's perception of such is often negative or punitive.

Although he commended Secretary Richman and her attempts at cross-systems coordination, Mr. Cervone stated that a legislative approach was the appropriate remedy. In response to a question from Senator Dent, he noted that Secretary Richman has a career-long commitment to the vision of cross-systems coordination, a vision not shared by the many components of the vast Commonwealth bureaucracy and a vision that may not be shared with future policy makers. He emphasized the need for institutional findings, recommendations and accountability, while crediting the Governor's Cabinet on Children and Families for adopting a mission and structure based on the recommendations contained in the report. However, Mr. Cervone remarked that the cabinet already has a full agenda, even without the additional recommendations of the advisory committee, further illustrating the merits of a legislative remedy. He added that no lasting systemic change has resulted from children's cabinets in prior administrations.

Senator Kukovich strongly supported the need for cross-systems coordination at the county level. Nevertheless, he worried about the existence of an unfunded state mandate and a human services infrastructure problem, given the need for more flexible and adequate funding for the counties. He agreed with Mr. Cervone regarding the need for periodic reports explaining both existing cross-systems coordination efforts and future development plans. Senator Kukovich suggested that perhaps the Children's Trust Fund could issue a grant for several counties to create model programs regarding county cross-systems coordination.

***Testimony of Bernadette M. Bianchi,
Executive Director of the Pennsylvania Council of Children, Youth and Family
Services and Co-Chair of the Subcommittee on Structural and Systems Issues of the
Advisory Committee on Services to Children and Youth***

After acknowledging the presence in the audience of Bud Seith, the other co-chair of the Subcommittee on Structural and Systems Issues, Ms. Bianchi explained that her organization is a statewide membership association of more than 100 private service providers, which contract with counties across the Commonwealth and deliver services needed to support defined permanency, safety and well-being outcomes for non-adjudicated, dependent and delinquent children and youth and their families.

Ms. Bianchi began by noting that regulatory and licensing systems at times are impracticable and illogical and work at cross-purposes with their intent; as such, an integrated, cross-systems approach to service delivery is welcomed, given the fact that the family's needs are so intertwined that intervention in one area must be planned with consideration of potential impacts in other areas. She observed that families may face

erratic employment (including the need for vocational training), inadequate and unstable economic supports, health care and behavioral health service issues, housing problems, drug and alcohol addiction, difficulties with parenting skills, abuse and neglect issues and isolation, often with limited incomes and reliance on Temporary Assistance for Needy Families and cash assistance. Ms. Bianchi stated that programs are offered through a variety of departments and agencies, at different locations, with each operating independently from one another; programs are often governed by varying eligibility criteria and funding sources and may not be uniformly available given the diversity of communities and resources across the Commonwealth.

Ms. Bianchi stated that often services are offered only as reactionary responses to systemic crises or based on available funds and that little attention is given to the long-term planning needed to promote implementation of a coordinated approach, the efficient use of resources, effective service delivery and best practice. She added that barriers to exchanging information between systems and programs exist based on confidentiality and privacy policies, but often this impedes problem resolution for children and families. She reiterated the need for a holistic approach to assessment and service delivery.

In supporting a commission to act as a centralized source of information, direction and problem resolution, Ms. Bianchi stated that there must exist a coordination of regulatory requirements and the multiple funding streams supporting services to children and youth, to utilize limited available dollars in more efficient and effective ways. While applauding the creation of the Governor's Cabinet on Children and Families, she emphasized that input from a balanced group of stakeholders, including consumers, must be constructed to support change from the community level up to the state level. She noted that cross-systems coordination yields consistency and continuity and that flexibility in funding is critical to the success of a systemic shift toward a true integration of service delivery.

Ms. Bianchi summarized that the following will strengthen the structure of the service delivery system: creation of a commission for cross-systems administration; designation of a cross-systems coordinator in each county to facilitate the provision of services to children and families; development of a uniform intake assessment process that is global and holistic in scope and supportive of the most appropriate broad-based plan for services, with emphasis on family involvement and community ownership; coordination of the multiple funding streams and flexibility in providing concrete supports for families; and creation of broad-based cross-systems protocols to facilitate the exchange and release of information.

In response to a question from Representative Harhart, Ms. Bianchi affirmed that family centers should be integrated into the cross-systems coordination model, since they do not exist in every community and vary from community to community.

Representative Mundy inquired about the Systems of Care Initiative. Ms. Bianchi responded that it is a relatively new initiative of DPW concerning counties that want to work more collaboratively and coordinate their systems at the county level; to that end,

such counties have convened groups identifying the primary players, such as probation, behavioral health and drug and alcohol addiction treatment. She explained that Pennsylvania received a grant from the federal government to help support the initiative.

***Testimony of Grayson E. McNair,
Director of Human Services of Lehigh County***

Mr. McNair stated that he has served as the Director of Human Services of Lehigh County for the past two years and previously served for five years as the Chairman of the Human Services Committee of the Lehigh County Board of Commissioners.

Mr. McNair first noted the importance of law enforcement agencies as part of cross-systems coordination. He recounted that the Lehigh County Youth Crime and Violence Task Force developed a computerized database of juvenile offenders and a ranking system to identify serious habitual offenders, the intent being to develop a comprehensive action plan through a cross-systems approach using the database for accountability purposes. The problem faced by the task force concerned confidentiality and an agency's inability to divulge information without appropriately executed releases. He opined that agencies must be able to share information regarding the family of the offender in order to develop a comprehensive action plan for the family. He added that human services agency representatives, such as MH/MR and substance abuse professionals, cannot access information from law enforcement databases, even though they have child protection responsibilities and certain investigative powers and are asked to ensure that those involved in the system do not have a criminal background. Accordingly, he argued that effective cross-systems coordination demands such access. In addition, he said that cross-systems coordination will lessen the likelihood that individuals in the mental health system will be incarcerated, which is a positive development both from a public policy and fiscal standpoint.

Mr. McNair opined that any commission created by legislation should include representatives from the Juvenile Court Judges' Commission, the Pennsylvania Commission on Crime and Delinquency and the Department of Aging, given the increasing number of grandparents providing kinship care and day care for children. He stated that cross-systems coordination should involve the input of stakeholders, counties, service providers and consumers, but he cautioned against any proposal that is an unfunded mandate. He noted that there should be recognition of counties such as Lehigh that are currently working toward cross-systems coordination, adding that perhaps pilot programs created through federal grants could be expanded. He specifically expressed concerns about referrals for drug and alcohol addiction treatment programs, the criterion that medical necessity be established before mental health services are provided to children, and the need for mental retardation early intervention programs to be extended until the time that the child enters school (instead of stopping such programs when the child is three years old). Finally, he emphasized the importance of computer systems that

eliminate duplicative paperwork and assist caseworkers in inputting and organizing information about their clients.

***Testimony of Chuck Songer,
Executive Director of the Pennsylvania Children and Youth Administrators
Association and Member of the Advisory Committee on
Services to Children and Youth***

Mr. Songer explained that his organization represents the county children and youth program administrators of all 67 counties of the Commonwealth. He noted that he previously worked at Adams County Children and Youth Services as a caseworker, supervisor and administrator for nearly 25 years.

Mr. Songer stated that cross-systems changes are both top-down and bottom-up efforts and that needed services should be delivered as seamlessly as possible. He averred that county children and youth service delivery agencies are piloting a number of models such as “Systems of Care” (15 counties), “Family Service System Reform” (41 counties), “Family Centers” (30 counties) and “Family Group Decision Making” (11 counties), which encourage community collaboration in response to the problems of abuse, neglect, child dependency and delinquency. After observing that most clients in the children and youth system have multiple needs and require services from multiple systems, Mr. Songer opined that it is not helpful to children or their families if they have conflicting service plans or service providers that cannot share vital information. Therefore, he supported the clarification and streamlining of conflicting regulations regarding the confidentiality of client information. While emphasizing the merits of innovative approaches to collaboration, he said that a “one-size fits all” model will not work in a state as diverse as Pennsylvania. He urged maximum flexibility for counties to spend their funding to implement programs and initiatives, while at the same time seeking ways to address high staff turnover. Mr. Songer concluded by saying that his organization does not endorse the legislative recommendations contained in the Joint State Government Commission report, since the Governor’s Cabinet on Children and Families is in place.

In response to a question from Representative Mundy, Mr. Songer stated that a revenue maximization committee is in place (consisting of, among others, his organization, DPW, private providers and juvenile court judges) to review local, state and federal funding. He added that block grants to the counties may be a mechanism to achieve flexible funding.

*Testimony of Janet F. Stotland,
Co-Director of the Education Law Center
and
Suzanne M. Meiners,
Staff Attorney of the Juvenile Law Center*

Ms. Stotland explained that the Education Law Center and the Juvenile Law Center are statewide not-for-profit public interest law firms. The mandate of the Education Law Center is to improve the quality and equity in the public schools in Pennsylvania, particularly for the most vulnerable children. The Juvenile Law Center's focus is on children in the juvenile justice and dependency systems.

Ms. Stotland emphasized the need to recognize that all children in foster care are cross-systems children, in that they are part of, at a minimum, the children and youth system and the education system. She said that recently the State Board of Education finalized a set of regulations that will make it easier for children in foster care and other children in non-traditional settings to be promptly enrolled in school and to receive services.

Ms. Meiners related two stories of youth facing barriers within the system. The first story concerned a teenage boy who, after many years in substitute care and after five foster care placements, found a stable foster home environment, was doing well in high school and was looking forward to graduation. Three months before graduation, he was moved to a new foster home placement outside his current school district and was told that he no longer was entitled to complete his education at his current high school. Although this was correct under current law, he became frustrated with all the transitions and dropped out of school altogether. The second story concerned a six-year-old girl who was presenting significant disabilities, including behavioral health problems, and was placed with a therapeutic foster care placement. When the foster parent and caseworker tried to enroll her in school, the district told them that they first needed to produce her IEP and other special education records. Not surprisingly, it took quite some time to produce those records from her prior school district. Upon their receipt, another attempt was made to enroll the girl in school. However, the district again refused, stating that a program must be developed for her, necessitating several meetings among the school, agency and foster family, none of which could be scheduled for several weeks.

Ms. Stotland then reviewed some statistics: children in foster care are twice as likely to drop out of school before graduation, almost 40 percent of children who "age out" of care will never receive a high school diploma, children in out-of-home care are significantly more likely to be suspended or expelled from school, three in ten of the nation's homeless are former foster children, 27 percent of males and 10 percent of females are incarcerated within 12 months after leaving foster care, half the children who grew up in care are unemployed at age 18, in Pennsylvania it can take weeks to enroll a foster care child in school (and students with special education needs experience the longest delays) and in Pennsylvania it can take over a month for a child's school records

to arrive at the new school district (leading to lost credits, lower graduation rates and inadequate special education planning).

Ms. Stotland and Ms. Meiners in their written testimony discussed the federal McKinney-Vento Homeless Assistance Act, which helps homeless children enroll in and remain in school and which assures them of necessary services. Ms. Stotland then discussed California Assembly Bill 490, Chapter 862, effective January 1, 2004, which was expressly intended to ensure that foster youth (1) have access to the same opportunities to meet academic achievement standards to which all students are held, (2) maintain stable school placements, (3) are placed in the least restrictive educational placement and (4) have access to the same academic resources, services and extracurricular and enrichment activities as all other children. She stated that the California law specifically allows children in foster care to remain in the same school placement for the duration of the school year when their living arrangements change if it is in their best interest; requires school districts to designate a staff person as a foster care education liaison to ensure the proper placement, transfer and enrollment in school for foster youth; allows a foster child to be immediately enrolled in school even if all the typically required school records, immunizations or school uniforms are not available; requires school districts to calculate and accept credit for full or partial coursework satisfactorily completed by the student and earned while attending a public school, juvenile court school or nonpublic, nonsectarian school; and ensures that foster youth will not be penalized for absences due to placement changes, court appearances or related court-ordered activities.

Finally, Ms. Stotland stated that the Office of Children, Youth and Families is currently revising Pennsylvania Code Title 55, Chapter 3130 governing the duties of county children and youth agencies and caseworkers. She informed the task force that the Education Law Center proposed additions concerning education and averred that when the regulations are finalized, Pennsylvania will have uniform state enrollment policies for the 501 school districts, a foster child's old school district will have ten business days to transfer school records to the new school district, and the new school district will have ten business days in which to enroll the child.

In response to a question by Representative Harhart, Ms. Stotland reaffirmed that each agency is not always aware of regulations and requirements that affect another agency. In that regard, she favored cross-systems coordination so that agencies know specifically what constitutes necessary procedures.

***Testimony of Robert G. Schwartz,
Executive Director of the Juvenile Law Center***

Mr. Schwartz explained that the Juvenile Law Center has represented dependent and delinquent children for almost 29 years and during that time has worked to improve Pennsylvania systems serving children who are abused, dependent, delinquent or emotionally disturbed. In his written testimony, he began by stating that Pennsylvania

already has an excellent structure in place regarding child welfare and juvenile justice, in that a single state agency, DPW, is responsible for licensing and regulating agencies that serve children and pays counties for a share of county services to dependent and delinquent youth. County children and youth agencies have great flexibility in providing services to children, and juvenile courts have wide latitude in ordering services after children are adjudicated dependent or delinquent.

Mr. Schwartz advocated for more data collection on children who move from foster care to the delinquency system. He explained that too often child welfare providers treat normal adolescent behavior as criminal behavior due in part to zero-tolerance policies in foster homes, the child welfare system does not adequately advocate for children who are arrested for real crimes, and the child welfare system itself creates a context for increased misbehavior, through, for example, frequent moves for the child that lead to instability and a sense of impermanence for the child. He stated that many times children and youth agencies seek to close their dependency cases when youth are arrested or adjudicated delinquent, causing the youth to lose important supports and services at a time when the youth needs them the most. He remarked that when youth leave delinquency placements, they need a place to turn, but the dependency system is not hospitable to older youth. In addition, the dependency and delinquency systems sometimes have great difficulty cooperating with one another. Mr. Schwartz opined that the Juvenile Act should require juvenile court judges to make a thorough examination of aftercare plans for youth after their discharge from a delinquency placement, to ensure that they have adequate and appropriate connections to housing, education, health care and adult mentors. He also suggested that the Juvenile Act be amended to give judges the authority to adjudge youth dependent any time prior to their twenty-first birthday if those youth are in the delinquency system.

Adjournment

Senator Dent thanked all the participants at the hearing and announced that there will be additional hearings concerning issues raised in the Joint State Government Commission report. The task force meeting adjourned at 12:40 P.M.

**Task Force on Services to Children and Youth
Public Hearing
Thursday, May 6, 2004, 11:00 A.M.
Commissioners Hall, Room 2112
Westmoreland County Community College
Youngwood, Pennsylvania**

Task Force Members present: Representative Julie Harhart (Vice Chair), Senator Allen G. Kukovich and Representative Phyllis Mundy.

Introduction

Representative Julie Harhart called the public hearing to order and introduced Senator Kukovich and Representative Mundy. She provided background information on the study, report and previous public hearing. Senator Kukovich gave welcoming remarks, including thanks to Westmoreland County Community College for hosting the hearing. He expressed the hope that the present series of hearings will begin to build consensus for change that will bolster the children and youth services delivery system and help the children it serves.

***Testimony of Frank P. Cervone,
Executive Director of the Support Center for Child Advocates and
Chair of the Advisory Committee on Services to Children and Youth***

Mr. Cervone explained that his organization is Philadelphia's legal pro bono program for abused and neglected children and has continually attempted to provide the General Assembly with balanced, candid and constructive assessments of children's needs and the effectiveness of services and programs affecting children.

He noted that the advisory committee report made numerous recommendations targeted at improving the accountability of the child welfare system through the following:

- Improving data collection and creating a statewide performance review.
- Local case monitoring and the creation of local complaint resolution functions within each county agency.
- Greater public access to the process of child protection, through opening dependency courts to the public and loosening the rules on confidentiality of information.
- Creation of a children's ombudsman.

Mr. Cervone stated that at present, the systems and services that are provided to children and families needing them live without account. While some view existing corrective processes as sufficient, in practice they are gross, blunt instruments, not suited or responsive to the concerns of citizens about individual children. Advocacy offices are inundated with complaints about the child welfare system, and legislative constituent service staff are as well. When children and youth services and our court systems act in a questionable, suspect or even abusive manner, citizens and consumers have no recourse outside the system that is arguably aggrieving them. On the large-scale level of system performance, the counties and DPW are collecting data at record levels, but the system has not adopted outcome assessment, system accountability or performance review. We need report cards on child safety, permanency, well-being or transition to adulthood. The public at large needs assurance that this is a system they can trust. The details of the advisory's committee's proposals were summarized as follows:

Children's Ombudsman. The advisory committee report analyzes the diverse types of ombudsmen functions in operation in the other states, as well as the characteristics and safeguards for an effective ombudsman. At least 13 other states have some version of the children's ombudsman; each was studied closely, along with academic literature and the respected recommendations on the subject by the American Bar Association (ABA). The advisory committee tried to capture the best elements of each of these. The children's ombudsman features several key elements: comprehensiveness in scope; independence in structure, function and appearance; authority to conduct inquiries and investigations and confidentiality. As Shelly Yanoff, chair of the new Children's Commission, said of the creation of a children's ombudsman, "It's about time."

The committee further recommended that each county children and youth agency be required by statute to establish its own formal procedure to assist in the resolution of complaints as a kind of customer satisfaction capacity. This will help with morale of agency staff and with community support for their important work.

Opening Dependency Court Proceedings. The advisory committee observed that the overriding consideration favoring open hearings is to assure that the hearings are handled competently by the court, the attorneys for all parties and the county agency. The committee reported that court proceedings in dependency matters are often of poor quality, reflecting lack of training and preparation by judges, masters, attorneys, and caseworkers. The Juvenile Law Center's 2001 study of attorney representation in dependency proceedings in Pennsylvania made a number of disturbing findings, including failure of attorneys to meet their clients prior to hearings, failure to investigate and fully participate in the proceedings, poor training, impossible caseloads and inconsistent compensation. Deficient as the representation of children often is in these proceedings, the legal representation of parents is usually much worse.

The report cites numerous studies and recommendations that agree: placing the hearings under public scrutiny is likely to raise the level of practice of all involved. Public access to the judicial system is a foundation of our system of government and a right guaranteed by the Pennsylvania Constitution.

The committee has recommended a model similar to that adopted by Minnesota, creating a presumption that dependent court hearings shall be open to the public. The general public or any person may be excluded from proceedings only if the presiding judge or master determines, on an individualized basis, based upon supporting evidence, that exceptional circumstances require such exclusion in that case. Whenever the judge or master orders the exclusion of any person or the general public from a proceeding or part of a proceeding, the judge must make findings prior to ordering the exclusion.

Confidentiality. A systematic consideration of confidentiality and information sharing is necessary, as few issues have created more frustration and confusion for public officials, professionals and the affected public. This proved to be beyond the subcommittee's abilities within the time provided for the study. The Child Protective Services Law (CPSL), 23 Pa.C.S. Chapter 63, includes a detailed provision governing access to child welfare agency records relating to abuse and neglect. One might summarize the current rules thusly: "Almost everybody gets almost nothing." The advisory committee urged the drafting of a provision covering access to agency records in the context of dependency cases. In the absence of a broader solution, the advisory committee recommended disclosure of confidential child protection records to non-mandatory reporters, foster parents and the Auditor General.

The crucial question is, how are we doing for our kids? In the recently issued Federal findings in the Children and Family Service Review (CFSR), Pennsylvania failed all but one important measure, that of keeping children safe. The feds reportedly set the bar high, and so the child welfare community expected a high rate of failure, but it was appropriate to set our sights high for child safety, child permanency and child well-being. This task force and advisory committee were formed out of concern that our children and youth services system had problems. Despite much good work by DPW and many of our county programs, the investment of funds and human capital and the commitment of many fine judges, social workers, lawyers, foster parents, legislators and others, the advisory committee found that the child welfare system remains in need of accountability, openness, resources and repair.

Question and Answer. In response to questioning by Representative Harhart, Mr. Cervone distinguished the ombudsman proposed in the report from other models. The proposed ombudsman would not be an advocacy office. Nor would its function be limited to issuing reports on given issues, as New Jersey's does. Its primary focus would be to attempt to resolve complaints that could not be resolved at the local level.

Representative Mundy asked how the open courts proposal is compatible with confidentiality. Mr. Cervone responded that under the committee's proposal, records would remain confidential, except for the limited disclosure in the course of fairly brief court hearings. The courts have the option of closing the hearings when appropriate. The press has respected family privacy in criminal cases involving child rape.

Representative Mundy asked how the Commonwealth is to pay for an ombudsman in the face of a likely decline in support from the Federal government. She also posited that prevention funding may be more important than the ombudsman if funds were insufficient for both. Mr. Cervone responded that the committee did not view budgetary issues as its major focus. He added that it was bad for children to put their different needs in competition with one another.

Senator Kukovich asked if demonstrating accountability was the necessary foundation for increasing support for children's services. Mr. Cervone agreed and added that accountability was a prerequisite for increased business and charitable foundation support as well as public sector funding.

***Testimony of Lynne Martinez,
Director of the Office of Children's Ombudsman (OCO) of Michigan***

As Director of the Michigan OCO and a former state representative, Ms. Martinez views the report's recommendation on adoption of a children's ombudsman as a wise decision that will, if followed, significantly help foster accountability in the child welfare system. The Subcommittee on Accountability did an excellent job of researching various models for an ombudsman and selecting characteristics that have worked for other states.

Michigan's shows that the classic ombudsman model, that is, an independent state official who receives complaints, conducts impartial investigations and attempts to resolve conflicts between citizens and their government, but does not have authority to overrule an action by an administrative agency, has served the OCO and the child welfare system well.

In Michigan, fostering accountability in the child welfare system was the primary motivation for creating the OCO. In addition to this role, the children's ombudsman in Michigan monitors agency compliance with laws, rules and policies; works to ensure the safety and well-being of children in need of protective services, foster care and adoption services; and recommends legislation and policy changes to improve the child welfare system. Legislation to create a children's ombudsman should consider all of these interrelated and important functions.

The recommendations of the ABA were also critical considerations in the creation of the children's ombudsman in Michigan. Independence, impartiality and confidentiality are critical to the operation of an ombudsman's office. Public confidence that these characteristics exist in the office enhances confidence in the reports of the ombudsman and its capacity to resolve complaints.

The report proposes an office that will be independent of the agencies and functions that it oversees. One significant distinction between Michigan's law and the proposed Pennsylvania statute is the location of the office within state government. The General Assembly may want to give further consideration to the Michigan model on this

point. Assignment of the office to a state department has provided the OCO one more assurance of the ability to impartially review the actions of agencies providing child welfare services without concern for interference by the appointing authority. In view of political considerations, even a minor issue can raise questions about the ability of the ombudsman to function independently. Placing the children's ombudsman as an independent office within a state department provides more assurance to those who count on the complete independence and impartiality of the office by lessening the potential for even the appearance of a conflict of interest.

One of the strengths of OCO is that its investigators are a multidisciplinary team. OCO investigators have experience and expertise in children's protective services, foster care, adoption, law enforcement, parent education, abuse prevention and child welfare legal practice. This creates credibility for the OCO among practitioners from each of these sectors. Since the proposed Pennsylvania legislation would give the ombudsman the power and duty to report to all branches on systems issues, this feature may be of particular interest. The Michigan law does not require multidisciplinary staff, but the concept was implemented by the previous directors of the OCO. The General Assembly may wish to implement an interdisciplinary staff model by legislation or regulation, or informally.

Ms. Martinez expressed particular support for several of the report's recommendations regarding the powers and functions of the ombudsman: making reports of investigations that include findings and recommendations; providing the opportunity for affected agencies to respond to the reports of the ombudsman; and requiring an annual public report that includes recommendations for changes in law, rules or policies. The General Assembly may also want to consider assurance to the agency responding to the ombudsman's findings and recommendations that the response will be included in the final notice to the complainant.

Of particular importance are the requirement that the ombudsman treat all matters under investigation as confidential and the exemption of its records from the Right-to-Know Law and court subpoena. These have proven to be important guarantees in Michigan that have enhanced OCO's ability to conduct investigations by allowing the ombudsman access to critical information that might be withheld under other state and federal law without confidentiality protections.

OCO has benefited from the requirement that the ombudsman notify appropriate law enforcement authorities of violations of state or federal criminal law. Use of this provision has promoted public awareness of such issues as the legal requirement that mandated reporters notify the department of suspected child abuse and neglect.

Under Michigan law, the universe of people who may submit complaints to the ombudsman is fairly limited. There is substantial opinion that the range of possible complainants should be enlarged. The statute that has been proposed here does not include any restrictions on those who may be complainants. The General Assembly may want to give serious consideration to this question, because it may affect the balance

between protecting the right to privacy for individuals who may be innocent victims, especially children, and the public's right to hold the child welfare system accountable.

The terminology used in the proposed legislation to refer to private agencies that provide services to children and families in the child welfare system seems to be inconsistent and may lead to confusion.

The ombudsman helps create a consensus among public officials, foundations and businesses on a common agenda for improving the child welfare system.

Ms. Martinez closed by inviting the task force members to visit OCO and talk to its staff. She wished the task force good luck in instituting the child ombudsman.

Question and Answer. In response to Representative Harhart, Ms. Martinez mentioned obtaining information from reluctant child welfare agencies as a major problem with the office's operations, which requires the staff to be persistent and forceful.

Representative Harhart asked how OCO informs the public about its existence and the services it provides. Ms. Martinez pointed out that child service agencies, including private providers, are required to inform clients about the ombudsman. OCO has a website in the website of the department that oversees child welfare. OCO staff also visits the associations of child welfare providers and foster parents.

In response to questions by Representative Mundy, Ms. Martinez said that OCO's annual appropriation is \$1.1 million; it has a staff of 12, plus two other positions that are authorized but not funded due to the tight state budget. She added that OCO saves the state money, especially when it can facilitate a stable placement earlier than it would otherwise take place.

***Testimony of Marilyn McSparrin,
Administrator of the Westmoreland County Children's Bureau***

By its very nature, the issue of child abuse and neglect is personal and private. A keystone of the work of children's services is the trusting relationship that eventually develops between the family members and the caseworker or social worker. Without this relationship and mutual honesty, efforts to protect children and to offer the appropriate services to the families are severely hampered. Maintaining confidentiality is critical. At the same time, children's services must be accountable for its work and its intrusion into families. It is accountable to taxpayers, the communities, the courts, the county commissioners and DPW, but most importantly to the families and children it serves.

Open Courts. The open dependency court proposal is probably one of the most controversial issues on the agenda today. The administrator of the Children's Bureau is prohibited from discussing specific cases even where such disclosure would educate the public and clarify the agency's role. While maintaining the family's confidentiality is

frustrating, the child's privacy must be protected. Responses to the proposal to open dependency court are mixed, but the consensus is that the hearing should remain closed to the public. Ms. McSparrin said her own feelings were mixed. Opening hearings to shed light on the children and youth system is laudable, but showcasing troubled families and children is unacceptable.

Will open courts really increase overall accountability in child welfare and the improve services? In Westmoreland County, an average of 275 children are in agency custody at any given time. Each child is before the court in a dependency permanency hearing at least every six months. That's a potential of 550 hearings each year. It is doubtful that the public will invest the time and money to attend all those hearings and get a true picture of the children and youth system; they are likely to select the more sensational cases or those that involve prominent people.

Other systems have their own confidentiality requirements that carry over into the court setting. Even when the hearing is open to the public, some information would be protected under confidentiality rules from those other systems, such as Mental Health, Drug and Alcohol or HIPAA. Although the hearing is open to the public, the public will still have only partial information.

Children who are in our system are already victims of child abuse or neglect. Publicizing their story serves only to re-victimize them. When criminal charges are filed, the criminal part of the case becomes public. Children have asked to change their last names or move far away because their parents are in criminal court for what happened to them and information about their family life is in the news daily. These children are embarrassed, taunted by schoolmates and humiliated. They are ashamed of publicly disclosed events that they could not control and for which they are not responsible.

At the children's bureau, approximately half the families served are not involved in the court process. The children remain at home, the bureau provides services to the parents and children, and once the family corrects the problems and it's safe for the children, the case is closed without coming before a judge. These situations can be more critical than those where the children are removed from the home and placed in agency custody. If the mechanism to hold agencies accountable for their work exists only through opening dependency court to the public, these cases will be excluded.

In the jurisdictions that have experimented with open court in dependency proceedings, it has not been found to be especially harmful to the children or families. However, concern and skepticism remain. Will communities be more aware and interested in child welfare services because hearings are open, or will people hesitate to make referrals because they fear becoming part of an open hearing? Will families be even less open and honest than they are now because of concern their secrets will become public, and will that affect the services offered to attempt to change the family dynamics that created the need for intervention? The answers to these questions will only be clear with experience.

Ombudsman. The creation of this office of the children’s ombudsman is not necessary. If the county agency is unable to resolve a complaint or conflict, the regional Office of Children, Youth and Families (OCYF) can investigate and seek resolution. Mechanisms are already in place to insure accountability. Every children and youth agency in Pennsylvania participates in a variety of oversight activities that speak to accountability. Each agency undergoes an annual licensing inspection by the DPW. Every child in the custody of children and youth has a hearing before the court at least every six months, where the court reviews the progress of the case and the agency’s performance. Each agency has a Citizen’s Advisory Board. In Westmoreland County, cases are reviewed by the multi-disciplinary team on a monthly basis. The regional OCYF monitors the agency performance, there are numerous fiscal audits each year, and, finally, agencies will be reviewed and evaluated on the Child and Family Services Review audit. Some counties, Westmoreland included, have already participated in a mock CFSR audit.

Establishing a local office to receive and investigate complaints about children and youth services is also unnecessary. Families now have the right to administrative and judicial appeal; they may complain to the regional OCYF, use the Governor’s hot line, or complain to the county commissioners, as well as to the local child welfare agency. Clarification and explanation are the first steps in resolving these concerns, and the process is usually successful.

Other Issues. Implementation of the report’s recommendations on collecting data on a statewide basis for the General Protective Services (GPS) cases is long overdue. Collecting this information would create an accurate and comprehensive picture of GPS services, assist in analyzing trends, and help anticipate future needs. The Westmoreland County Children’s Bureau often has more than four times as many GPS as CPS cases. These cases deserve the same level of attention as the Childline cases.

The report correctly points out that that foster parents need to receive all available information about the children they welcome into their homes. However, this does not require legislative action, since current regulations require that medical and educational records be given to foster parents when a child is placed. This seems to be a practice issue, not a legislative one.

The report’s recommendation for providing acknowledgement of referrals to non-mandated reporters is not objectionable, but may not accomplish much. At the Children’s Bureau, almost all of the referrals pass through the intake caseworkers, who typically speak directly with the referral source, whether mandated or non-mandated. Under this proposal, they would finish their conversation with the referral source and then immediately draft a letter to the referral source stating the referral was received. In Westmoreland County the proposal would entail 5,000 letters, plus postage and caseworker time to confirm the obvious. Acknowledging that referrals are received may be a significant issue in other counties, but in Westmoreland, it seems redundant.

Question and Answer. Representative Mundy asked whether the citizen advisory board discusses confidential details about the cases they review. Ms. McSparrin responded that such details are discussed, but identifying information is omitted.

Representative Mundy asked whether the citizen advisory board asks good questions and is well informed about the cases reviewed. Ms. McSparrin replied that in her eight months of service on the board in Westmoreland County, both seemed to be true.

***Testimony of Marc Cherna,
Director of the Allegheny County Department of Human Services (DHS)***

Mr. Cherna commended the advisory committee report as thorough and thoughtful and expressed the hope that many of the recommendations will be implemented.

In 2001, 900,000 children were abused in this nation, 2.6 million referrals were investigated by CYF agencies, and 542,000 children were in foster care. The vast majority of the cases were handled competently by dedicated caseworkers. If we believe that child protection is important, then we must fund it adequately. The public must be held accountable as well as the child welfare system.

According to an Urban Institute study published last year, the total funding for children's services in fiscal year 2000 from all sources was just under \$20 billion, of which \$10 billion represented Federal dollars and just under \$8 billion represented state and county funds. By comparison, the funding for the Iraq War comes to approximately \$200 billion this year, or about ten years of funding to protect children and help families. It's easy to talk about accountability and criticize the system whenever something happens to a child, but we will not make real progress until we are willing to adequately fund the system.

Mr. Cherna believes that the creation of an ombudsman office is not worth the investment. The volume of complaints throughout the state will overwhelm it so they will tend to go after the occasional high profile tragedy. The office may become politicized, and only the negatives will be stressed.

On the other hand, he voiced strong support for the local office concept. When Mr. Cherna started with Allegheny County in 1996, the office was inundated with complaints. In response, he created a Director's Action Line (DAL), to handle complaints, concerns, or requests for information from the public. The DAL reports to the head of the Office of Community Relations, outside the program line. Experienced caseworkers handle the calls. The toll-free number is widely publicized, and calls are encouraged. Consumers now have a vehicle to get second opinions and complain about staff responsiveness, cancelled visits and ineffective contracted services, to name a few examples. The DAL staff always attempts to attain resolution, and the complainant

always receives at least an explanation. The DAL has been so well received that it was expanded it to cover all five program offices in DHS. In 2003, it received 10,436 calls; a little over 10% were complaints. In addition to responding to the call, the data are analyzed to look for patterns to improve practice and see if any particular worker, supervisor or office is receiving a higher volume than others, which could result in remedial training or discipline. Since Pennsylvania is a county-administered system, accountability at the local level is vital.

The Federal CFSR is a good idea in that it establishes extremely high standards for states and counties to strive for, but since these standards have not been attained by any state, the child protective service system is being portrayed as a failure. There is something wrong with a system that sets unattainable standards and then threatens to impose financial penalties for failing to meet them. This results in a demoralized work force and less resources to do the work or improve the system. It would be better to set the first year as a baseline and gauge progress in subsequent years against that baseline.

The multidisciplinary team (MDT) and the medical/legal advisory boards are good concepts which currently do not work very well. The recommendations to improve these mechanisms are sound.

An information system that assists workers in doing their jobs, as well as providing statistical reports, is an essential component of any good system. Unfortunately, Pennsylvania has failed miserably in its efforts in this area. The Pennsylvania Automated Child Welfare Information System (PACWIS) debacle left counties with their archaic systems and no funds to upgrade them. Four years ago, Allegheny County DHS was fortunate to get foundation funding to create a data warehouse and upgrade many of its other systems. DHS also wanted to upgrade its CYF system, but DPW prohibited us from acting apart from PACWIS, so the opportunity was lost. Appropriating funding to counties to improve their information systems should be a top priority to improve accountability and track outcomes.

Mr. Cherna strongly supported the recommendations to open dependency proceedings to the public. In Allegheny County the open courts policy has helped improve performance by all parties. When the press is watching, everyone tends to be better prepared. While the county has not experienced any horror stories with respect to identification of children, legislation protecting the identity of minors would be desirable. To Mr. Cherna's knowledge, all other states that have adopted this approach have also had positive experiences. Open courts will curb the tendency to hide behind confidentiality and will help educate the public about the complexities of the system. The system should be able to withstand public scrutiny of its actions.

The sharing of confidential information should be driven by the need to know standard and should be consistent across service areas, to enable caseworkers to coordinate their efforts. Most of the families have multiple needs and involvement with multiple systems. It must be made easier for those systems to share information to better

serve the consumer. Mr. Cherna also expressed support the proposal to disclose some information to non-mandated reporters and foster parents.

Question and Answer. Representative Harhart asked how the DAL works and how it conflicts with the state ombudsman. Mr. Cherna replied that DAL serves as a local level complaint resolution mechanism through the Allegheny County Office of Community Relations, outside the line of direct responsibility for Children and Youth Services (CYS). DAL follows up to ensure that CYC workers respond to the complaints and helps keep the staff accountable. All parents in the system receive a parents' rights handbook, and DAL follows up with parent complainants to make sure they have received the handbook and understand it. DAL has eight experienced workers, who receive complaints regarding all human services.

Representative Mundy commented that open dependency hearings may improve the CYC system, but at the expense of the individual children. While children may remain anonymous in Allegheny County, in smaller counties, reporting of details of cases reveals the identity of the children as well. Mr. Cherna responded that most cases are not newsworthy, and the details of cases usually are known to interested people whether or not the hearings are open. In the many cases where the parents bring the case to the media's attention, the media will only report their side of the case, while CYC cannot reveal its position because of confidentiality rules. Representative Mundy asked if Mr. Cherna has direct contact with the children in the system. Mr. Cherna admitted he did not, but that he had more experience in CYC than in the whole human services area. He observed that CYC officials disagree about this issue, and most in Pennsylvania are against open courts, but a substantial minority support the change, and most of those in states with open hearings support that policy. Representative Mundy remarked that the some members of the press are irresponsible and will print stories that are of no real benefit to the public but are very harmful to the people involved. Mr. Cherna answered that in such cases the judge could close the hearing or bar the reporter from future hearings, if such an order is legal under the statute and the Constitution.

Senator Kukovich remarked that the draft legislation on open courts in the advisory committee report gives the judge the authority to close the hearing or exclude the public from hearing testimony. He added that that the Pennsylvania Children and Youth Administrators Association (PCYA) and the county CYC administrators will be consulted before legislation is introduced. He commented that he believed open proceedings would benefit children on balance, and that he changed his mind on the issue after considering the experience of Minnesota and other states. Mr. Cherna observed that the judges in Allegheny County use their discretion about opening the hearings and will usually close them if the parent's or child's advocate so requests and can show a reason for closing.

*Testimony of Larry Breitenstein,
CEO of Adelphoi Village*

Mr. Breitenstein has practiced child welfare social work for 33 years, was director of the Westmoreland County Children's Bureau for 15 years and served as president of the PCYA. He is currently the CEO of a residential treatment facility.

Opening the courts in dependency proceeding to the media sacrifices the confidentiality rights of children. Untrained judges will have their decisions evaluated by the press. The children of Pennsylvania deserve trained judges hearing their cases, not reporters. The court system can be improved without opening the courts. For example, Pennsylvania was the 49th state to participate in the national juvenile court judges' model court improvement project, and only one court in Philadelphia now participates in it in the whole state.

When he served as the president of PCYA, Mr. Breitenstein testified in opposition to the ombudsman proposal, but several factors have caused him to change his mind. DPW licensing, incident review and death review policies are inadequate to assure an impartial evaluation is conducted in serious complaints.

Some incidents that occurred while he was director of the Westmoreland County Children's Bureau illustrate the weaknesses of the current system. In one child death case, a therapist who saw the perpetrator prior to incident knew that he or she had been court-ordered out of the home and had admitted hitting the child. Under our law, this therapist was not a mandated reporter since the child did not come before the therapist. In the child death review, Mr. Breitenstein asked that this fact be included because it could support broadening the definition of mandated reporter, but it was not. Had an ombudsman reviewed this case, its report could have mentioned the issue for consideration. Pennsylvania's definition of mandated reporter is the narrowest of any state.

In another case a physician claimed to the media that the agency had made a child abuse report after a child died. The agency could not make a case in court because the doctor failed to report and CYS failed to supply medical information supporting an order for custody. Under our CPS law, CYS generally needs forensic evidence to prove abuse or neglect. Mr. Breitenstein pointed out these facts to DPW investigators, but this was excluded from the child death report. The draft ombudsman legislation adequately deals with this issue, as it provides for a report to the district attorney if a law is violated. Coming from the ombudsman, this report would have more weight and fewer local political ramifications than if it came from the county children and youth director.

The "medically driven" nature of our law also creates conflicts for DPW's investigations of a child death or other complaints. Pennsylvania, like many states, has a Medicaid managed care system that operates in most counties. There is evidence that Pennsylvania's choice of how to implement its Medicaid managed care system could affect child abuse reports and findings. Obviously, managed care is designed to change

the “front door” from hospital to primary care physician. However, reports of abuse by hospitals declined significantly when Medicaid managed care was implemented. Since hospitals generally have better expertise in reporting and assessing abuse, changing the intake route changes the agency’s ability to obtain reports and information to substantiate abuse. Findings of contusions declined significantly in managed care counties as compared to the other counties. The procedure for substantiating an abuse referral seems to have become so complicated that the report went unfounded. No similar trend appears in serious abuse incidents. Mr. Breitenstein reported these issues to DPW in the needs-based county plan, but DPW seems to have ignored it. Could DPW review of a case and impartially determine that the systemic nature of another part of DPW resulted in an agency’s inability to perform its duties?

A common example is complaints by parents of children in substitute care that their children are not receiving adequate dental care. Here again, the DPW-selected managed care organization is responsible for assuring that adequate access to a dentist is afforded by the plan, but DPW blames the county or private provider for lack of such service. An ombudsman could assist with complaints about these issues.

In a recent child death investigation in Westmoreland County, the report was leaked to the media before the county had a chance to respond. The press report did not point out that while this case was active with the children’s bureau, the agency had appealed a \$700,000 shortfall in its reimbursement from DPW, because DPW did not mention that fact.

While the position of ombudsman should be created, the legislation should require some minimum qualifications for the ombudsman and investigative staff, including some experience in the child welfare field. The professional staff should be required to successfully complete the state’s child welfare training and should be held to at least the same minimum training standards as public and private child welfare providers. Failure to maintain this standard would negate the credibility of the ombudsman’s office.

Senator Kukovich commented that Pennsylvania’s training program has been recognized as a model for the rest of the nation, and that Mr. Breitenstein initiated that program as president of PCYA.

***Testimony of Terri Katzman,
Executive Director of Parentwise, Inc.***

Ms. Katzman has been the Executive Director of Parentwise, Inc. (formerly known as Parents Anonymous) since 1985. Services provided by this organization include weekly self-help support groups and a helpline that assists all caregivers, including grandparents, other kin, single parents and foster parents. This agency works to prevent abuse through parent education offered to the general public on more than 40 topics. The agency also works with children aged three through eight, through a curriculum that addresses bullying, conflict resolution, tolerance and many other issues.

The goal of Parentwise is to help prevent or reduce the incidence of child abuse. Ms. Katzman's experience has come through direct contact with parents and by working collaboratively with many other organizations.

Ms. Katzman expressed appreciation for the advisory committee's interesting and thought-provoking report. She commented on several issues discussed in the report.

Ombudsman Program. A common complaint is that parents do not know "what's going on," usually because they are not in contact with their caseworker as often as they would like. This is not a criticism of caseworkers, because their time is limited and the demands are many, but it leads to misunderstandings regarding the system. The ombudsman would assure parents that they remain an important part of their children's lives.

Multidisciplinary Teams. As a member of the MDT in Westmoreland County, Ms. Katzman agreed with the emphasis on this system in the report. The team can offer valuable insight, support and reassurance to the caseworkers who are attempting to make difficult decisions accurately. Training for team members should be upgraded. Team cohesiveness and effectiveness would be enhanced by training on issues, laws and available services in the county.

Open Courts. There is a danger that children and families may be victimized by unprofessional journalists who seek to sensationalize child welfare cases. Strengthening the service delivery system seems to be more important than increasing public knowledge about it.

Non-Mandatory Reporters. The concern the report shows for non-mandatory reporters is welcome. Even a brochure explaining the process and possible outcomes can alleviate many concerns. Even better would be a media campaign (such as the Hero Project) that alerted the general public to their responsibility and educated them on the process, so that responsible reporting of abuse would be encouraged.

Judicial Training and Assignment. Everyone can benefit from more training, judges included. Judges would benefit greatly from training from service agencies so that they could become aware of available services and their time frames. The longer a judge presides over similar cases, the more familiar he or she becomes with available services.

Attorney Preparation. A common concern among parents is that attorneys are not fully acquainted with their cases. The court should demand that the attorney have met the client for a specified minimum period of at least one hour before the case comes before the judge. This could save court time and help alleviate parents' anxiety.

More funds should be directed toward our children and youth system for training, better public understanding of the CYS's mission and operations and prevention services. Prevention efforts are a big part of the answer.

Question and Answer. Representative Harhart commented that the General Assembly had recommended more training for judges, but could not mandate it. There seemed to be little interest in the judiciary for increased training. Ms. Katzman observed that the Westmoreland County court under Judge Driscoll has been working energetically with Parentwise to give all the judges, not only in family court, training in child welfare issues and services. Senator Kukovich suggested that the Westmorland County Bar Association offer a continuing legal education program on child welfare for the bench and bar. Ms. Katzman agreed.

***Testimony of Scott Hollander,
Executive Director of KidsVoice***

KidsVoice is a nonprofit agency that provides legal advocacy to more than 5,000 children each year who are involved in abuse and neglect cases in the Allegheny County Juvenile Court. It uses an interdisciplinary approach that teams 23 attorneys with other full-time experts on staff with backgrounds in social work, mental health, education, child development, case management and substance abuse services. This multi-disciplinary approach permits KidsVoice to thoroughly investigate each case and deliver informed recommendations individually tailored to each child's needs. KidsVoice then advocates in court and elsewhere to ensure that the most appropriate services are in place to protect children from future harm and to provide a safe, permanent home for every child.

The effectiveness of this work depends upon accountability in the system. A court order that provides a creative and innovative solution designed to give a family a better chance of success means little if the service is not provided, the parent does not follow through or a critical need for that child and family is not met.

The children's ombudsman raises the same issue. While the ombudsman concept is appealing in theory, its implementation as proposed raises practical problems. First, there is no method for enforcement or action. The proposed legislation does not allow the ombudsman to reverse a decision or force a county office of children and youth to provide a particular placement or service. Nor is there an opportunity for the ombudsman to intervene in a case and request the court to order a particular outcome. Merely issuing a written report and findings without the ability to change the underlying situation is not effective. If the children's ombudsman has no way to enforce his or her recommendations, the office does not improve accountability.

The second problem is that a statewide ombudsman covers too vast a territory to be effective. The data from the Task Force shows that Michigan investigated 148 complaints in a year. That is the equivalent of less than of 2.2 complaints from each of Pennsylvania's 67 counties. That is not even half the capacity required.

In 2002, Mr. Hollander testified before the Northern Ireland Assembly as its legislature was considering establishing a National Commissioner for Children. The

Northern Ireland proposal made sense because the Commissioner had the authority to overrule and intervene in individual cases and because the scope was manageable. Their proposed budget was well over a million dollars, roughly the budget for ombudsman's office for the entire state of Michigan, but the population of Northern Ireland is 1.3 million, roughly the population of Allegheny County.

The ombudsman concept should be implemented as a county-based system. The advisory committee's recommendation for a local complaint resolution office in each county is a good one and should be taken a step further in that the local "ombudsman" should be part of the county administration, with the authority to overrule the agency's determination.

Allegheny County has achieved some success with a similar strategy, where the director's action line receives complaints about case outcomes. KidsVoice has used the DAL to quickly address specific case issues that have dragged on in court for months despite orders requiring prompt action. If the concept of local complaint resolution offices was changed to provide the local office with more authority to act, only complaints unresolved at the local level would have to be addressed at the state level.

If the complaint was not resolved at the local level, a written complaint could be filed with the state ombudsman, who could require the local agency to write a response. The ombudsman then could review the complaint and the agency's response and decide whether to investigate. But there is no reason to think that the state ombudsman could resolve many issues without the authority to reverse the agency's decision or at least intervene in court and administrative reviews.

Opening dependency hearings is another way to create accountability. Juvenile courts should be opened to the media and public. The advisory committee's consideration of the issue was well analyzed, especially the need to balance access and accountability against the confidentiality and privacy of children and their families.

Closing the courts to the public and media does not protect the identities of children or keep their stories from being published. Most reporters cover a story because someone contacts them about it; they do not initially hear about the cases at court. Excluding the reporter from court does not kill the story, but only limits the news coverage to the version of the case presented by the person who first contacted the reporter. Opening the courtroom allows the reporter to hear the different sides of the issue and present more balanced and accurate coverage. In some cases the open proceeding will kill a story where the facts turn out to be different from the biased version that the parents or another party originally approached the reporter with.

Secondly, opening courtrooms and protecting the identities of children are not mutually exclusive goals, and a balance can be struck between them. Opening courtrooms never was meant to deprive abused and neglected children of their right to privacy. The media can follow the lead of the *Chicago Tribune* and report on child abuse and neglect without identifying the victim. Unfortunately, that is not the practice of

newspapers and other media in Pennsylvania. A sad and troubling irony for abused or neglected children is that Pennsylvania newspapers and television stations would protect their identities if their history included just one incident of sexual abuse. It should not be different for a child victim of other abuse or neglect.

The open courtroom policy helps individual children as well as the child welfare system. Continuances of hearings are more disruptive to children than to adults, since a month seems like a much longer period to a child. Such continuances are far more likely under the closed system. Child advocates across the nation take into account the effect on the child as well as the system, and most favor open dependency court.

The New Mexico legislature grants access to juvenile courts on the condition that the media not report identifying information about the child or the parents. To do so is a criminal offense. The same is true in New Hampshire where juvenile courts are not open to the public and media.

The best accommodation between open courts and individual privacy is for the media to agree to protect the identities of child abuse and neglect victims as the media protects the identities of victims of sexual assault and rape. Absent that, judges and the legislature should consider some way to protect the identities of children while opening juvenile court proceedings. If both objectives are achieved, there is no legitimate reason to oppose opening juvenile court proceedings to the public and media.

The report draws an important distinction between accountability and blame. It is easy to point a finger of blame after a failure. It is much more difficult to create an expectation of accountability that encourages everyone involved in a child's life to do their job in a way that creates better possibilities for children and families.

***Testimony of Gail Chang Bohr,
Executive Director of the Children's Law Center (CLC) of Minnesota***

Ms. Chang Bohr's testimony addressed the issue of opening juvenile protection proceedings and the effect of this policy on children in light of the experience with that policy in Minnesota. Minnesota, like Pennsylvania, has a county-administered, state-supervised structure. By order of the Minnesota Supreme Court, all juvenile protection hearings in that state have been open since July 1, 2002. Hennepin County, which includes Minneapolis, has continuously had open juvenile protection hearings since June 1998.

Ms. Chang Bohr has been the Executive Director of CLC since its inception in 1995. Prior to becoming a lawyer, she was for almost 20 years a clinical social worker working primarily with children and families. Ms. Chang Bohr participates on statewide task forces and since 2001 has been a member of the Children's Justice Initiative in both Hennepin and Ramsey counties, a project to examine how the courts and the department

of human services could cooperate to improve the system. She was a member of the Juvenile Protection Rules Committee from 1997 to 1999.

CLC is a nonprofit organization that provides representation to children who have been abused and neglected and are in foster care. It provides representation through a multidisciplinary approach, using a small staff of attorneys and social workers and over 150 volunteer lawyers. They represent about 400 children a year in the two major metropolitan counties (Hennepin and Ramsey) and two more rural counties. CLC engages in policy advocacy and trains volunteer lawyers to be child advocates.

The testimony is organized into four parts: the background to opening juvenile court in Minnesota, the pilot program that Minnesota instituted, the evaluation report by the National Center for State Courts (NCSC) and the current experience with open courts.

Background. Accountability in the child welfare system has been an ongoing national issue. Federal legislation, including the Adoption Assistance and Child Welfare Act in 1980, gave oversight responsibilities to juvenile court judges, including requiring the monitoring of social service agencies regarding the removal of children from the custody of parents or guardians. The Adoption and Safe Families Act of 1997 further reinforced and extended these policies.

In 1995, the Administration for Children and Families, U.S. Department of Health and Human Services, required each state to assess its existing court practices and procedures regarding its child protection cases. The Minnesota Supreme Court Task Force on Foster Care and Adoption was created to perform this task. From 1995 to 1997, Ms. Chang Bohr served on this task force, which made many major recommendations for policy and statutory changes on child protection and foster care. One of these recommendations was to open child protection hearings to the public.

Pilot Project. Legislation to conduct a pilot project on opening child protection hearings in all the judicial districts was introduced, but not voted on in the 1997 session. Instead, in January 1998, the Conference of Chief Judges recommended that the Supreme Court establish a pilot project in selected jurisdictions to test presumptive opening of juvenile protection proceedings. On February 5, 1998, the Minnesota Supreme Court established the pilot.

Hennepin County, the state's largest, was included in the pilot project; eleven other jurisdictions were selected as representative of urban, rural, metro and non-metro counties. The pilot would last three years with an independent evaluation to commence after one year. Child protection hearings would be presumed open and could be closed or partially closed by a judge only in exceptional circumstances. The pilot began in June 1998 and continued for three years. The Court later extended the pilot through 2001 to allow time for a public hearing on the project.

National Center for State Courts Evaluation. As authorized by the Supreme Court, the State Court Administrator, in consultation with the Conference of Chief Judges, contracted with an independent research organization to conduct an evaluation of the pilot project. NCSC was selected to conduct the evaluation, the first such evaluation in the nation.

NCSC used a multi-method approach to collect data and information. The team made site visits and had interviews with individuals and focus groups. It conducted two sets of surveys of child protection professions, reviewed court files and court logs, compiled annual data on the number of dependency and neglect filings and appeals of termination of parental rights and juvenile protection cases, and compiled newspaper articles on open hearings.

NCSC concluded that opening child protection hearings is consistent with efforts to make the juvenile court more accountable for its decisions. It found a noticeable increase in attendance by members of the extended family, foster parents, and service providers. Child protection professionals surveyed did not believe that the content of courtroom documents, exhibits and statements were significantly affected by open hearings. While some county attorneys and judges reported more reluctance to include sensitive information, such as psychological evaluations and information on sexual assaults, others reported fewer unsubstantiated allegations and timelier, better-prepared court documents. Moreover, the nature of in-court discussions and the duration of the hearings were not affected.

NCSC found that the open hearings policy increased professional accountability. Increased attendance by extended family members, foster parents and service providers also worked to increase professional accountability. Formerly confidential decisions and recommendations by social workers, judges, county attorneys, guardians ad litem (GALs), public defenders and private counsel are now subject to public scrutiny.

Media respondents were more likely to feel that professional accountability had increased. The media believed that the open court policy enabled them to do better and more accurate reporting because they could observe the proceedings firsthand. Additional, responsible media coverage also helped educate the general public about the operation of the child protection system. While documents in the court file were open, with exceptions, document requests from the public were extremely rare. Sensational case reporting did not appear to be affected by open courts; in the accompanying criminal case, the parents' names were published regardless.

In general, lawyers for parents (public defenders) and court administrators were opposed to opening juvenile court, but the majority of county attorneys, GALs and social workers favored the change. Judges were divided, but a large proportion was in favor of open court hearings.

NCSC investigated the potential to harm children or parents, media reaction, concerns about privacy of the children and the effect of open courts on the number of

dependency or neglect cases and appeals filed. NCSC found that opening the hearings did not result in documented direct or indirect harm to any of the parties, including the children. Only find a handful of cases possibly involved compromises of the privacy of children and families. Indeed, lack of participation by the public reduced the possibility that harm would result from open hearings. The number of abuse and neglect cases increased in eight of the twelve pilot counties, contrary to expectations of a chilling effect on reporting. Also contrary to some expectations, there was no significant increase in appeals filed.

Opening judicial proceedings is a benefit in a society that believes that government should function openly. Many regard public access to judicial proceedings as a necessary protection for the public against arbitrary courtroom decision-making.

Current Experience with Open Courts. CLC has been and continues to be in favor of open hearings and open records. At the time of the pilot, they represented children in one county that was open and in several counties that were closed. The contrast was striking. In the closed county, family members were ordered to leave the courtroom, even though they were there to offer themselves as a support to the children. When family members are excluded, a perception is created that the system is unwilling to work with the community, especially when most of the court personnel are white and those excluded are people of color.

Now that the courts are presumed open, nobody thinks about the issue. To the great disappointment of many on our Task Force, the media are largely absent. There has not been a great outpouring of people coming to court to listen and to watch the drama of abuse played out. Individuals who come are those directly affected by the case.

The presence of extended family members helps lay the foundation for accuracy. Testimony can no longer be filtered through the parent respondent. The fact that the parent can no longer hide or minimize the extent of the abuse or neglect contributes to accuracy. Foster parents who attend are better informed. So are service providers who receive current information to help the families at the hearing.

Under open courts, preparation is improved, which in turn improves accountability. Reports are completed, distributed and read before the hearing. In order for the report to be written, social workers and GALs must act on the case. There is often a flurry of activity by lawyers and other professionals when a court date approaches. The judge has read the report because he or she got it in advance of the court date. Social workers, GALs, attorneys for the county, the parents and the children can discuss the recommendations in advance of court because they have the report.

Since the pilot, Ms. Chang Bohr does not recall any incidents of untoward conduct by the media. A deputy director in the county Department of Human Services told her that there was better coverage by the media. With the media having access, she said she can redirect calls from the media and no longer feels constrained in what she says because the media can get the information in court.

Most judges Ms. Chang Bohr has talked to like open courts. Some like the fact that families can come into the courtroom; others believe that open court provides the best opportunity to find out what is happening to the system and how is that affecting our children.

A particular case shows why open juvenile protection hearings leads to accountability. Shortly after the pilot began, a 14 year-old girl gave birth to a baby in her room at home. She said she did not know what was happening, panicked, wrapped the baby up in newspapers, and placed the baby in a dumpster not far from her house. Her younger siblings at home saw what she had done and told their parents, who retrieved the baby alive. The media was immediately involved in this story, and for each decision in the case, the story ran in the newspaper and on TV because reporters attended the hearings. The county attorney considered charging the teenager with child endangerment in adult court. The county also had to decide where to place the baby and whether to start termination of parental rights proceedings. Although the teenager's parents wanted to care for the baby, the baby was placed in foster care. Eventually, the teenager decided she wanted to have visits with the baby. The county objected and moved to terminate parental rights. Her lawyer argued she should have a chance to parent. Over the county's objection, the judge ordered that a case plan be developed. When the judge ruled for reunification of the baby and his mother, it made sense to the community because the public had been kept informed throughout the proceedings. This judge later voiced his belief that if the court had been closed and the only information available to the public had been his final decision, there would have been an uproar because the public would not have known why the decision was made.

As we struggle with abuse, neglect and foster care cases and with the concerns that we are removing too many children of color from their homes, we must confront these questions: What is our community standard? How should we care for these vulnerable children? Opening the courts to the public will help us answer some of these questions and hold us all accountable. As much as we like to believe that we always perform at our highest standards we actually do our best work when others are watching. When everyone does their job well, the system works for kids. Having more eyes watching the process can lead to our best work for children.

Question and Answer. Representative Harhart noted that the advisory committee report did not endorse open records. She asked whether open records improves accountability. Ms. Chang Bohr replied that open records does enhance accountability by making it apparent whether the reports are submitted timely and done well.

Senator Kukovich noted Ms. Chang Bohr's graciousness when he visited CLC in 2002 to find out about open courts. His experience inspired him and changed his mind on the open courts issue.

Mr. Cervone observed that secrecy of court proceedings harms children by keeping family members outside the flow of information and allowing decisions to be based on grossly inaccurate information. Ms. Chang Bohr added that the facts of many

child abuse cases are widely known in the community even before they get to court. Some children are relieved when their stories are aired and they are given a forum in which to talk about what has happened to them. The secrecy and openness debate for child abuse is at the same point as it was for domestic violence 20 years ago. It takes courage to make this change, and a pilot or other evaluation can help decide the issue.

***Testimony of Brian D. Dunbar,
Deputy Administrator of the Adult/Juvenile Sections, Court Services for Children,
Allegheny County Court of Common Pleas***

Mr. Dunbar was asked by administrative judge Eugene F. Scanlon, Jr. and juvenile section supervising judge Kim Berkeley Clark to appear on behalf of the Allegheny County Juvenile Court to provide the court's position on the accountability issues as discussed in the advisory committee report.

Allegheny County has four judges hearing juvenile matters full-time and a fifth judge who carries a nearly full-time juvenile case load as well as adult section duties. There are also five full time hearing officers, three of whom are dedicated to dependency matters. As of April 23, 2004, there were 3,748 children in court-active dependency cases. Of these children, 2,462 were in out-of-home placements, 1,663 in foster care. Thus, like many other counties, the juvenile court faces a challenging caseload.

Complaint Ombudsmen and Complaint Resolution. The Allegheny County Juvenile Court generally supports the proposed legislation offered by the advisory committee. The court, however, questions whether a statewide ombudsmen system should be undertaken prior to promulgation of statewide dependency rules. Once statewide practice in dependency cases has adjusted to mandates of such rules, the court would then support moving forward on statewide ombudsmen legislation.

With regard to a local complaint resolution office, the court agrees with the committee's position.

Performance Evaluation Systems. The court agrees with and recommends implementation of a statewide performance review system. The Commonwealth should not rely completely on the Federal review scheme to assure the quality of services delivered within the dependency court system. However, in order to effectively evaluate and monitor statewide performance in dependency cases, local and statewide information management systems must be built that would allow individual courts to collect and organize statistical information and data efficiently and meaningfully.

Allegheny County has developed a system to measure outcomes in delinquency cases, and as a result is part of a Federal pilot project involving four jurisdictions in the United States. Allegheny County is beginning to develop a similar system in dependency cases. The court and the prothonotary are also developing a new electronic filing system that will require all juvenile court documents to be filed electronically. The court expects

to capture data from the electronic filing of orders and other documents in its dependency information management system.

Local Case Monitoring. The court generally supports the concept of multiple disciplinary teams and their review of difficult or complex child welfare cases.

Accountability and Data Collection. The court agrees with the need for an adequate system for the collection of child welfare data. The court is commencing efforts to collect data on a local level regarding cases before it.

Open Dependency Court Proceedings. The court agrees that dependency court proceedings should be open; however, the judge, in his or her discretion, should be able to exclude the media or individuals on a case-by-case basis when exceptional circumstances require such exclusion. The court agrees with the legislation proposed by the advisory committee. The court's position on this issue agrees with that adopted by the Pennsylvania Juvenile Court Judges Commission.

The court stresses that if access is permitted, media representatives should not be allowed to report any identifying information on the children and families before the court. Laws enacted in New Mexico and New Hampshire make it a criminal offense to disseminate identifying information about children or parents before their courts. If those statutes hold up to constitutional scrutiny, a similar statute should be considered for Pennsylvania.

Confidentiality. The court is well aware of the debate between issues of access versus privacy and acknowledges that these are not easy issues to resolve. The court supports the proposed legislation as it applies to non-mandatory reporters, foster parents and the Auditor General.

With regard to the proposed amendment to 23 Pa.C.S. § 6340(a)(16), the court considers problematic the provision prohibiting the dissemination of reports and information regarding the biological parents to foster parents. A number of foster parents also serve as prospective adoptive parents. Where the child is in a foster-to-adopt setting, the sharing of the complete child profile with the foster parents would be in the child's best interests. Especially important are records pertaining to mental health and addiction history, so that prospective adoptive parents can deal with conditions that appear to have a genetic link to the birth parents.

The proposed legislation makes no distinction between preadoptive and regular foster parents. As a result, it may conflict with the Adoption Act, which provides that pre-adoptive foster parents be provided with a "complete" child profile.

The court notes that the type of information that the proposed legislation seeks to provide foster parents should be extended to individuals who have children placed in their custody under a permanent legal custodianship (PLC) or subsidized permanent legal custodianship (SPLC) order. Children in PLCs and SPLCs are considered to be in

permanent placements, and their custodians require the same type of information as foster parents in order to serve the best interests of the children.

Judicial Training and Assignments. The court agrees that judges assigned to conduct proceedings under the Juvenile Act should retain that assignment for a period of at least three years. A statement of position should be made on the part of the juvenile courts, urging the Supreme Court of Pennsylvania to adopt rules to this effect.

The court agrees that measures should be instituted to ensure that child welfare cases are handled by judges, masters, child welfare agency attorneys, parents attorneys and GALs competent in this area of practice. The General Assembly should consider exploring the provision of local and statewide training for attorneys and other interested persons in child dependency law and practice. Many of the attorneys practicing in these areas are employed in the public sector and may not have as much funds available for continuing legal education and training as the private bar. The court therefore urges consideration of ways to provide statewide and local training for attorneys for a reduced fee. The Allegheny County Bar Association provides some training sessions and CLE programs at low cost, and perhaps other bar associations could do the same. Bar associations should share information on these programs statewide.

The court generally agrees with the adoption of practice standards for attorneys handling dependency cases.

With regard to the advisory committee's position that judges should personally preside over as many child welfare cases assigned to them as possible, the court notes that it uses the assistance of dependency court hearing officers. The assigned judge presides over the adjudicatory and dispositional phases of the case, as well as aggravated circumstances hearings, termination of parental rights hearings, and adoptions. Hearing officers are used primarily to conduct reviews of dependency cases. De novo review is available for all hearings conducted by the hearing officers, and the assigned juvenile court judge reviews every order promulgated by the assigned hearing officer.

The court employs a judge–hearing officer–attorney team model in order to provide continuity of judges and attorneys on all dependency cases. Each judge is assigned cases from one of our five regional offices. That judge's cases are always reviewed by the same hearing officer, and each judge and hearing officer has the same county solicitor, the same two child advocates or GALs, the same two or three parent advocates and the same conflict attorneys. This assures that all parties involved in the case, including judicial officers, are familiar with their cases.

In the counties with higher caseloads, the court believes that the use of hearing officers to assist the judges in managing their dependency dockets is a necessity. The experience in Allegheny County has been that the use of dependency hearing officers enhances the assigned judge's ability to provide proper oversight in all dependency cases.

***Testimony of the Honorable John J. Driscoll,
Judge of the Westmoreland County Court of Common Pleas
(Written Submission)***

The advisory committee report seems to be comprehensive and well-considered. Judge Driscoll commented on two issues.

On open courts, the recent Superior Court decision *In re M.D.*, 819 A.2d 59 (Pa. Super. 2003), *aff'g* 85 Westmoreland Law Journal 217 correctly expressed a strong preference for openness, but also permitted the judge to close the hearing in his or her sound discretion. Sound judicial discretion is preferable to rigid rules. The privacy of the family should be given more weight where personal issues are in question and not the performance of the agency. In some cases, the parties will be more candid when the press does not cover the proceeding.

On judicial training and assignment, Judge Driscoll noted that child welfare cases are very demanding on judicial skills. Good performance depends on experience. Judges handling these cases should have training in child development, parenting and life skills, effects of substance abuse, family violence and emotional abuse. The level of performance of social workers will depend on their experience in court.

***Testimony of the Honorable Robert P. Casey, Jr.,
Auditor General of the Commonwealth of Pennsylvania and
Member of the Advisory Committee on Services to Children and Youth
(Written Submission)***

The Auditor General argued in favor of permitting his office to have access to confidential information on the same basis as other officials under the CPSL (23 Pa.C.S. § 6340). Mr. Casey argued that such access is needed to enable his office to determine whether DPW and the local agencies are administering child protective services in accordance with the law and regulations. Audits assisted by such information would help ensure that children and families receive quality services.

The need for such access was shown in the course of the Auditor General's investigation into the death of Ashley Decker in 1998. Because the Auditor General did not have access to the confidential records in that case, he was unable to do a complete assessment of DPW's handling of that case.

An amendment granting the Auditor General the needed access has been introduced by Senator Michael A. O'Pake as Senate Bill 126 of 2003 (Printer's No. 123).

***Testimony of Chuck Songer,
Executive Director of the Pennsylvania Children and Youth Administrators
Association (PCYA) and Member of the Advisory Committee on
Services to Children and Youth
(Written Submission)***

PCYA represents the county children and youth program administrators of all 67 counties and is an affiliate of the County Commissioners Association of Pennsylvania (CCAP). Prior to joining PCYA more than six years ago, Chuck Songer worked at Adams County CYS as caseworker, supervisor, and administrator for nearly 25 years. He served on the advisory committee throughout its existence.

Ombudsman. Pennsylvania’s child welfare system is evaluated at many levels, including the Federal Child and Family Services Review, annual DPW evaluations of county agencies and licensed providers, performance audits, fiscal audits and administrative appeals. Accountability is guided by CCAP’s “Children’s Policy” and the DPW’s *Pennsylvania Child Welfare Practice Standards*. In addition, local agencies are also held accountable by county commissioners, judges, children’s counsel, advisory committees, law enforcement and the local media. Most importantly, CYS agencies are accountable to the children and families served.

With this level of oversight, it is difficult to understand the need for an ombudsman. As envisioned in the report, this proposal would circumvent existing mediation or appeal processes and could not be funded to adequately address the number of calls foreseen. This would result in subjective prioritizing of complaints and concerns that would not necessarily reflect local or statewide systemic issues. PCYA opposes the ombudsman concept as envisioned in the report, preferring a comprehensive study by an independent outside entity.

Local Case Monitoring. When investigating cases of suspected abuse, county agencies can use a multi-disciplinary team to assist them. This provides both increased expertise as well as a case-monitoring function. This approach may be used for non-CPS cases, but current regulations would have to be amended to allow for free exchange of information, as is possible in CPS cases. In specified cases, local law enforcement and the county agency conduct joint investigations. PCYA favors such a change in the regulations.

Confidentiality. This issue continues to plague efforts to serve children and families in this Commonwealth. A complex, often conflicting mixture of state and federal laws and regulations makes it very difficult to accomplish cross-systems case planning and service delivery in our litigious society, even when the court is involved. PCYA supports assembling a multi-disciplinary task force to look at requirements, across all systemic lines and make recommendations for change at both the state and federal levels.

Open Dependency Court. This concept deserves more study before implementation. We need to carefully explore the impact on the child and family, the community, service

delivery and future referents before applying a public “right to know” to juvenile proceedings. PCYA does not support the open court concept as presented in the report.

Juvenile Courts. The best outcomes for cases in the juvenile court system occur when all parties are well trained and prepared. The need for additional judicial and attorney training is clear. PCYA coordinates regular annual training for agency solicitors through the Pennsylvania Bar Institute and maintains an information sharing List Serve for solicitors and administrators. More is needed, especially for court appointed attorneys and juvenile masters. PCYA supports the “one judge-one family” policy as a measure to give continuity and consistency to juvenile proceedings.

Summary. The point of making the child and family serving system accountable is to ensure that the best and most appropriate services are being delivered in a timely, efficient, and effective manner. There are considerable safeguards and layers of oversight already in place. Can the monitoring and service delivery system do better? Of course. Changes, however, must be carefully evaluated, chosen and implemented to ensure the intended outcome. The two biggest single improvements to the system would be adequate funding and staffing.

***Testimony of Eileen Condie,
Former Foster Parent
(Written Submission)***

Ms. Condie gave a series of suggestions for improving the child welfare system. These included conditional return of children to parents until safety is assured, a clear management chain in the CYS agency for foster parents and a three-strike system for irrevocable termination of parental rights.

Task Force on Services to Children and Youth
Public Hearing
Tuesday, June 1, 2004, 1:00 P.M.
Public Hearing Room, Lehigh County Government Center
17 South 7th Street, Allentown, Pennsylvania

Task Force Members present: Senator Charles W. Dent (Chair), Representative Julie Harhart (Vice Chair) and Representative Phyllis Mundy.

Introduction

Senator Dent welcomed task force members Representatives Harhart and Mundy. He then thanked the advisory committee members for their participation and expertise in formulating recommendations and singled out Frank Cervone, the chair of the advisory committee, for his leadership.

Testimony of Frank P. Cervone,
Executive Director of the Support Center for Child Advocates and
Chair of the Advisory Committee on Services to Children and Youth

Mr. Cervone stated that the Support Center for Child Advocates is Philadelphia's lawyer pro bono program for abused and neglected children, which represents more than 700 children each year and has served as a resource for the legislature for more than 25 years.

Mr. Cervone explained the significance that the advisory committee placed on options outside placement, particularly prevention efforts, given the number of children and families served (or in need of service) before a foster care placement occurs and after the foster care placement terminates. He added that prevention efforts ultimately save money by lessening the incidents of child abuse and anti-social behavior that leads to incarceration and by improving child outcomes and parenting skills.

In formulating the recommendations regarding prevention services, Mr. Cervone stated that information was gathered and analyzed regarding risk factors and behaviors that programs should address, the characteristics of highly effective programs and the components of many different types of prevention programs and services. He noted that the advisory committee considered input from consumers, adolescents, parents and advocates.

Mr. Cervone emphasized the need to evaluate outcomes and not just rigid program standards and procedures. He stated that child abuse prevention efforts seek to

invest in people and their potential, with the expectation that learning matters in terms of skills development.

Representative Mundy stated that studies reveal that for every dollar spent on prevention efforts, between two and twelve dollars are saved. She opined that investing in prevention services, including drug and alcohol abuse counseling services and domestic violence prevention services, will relieve future costs related to such things as out-of-home placements and incarceration.

In response to a question by Representative Harhart, Mr. Cervone stated that the legislature should remember that prevention efforts represent an investment and that spending more money now on prevention programs and services saves a disproportionately larger amount of money in the future.

Senator Dent and Representative Mundy mentioned the effectiveness of the home visitation nursing program and thanked Mr. Cervone for highlighting it.

***Testimony of Susan Dichter,
Director of Programs for the Bethesda Project and
Chair of the Subcommittee on Options Outside Placement***

Ms. Dichter stated that Bethesda Project manages the low demand engagement center for 250 of the hardest to reach homeless men in Philadelphia. As chair of the subcommittee that formulated the prevention recommendations, she emphasized that the subcommittee interviewed children in foster care, parents, caseworkers, agency directors and government officials and poured over research conducted by foundations and universities. In addition, she noted that the subcommittee drew insight from *Common Purpose: Strengthening Families and Neighborhoods to Rebuild America* by Lisbeth B. Schorr, which analyzes how our education, welfare and family support systems have failed to adapt to today's needs.

Ms. Dichter then shared an analogy of how the subcommittee approached its task:

Can you picture a group of community leaders standing by the side of a river, alarmed at the number of babies they see floating past them? The group of leaders is busy, reaching into the water and trying to save each baby. They become more alarmed with each new child that comes into view. After awhile, one member of the group begins to question what is going on upstream. Where are all these babies coming from? That's the story with prevention. If we don't look upstream, we will continue to try our best to respond to the crises of drowning babies, saving some and losing others.

After acknowledging that prevention programs are particularly vulnerable during times of fiscal restraint, Ms. Dichter noted that the costs related to placement services

(including institutional placements), special education services, housing in youth development centers, incarceration and welfare services far exceed what would be spent on prevention services to lessen the need for higher-priced intervention services. She added that currently most of the energy and money is directed to foster care and residential treatment services, without proper attention being given to the principal stressors that contribute to a parent's inability to properly care for a child -- poverty, inadequate housing, unemployment, the absence of recreational and educational opportunities, domestic violence and limited child care and health care options.

Ms. Dichter applauded the efforts of the Family Service Association of Bucks County, which provides a comprehensive mix of family support programs, including after-school programs, a family center that serves 2,000 families and 3,000 children, a teen center located at a nearby mall and family nights at the local elementary schools. However, she noted that the Family Service Association is just one example of a successful program that has no stable funding source, with its operating expenditures funded by state grants, small county contracts and donations from private foundations and individuals. She also highlighted other successful prevention programs described in the JSGC report, such as the Olds Model of Prenatal and Infancy Home Visitation, mentoring programs and the Family Intervention Crisis Services (FICS) program operating in Centre and Blair Counties and serving high-risk families using a flexible approach to services.

Emphasizing that specific prevention programs should not be mandated, Ms. Dichter explained that the report contains many examples of effectively planned and implemented programs. Individual counties and localities, she added, should be able to determine which programs, if any, may best serve them based on the specific area's needs. Consequently, communities must have the necessary tools to analyze risk factors and design programs that address those risk factors, using flexible dollars to create solutions.

Ms. Dichter summarized that the advisory committee recommended legislative action to confirm the importance of prevention services, ensure a continued focus on prevention services, provide a framework for oversight regarding the effectiveness of prevention services, ensure continuity of prevention services while reducing overlap, improve the coordination and delivery of prevention services, heighten fiscal awareness of the need for prevention services, improve accountability regarding prevention services and improve the ability to serve the public and answer questions regarding prevention services since jurisdiction would not be scattered throughout multiple government entities. She opined that although the Children's Cabinet is a good start and will help to bring representatives from the different systems to the same table, children and families must be viewed holistically, not in the manner employed by government entities (education, criminal justice, health, labor and welfare), which tend to view them as problem categories. She reiterated the need to implement a structure to guide counties and local communities in developing and implementing sound prevention programs and to provide a dependable source of funding for communities that are ready to take ownership for strengthening families and neighborhoods.

In response to a question by Representative Harhart, Ms. Dichter touted the need for an office of prevention services at the state level to develop, coordinate and oversee prevention services across Pennsylvania, in addition to providing technical assistance to counties and coordinating block grants to distribute to local entities through a request for proposal process.

Representative Mundy expressed concern about creating another layer of bureaucracy instead of providing direct services to children and families in need. She acknowledged that the administrative overhead and resources involved in applying for grants is problematic.

In response to a question by Representative Mundy, Ms. Dichter stated that the Children's Trust Fund model is effective, but it represents only a small portion of monies actually needed for prevention and its grants are only operative for three years. Representative Mundy added that grants distributed under the Children's Trust Fund are intended for new and innovative programs, without due consideration of successful and established programs.

Senator Dent said that he welcomed an approach grounded in local control with state government serving in an advisory capacity. He echoed the need to address funding streams. Finally, he pointed to the Children's Advocacy Center in Lehigh County, which formed a coalition of law enforcement, Children and Youth, school districts and other individuals who work with children.

***Testimony of Ellen Mancuso,
Director of the Children's Project of Pennsylvania Protection and Advocacy***

Ms. Mancuso stated that she is the director of the Children's Project of Pennsylvania Protection and Advocacy, an independent non-profit agency that receives federal funds to protect and promote the rights of children and adults with disabilities in Pennsylvania. She noted that she also worked for more than 20 years for the Education Law Center advocating for children, predominantly those with disabilities. She added that her experience includes having worked with thousands of families whose children have cognitive, physical, emotional or sensory impairments and who have struggled to obtain services for their children.

Ms. Mancuso testified that she supports the movement of prevention services out of the current Office of Children Youth and Families (OCYF) within DPW. She addressed several issues of immediate concern to families of children with disabilities: (1) children with disabilities are entitled to the same protection from abuse and neglect that is provided to their non-disabled peers; (2) families should not be required to relinquish custody of their child or be subject to a dependency proceeding in order to obtain the necessary services for their child with a disability; and (3) an urgent need exists to coordinate services among OCYF, the Office of Mental Retardation (OMR), the Office of Mental Health and Substance Abuse Services (OMHSAS), juvenile justice, the

education community and the health community so that families can have access to appropriate and necessary services for their child with a disability, while keeping their child at home or in their community.

Ms. Mancuso reported that some county OCYF offices will not perform a complete investigation concerning the physical or sexual abuse of a child with a disability if the child is non-verbal or cognitively delayed, citing the reason that the caseworker will be unable to communicate effectively with the child; unless an eyewitness was present, OCYF and district attorneys tend to consider the child “a bad witness” and see little reason to proceed with a case against the alleged abuser. However, Ms. Mancuso said that specially trained therapists may be able to have the child act out or at least respond to the allegations of abuse and help identify the abuser. Therefore, she opined that such therapists should be available to county OCYF offices when a report of abuse is received concerning a child with a moderate or severe disability (for example, autism or mental retardation).

Ms. Mancuso stated that in many counties, agencies such as Mental Health/Mental Retardation (MH/MR) tell parents that the only way to obtain needed services for their child with a disability is to relinquish custody of the child to the county Children and Youth agency, especially if the child is not eligible for Medicaid. Families, she reiterated, should not have to choose between custody of their child and services for their child. She explained that in many situations, parents simply need help in either dealing with their child’s disability within the family setting or helping the child receive needed services; in no way should this be considered neglect under the Child Protective Service Law. She said that the county OCYF prevention office should work with the ombudsman (also presented in the JSGC report), case manager or prevention advocate to help the family obtain needed services in the home and community, including educational services, after-school activities, mental health treatment and habilitation and vocational services. She added that services may also include assisting the family to identify accessible housing; medical, dental or other health services; respite care; and transportation needed to maintain the child at home. Ms. Mancuso then emphasized that every effort should be made to prevent the child’s removal from the home because the child has a disability and is in need of services. She added that services should be delivered in a culturally competent fashion so that agency personnel respect the many cultural differences and values in Pennsylvania.

Although she acknowledged that an inter-agency team approach seems like an excellent idea, Ms. Mancuso opined that the current structure raises many questions and concerns, among them: (1) there is no structure or procedure for the family to appeal the team’s recommendation (for example, if the parents disagree that the child should take psychotropic drugs, Children and Youth may characterize the disagreement as medical neglect and inform the parents that unless they follow the recommendation a dependency petition will be filed); and (2) each child-serving agency has its own eligibility criteria, its own list of available services and its own funding streams, meaning that children are served based on a particular label or funding category instead of their needs (thereby not

fully recognizing the importance of a seamless, comprehensive and easily accessible network of services for families and their children.

Ms. Mancuso applauded the efforts of Estelle Richman, Secretary of DPW, regarding guidelines for counties to develop integrated children's planning among the different county agencies. She also acknowledged the Governor's Cabinet on Children and Families as a bold step in the right direction.

Finally, Ms. Mancuso agreed with the JSGC report conclusion that it is far less expensive for government to provide preventive, in-home services than to incur the expense (not to mention the stress on the family) of dependency proceedings, the removal of children from their home and community and the placement of children in a facility setting.

In response to a question by Representative Mundy regarding the Individuals with Disabilities Education Act (IDEA), Ms. Mancuso stated that the education system is responsible for identifying, evaluating and providing proper programs for children, but many occasions arise when a school does not follow the mandate and contacts Children and Youth, saying that a child is out of control and that the family is being neglectful. Therefore, the education system is pushing the child from its system into the Children and Youth system and into a different funding stream. She recounted that this situation happens all too often, and parents may face a dependency hearing with little or no money to hire an attorney, thereby relying on underpaid court-appointed counsel who are able to meet with them just minutes before the hearing.

Ms. Mancuso informed the task force that Pennsylvania Protection and Advocacy performs a significant number of training sessions for juvenile justice personnel, juvenile probation officers and Children and Youth caseworkers regarding the responsibility of school districts. She pointed out that sometimes school districts are overwhelmed by their own regulations, procedures and bulletins and may not even be aware of federal laws that affect them.

Ms. Mancuso added that the education system may also seek to push a child from its system into the juvenile justice system if the child engages in certain behavior causing disciplinary action. She emphasized the need for the education system to understand how to implement the mandates under IDEA.

Following a question from Mr. Cervone, Ms. Mancuso confirmed that despite lawsuits that directed results to the contrary, many children are placed in residential treatment facilities mainly to receive mental health treatment.

*Testimony of Jane R. Ervin,
County Executive of Lehigh County*

Ms. Ervin stated that she has been the Lehigh County Executive for three and a half years and was a County Commissioner for five years, serving a county that contains the third largest city in Pennsylvania (Allentown), the fourth largest number of farms preserved in Pennsylvania and a growing number of suburban areas.

Ms. Ervin reported that she established the Children and Youth Success Team to review the operations of the Lehigh County Office of Children and Youth Services and to make recommendations for improvements aimed at regaining full licensure from the Department of Public Welfare. Ultimately the county budget included the necessary resources to implement the recommendations, and a full license was restored to the county children and youth services agency.

Ms. Ervin opined that the focus of Children and Youth Services should be proactive and not reactive; it makes no sense to have children endure difficulties in their formative years and then, after the damage is done, bring services to effect change in their family environment. She emphasized that it is imperative that the children and youth services delivery system identify children and families before abuse and neglect occur so that prevention programs and services may be delivered more effectively. She added that cross-systems coordination is critical for any prevention programs to be effective, including the sharing of information among the various agencies.

Although cynical of a prevention approach that creates another layer of bureaucracy, Ms. Ervin said that she favored devoting five percent of the children's budget within DPW to prevention efforts. Lehigh County, she noted, has made a \$500,000 investment in prevention out of its \$22 million budget. She agreed that a small investment in prevention efforts now yields very attractive returns in the future. She applauded the goal of an integrated system of children's services, which necessarily includes prevention efforts, but said that until prevention programs are better established to make a difference, funding for prevention efforts should be in addition to the funds required for corrective actions to be taken. She also expressed support for the recommendation that any county DPW monies not spent in a given year should be carried over or permitted to be spent on prevention programming.

Ms. Ervin testified that Lehigh County employs a system similar to that proposed by the advisory committee concerning block grants and a request for proposal process; the Office of Children and Youth Advisory Board helps to evaluate proposals and determine what county grants should be awarded, and a member of the allocations committee of the board acts as liaison to the recipient agency, monitors the effectiveness of the prevention program and makes regular reports of the outcome-based results.

Ms. Ervin then described effective prevention programs in the Lehigh Valley:

- (1) Family centers in elementary and middle schools, operated by a partnership of the Offices of Children and Youth Services of Lehigh and Northampton Counties, the United Way and other supporters
- (2) The Allentown Health Bureau, which operates an Olds model of prenatal and infancy nurse visitation
- (3) Unconditional Child Care, which addresses the needs of children ages 2 to 12 who are in child care and experiencing severe behavioral problems to the extent that they are at risk of being withdrawn from child care
- (4) The Latino Child Protection Initiative, which trains cultural, community and human supports in neighborhoods to provide services to at-risk Latino families and children to prevent child abuse and neglect
- (5) The Nurturing Network Program, which focuses on raising parents' child abuse sensitivity, improving parent-child relationships, increasing parents' child-raising skills and reducing abuse and neglect risk factors through education, skill building, stress management and information dissemination
- (6) The Family Support Liaison After-School Homework/Enrichment Program, which acts as liaison between Mosser Elementary School, the Mosser Village Family Center and Children and Youth Services; works directly with the school, parents, at-risk children and caseworkers; and provides after-school homework/enrichment programs four days weekly and daily snacks throughout the entire school year
- (7) The Together Families Program, whose goal is to prevent abuse of children from birth to 12 years old by providing family life skills, parenting skills and group psychoeducation to parents at high risk for child maltreatment due to substance abuse
- (8) The Parent Advocate in the Home (PATH) and the Nurse Family Partnership (NFP), which provide a full-time LPN to provide long-term home visits to families in an effort to achieve positive parenting behaviors and self-sufficiency (15 families are supported, from early in the pregnancy until the child's second birthday, with educational books on pregnancy, growth and development and parenting information)
- (9) The Feed the Children Now Program, which provides a nutritious breakfast, lunch, dinner and snack to all the children and will offer an emergency food pantry for the elderly, unemployed, disabled, homeless, working poor, victims of disasters and children (the same organization also conducts two monthly Parents and Kids in Action Now Workshops, including home visits to increase appropriate parenting skills, increase child safety in the home, intervene prior to a crisis and identify at-risk families)
- (10) Valley Youth House, which was recognized in the JSGC report

Senator Dent commended the efforts of Lehigh County in trying to identify ways to better serve children through effective services. He inquired about how the county tracks the agencies that receive its block grants. Ms. Ervin stated that is the role of liaisons from the Children and Youth Advisory Board.

In response to a question by Representative Harhart, Ms. Ervin said that Lehigh County's \$500,000 commitment for prevention services was a good start but was not adequate to address all the necessary needs of the county.

Representative Mundy inquired as to the source of prevention dollars, since it is impractical to shift money away from existing sources affecting child placement services and corrections. Ms. Ervin responded that Lehigh County recently enacted a tax increase, which in part paid for the priority shift to prevention efforts. She added that money could also be saved through the existing managed care system.

Ms. Ervin emphasized that partnerships with other entities like the United Way have been critical to the success of expanded prevention efforts in Lehigh County. She also explained that a task coordinator within the county MH/MR department assists in dealing with children with mental health issues; an information and referral unit directs individuals to the appropriate agency for services; and a human services director, Grayson McNair, helps to coordinate county efforts. She reiterated that more flexible funding streams allow more money to flow to prevention programs and services.

Mr. McNair was then recognized and added that Lehigh County invested \$500,000 for prevention programs and \$500,000 for additional caseworkers until their status could be incorporated into the needs-based budget; the \$1 million investment for these children's programs and services are reaping benefits. He suggested that a portion of gambling tax revenues could be devoted to human services and children's prevention programs.

Senator Dent acknowledged the commendable and visionary leadership of both Ms. Ervin and Mr. McNair.

***Testimony of Marcie Lightwood,
Program Coordinator for Project Child in Lehigh County***

Ms. Lightwood explained that Valley Youth House, in collaboration with Lehigh Valley Child Care, the Visiting Nurse Association of Eastern Pennsylvania and Family and Counseling Services of the Lehigh Valley, founded Project Child in 1991, in recognition of the community's need to prevent child abuse and neglect in the Lehigh Valley. Project Child operates as a community coalition of 201 members and many non-members who bring expertise from health care, social services, education, child care, business, divinity, law, law enforcement and everyday life. It is a nonprofit agency funded by private sources; businesses; individuals; Lehigh, Monroe and Northampton Counties; coalition memberships and fundraising events.

Ms. Lightwood highlighted accomplishments of Project Child since 2003, among them the following:

- (1) The Family Project, which was begun in September 2002 and is a weekly question and answer parenting information column appearing in the *Morning Call* newspaper
- (2) Parenting education classes, which are the Lehigh Valley's only open-enrollment, general skills, year-round, low-cost parenting classes and which served 49 parents in 2003 and 39 parents to date in 2004 (representing 125 children)
- (3) Project Child's Annual Conference, attended by 161 individuals
- (4) October Parenting Education Summit, which brings new skills and information to more than 100 professionals and paraprofessionals in the fields of nursing, social work, psychological counseling and education
- (5) Parenting education forums, on such topics as child protective services investigations, domestic violence and child abuse, stress management, discipline, parenting children with challenging behaviors and trauma recovery
- (6) Legislative Task Force, which tracks legislation, meets with area lawmakers and engages in the legislative and electoral processes
- (7) Parents Anonymous support groups, which provide free and confidential support for parents
- (8) Youth help card distribution, which provides youth in area high schools and middle schools with contact information for social services that they can access themselves
- (9) Parent Line, which operates a free and confidential information, referral and support line and which served more than 103 parents in 2003 and 44 parents to date in 2004
- (10) Creating a Respectful Environment (CARE), which trained five new facilitators who can deliver programs to staff people at agencies and retail establishments on how to intervene when children are being mistreated in public or when caregivers respond or interact inappropriately in a public place with their child
- (11) The Speaker's Bureau, which reached 415 people and 21 groups in 2003 and 200 people and 14 groups to date in 2004
- (12) Distribution of information, including child abuse primers, which inform educators, medical professionals and the general public about preventing and reporting child abuse
- (13) Referrals regarding services for families and child abuse prevention in the Lehigh Valley
- (14) Adult Religious Education Curriculum, which is available for all congregations to look more deeply into the causes and prevention of child abuse in their congregations and in the neighborhoods they serve
- (15) Home visitation program, which is in its sixth year of providing in-home parenting instruction and mentoring services to parents of newborns at risk of child abuse and which has helped more than 275 families (that work is now done by the Family Partnership of the St. Luke's Visiting Nurse Association)

- (16) Lehigh County Prison Parenting classes for mothers and fathers, which is administered by Family and Counseling Services of the Lehigh Valley

Ms. Lightwood added that since 1991 more than one hundred individuals have volunteered their services each year for Project Child.

Ms. Lightwood said that the creation of an Office of Prevention Services, proposed by the advisory committee, reflects wisdom about the need for and importance of prevention services; a Cabinet-level entity overseeing the quality and assured delivery of prevention services practically guarantees that prevention will receive the attention that it deserves and that if a county does not fairly and adequately fund prevention services, the office will remedy the situation.

From the point of view of Project Child, Ms. Lightwood noted that Northampton and Lehigh Counties provide generous support for child abuse prevention services; however, some funds were recently cut due to budget constraints. She stated that prevention efforts do work; for example, parents who are suspected of child abuse and who attend parenting classes are less likely to re-abuse their children, and home visitation programs statistically reduce child abuse.

Ms. Lightwood then expressed two concerns about the creation of an Office of Prevention Services. First, she said that the office could seek to control the content of prevention services, by vetoing certain initiatives and mandating specific services, thereby possibly limiting the creativity of individual communities to determine their needed services. Second, she opined that rising administrative costs could drain the pool of available funds at the state level, leaving less money for prevention services.

In response to a question by Representative Harhart, Ms. Lightwood stated that there is a need for additional parenting education programs. She added that community collaboration and coalitions are vital to implementing prevention services.

***Testimony of David R. Fair,
Director of the Division of Community-Based and Prevention Services of the
Philadelphia Department of Human Services***

Mr. Fair commended the work of the advisory committee and task force in providing a comprehensive overview of the efforts of communities throughout Pennsylvania to make it possible for families to raise their children in safe and healthy environments. He noted his appreciation for the strong emphasis on family supports that are designed to prevent child abuse and neglect and juvenile delinquency.

Mr. Fair stated that in fiscal year 2003, Philadelphia received 16,600 reports of alleged abuse and neglect, or approximately 50 per day. He observed that such reports only represent those instances when the family's problems have already become so severe that someone (a teacher, doctor, neighbor, relative or caregiver) has decided that

the risk to the child's safety warrants government intervention. However, he pointed out that while the regulatory mission of county children and youth agencies is, first and foremost, to protect children from harm, the law also mandates that families be kept together when it can be done safely. He noted that unfortunately the system often only is able to offer help to a child who has already been mistreated or injured.

Mr. Fair explained that over the last four years Philadelphia has taken a new approach to keeping children safe and protecting their well-being by embarking on a vigorous reform effort to improve the support for children and families where abuse and neglect have occurred; in doing so, Philadelphia has seen improvement to its rates of reunification, adoption and permanency options. In addition, he emphasized that Philadelphia has invested significant human and financial resources to engage with severely-challenged families before a crisis occurs. He explained that Philadelphia has made in-home and placement services more efficient and focused on protecting the child's safety and achieving permanency so that the child does not need to grow up in foster care; at the same time, there has been an expansion of other supports for families that have not abused or neglected their children but are at great risk of doing so and for families helped by the dependency system with the goal of avoiding their re-entry into the system. He summarized that Philadelphia operates a proactive social service agency with strong partnerships with public and private agencies.

Mr. Fair stated that through the Children's Investment Strategy, the Division of Community Based and Prevention Services was created in 2001 to begin working with families and children whose level of need has not yet risen to the legal standard of abuse and neglect. The Department of Human Services (DHS) invests in the neighborhood-based network of specially designed youth and family support services aimed at helping families through crisis situations and assuring their access to the wealth of available health and social supports. This network has relied on proven, evidence-based program models and has been constructed keeping in mind the need for high performance standards and a strong emphasis on measuring outcomes and effectiveness.

In terms of the positive results of Philadelphia's shift in approach, Mr. Fair recounted the following: (1) in fiscal year 2000, DHS served 6,410 children through youth programs, but in this fiscal year, more than 42,000 children are served in over 200 programs in every neighborhood throughout the city and (2) in fiscal year 2000, DHS provided 823 parents with parenting education services, compared to 6,000 in fiscal year 2004, through the DHS Parenting Collaborative, which is a citywide network of parenting education and support programs offered free of charge. Mr. Fair noted that an independent evaluation of these programs shows statistically significant improvement in the participating parents' understanding of positive parenting skills.

Mr. Fair said that Philadelphia has created new systems of support to help the families of truant and delinquent youth, significantly improving school attendance among those helped and reducing repeat offenses by youth arrested for the first time. The city has also established specialized programs for parents facing addiction challenges, mental health issues and mental retardation. It has also worked with 500 new mothers in the

city's most impoverished neighborhoods and assured their health and the health of their children, in addition to reducing significantly the number of (1) young mothers who smoke or engage in other dangerous behaviors during and after pregnancy and (2) unprepared mothers having a second child. School-based support services to students have also been expanded in over 160 public schools throughout the city, dramatically increasing the linkage of students and their families to desperately needed social services and freeing up public education dollars to focus on academics and preparing children to compete in the modern economy.

Mr. Fair continued by stating that support services are effective both in reducing the need for more intensive and expensive child protective services and in preventing formal entry into the child welfare system. In addition, support services help reunite families when appropriate and support them so that they do not need future services. He reviewed the success of Philadelphia's support services:

- (1) Over 60,000 Philadelphia families have benefited from the new community-based services since 2001, ranging from after-school programs to intensive in-home counseling and support.
- (2) Stringent performance standards, modern web-based data systems and a serious commitment to communities and families (not just systems and providers) have resulted in real progress in transforming neighborhoods to safe, healthy and supportive places.
- (3) Chronically truant youth served by the regionally-based case management program (a \$7 million collaboration of the school district, family court and DHS) have shown an improvement in their attendance rates of over 40%.
- (4) First-time offender youth diverted by the justice system to community services through the partnerships with Juvenile Probation, the District Attorney's Office and family court show a 12% recidivism rate, compared to a rate of 30% for those youth offenders who do not receive services.
- (5) Women in substance abuse treatment whose children are supported through community-based networks while they are in care are more likely to stay in treatment and less likely to relapse.
- (6) Caregivers that participate in parenting skills enhancement programs are less likely to become dependent on child welfare services and more likely to reunify with their children in foster care.
- (7) Families that have been involved in the formal child welfare system are less likely to re-enter the system if they are able to participate in the DHS division services.

Mr. Fair explained the investment analysis conducted by the Center for the Support of Families, which followed over 11,000 families (1) that had previously been investigated for child abuse or neglect and had received in-home services either by court order or voluntarily or (2) whose children had been placed in foster care and who were later referred to DHS-funded prevention and intervention services. Based on a conservative analysis, the Center determined that just over three percent of those families had a subsequent contact with the child protective system within 12 months of their

referral; overall the rate of re-entry to care of families served by the child protection system ranged from 18% to over 30% depending on the type of services that the family needs. According to this one study, for every dollar that DHS invested in community-based prevention and intervention services, the taxpayers realized \$2.24 in savings because these families no longer needed formal child protection supports. Mr. Fair added that another benefit to the success of the DHS program is that children who need more intensive support because they suffered serious abuse and neglect are able to receive more focused attention from child welfare professionals and the courts. He mentioned that he provided copies of a PowerPoint presentation on particular DHS services and two documents concerning the Center for the Support of Families, describing the efforts to develop firmer outcome measurements and the return on investment.

In response to a question by Representative Mundy, Mr. Fair stated that most of the funding for his division (approximately 85%) is TANF (Temporary Assistance for Needy Families) surplus money that was applied for through the needs-based budget process, while approximately ten percent comes from the state through Act 148 funding; a small percentage comes from Human Services Development funding, the school district through the IDEA funding stream, other federal funding streams such as the former Safe Schools Healthy Students initiative, the Safe Drug-Free Schools initiative, Health Choices managed care initiatives and reinvestment funding on school-based behavioral health activities.

In response to a question by Representative Harhart, Mr. Fair credited the efforts of Estelle Richman, the current Secretary of DPW and former Managing Director and Director of Social Services in Philadelphia at the time of the establishment of the Division of Community-Based and Prevention Services. He said that success was the result of a commitment to the concept of integrated service delivery and the elimination of barriers among city departments. Mr. Fair noted that Philadelphia has ten regional stakeholder groups throughout the city that give advice and counsel regarding existing resources. His division also has regular meetings with child advocates, providers and city council. He said that recreational programs have been successful in keeping adolescents off the street, thereby preventing delinquencies, and that support services for women in substance abuse treatment programs, including those that assist with their child care needs, are shown to prevent relapse and re-dependence. Mr. Fair stated that the current budget for the Division of Community-Based and Prevention Services is \$73 million.

Representative Harhart inquired about family centers in Philadelphia. Mr. Fair answered that there are 19 such centers, all of which are in elementary or middle schools. He admitted that the family center model does not work as effectively in Philadelphia as it does in some of the city's neighboring counties. The state provides \$499,000 each year for Philadelphia's family center network; the city provides another \$11 million. He noted that the city is attempting to redefine many of the family centers so that they are an entry place to the system of care rather than a place where a myriad of services is provided. The problem, he added, is that many people do not view their local public school as a place to go for community services. However, there is a network of 70 organizations throughout the city that are linked to the family centers and provide services, such as

parenting education programs. Family centers primarily provide after-school programs and linkage to other services. The school district, for example, provides \$3 million per year to the Division of Community-Based and Prevention Services for school-based programs because it is easier for the Division to contract for services and identify social service providers.

Mr. Fair averred that Philadelphia is changing its philosophical approach away from thinking about prevention services only as an afterthought; instead they are becoming a necessary part of the continuum of services. He opined that the proposed Office of Prevention Services is similar to that developed by Philadelphia and added that any reform must provide for accountability standards. A yearly “report card” outlining the effectiveness of the reform effort is critical.

***Testimony of Terry L. Watson,
Administrator of Centre County Children and Youth Services and
Member of the Subcommittee on Options Outside Placement***

Mr. Watson stated that he has worked with children and youth for 32 years, first as a social studies teacher and a counselor at a state facility for juvenile delinquents, and then for the past 30 years at Centre County Children and Youth Services, 29 as the director. He noted that Centre County is a medium-size county of approximately 143,000 people. The purpose of his testimony was to provide information regarding the county’s Family Intervention Crisis Services (FICS) program.

Mr. Watson explained the history behind the FICS program. In the early 1980s, Centre County Children and Youth Services was experiencing frustration in effective intervention with acting-out adolescents and their families; even when youths would be put into placement and their behaviors would improve, the agency found that the negative behavior and family dysfunction resumed after they were returned to their family. In 1982, the agency began to contract with Dr. Patrick Wardell, who was in charge of undergraduate social work at Penn State University, to provide in-home counseling on a part-time basis for families of acting-out adolescents. The goal was to resolve problematic issues in the family, respond to emergencies, increase communication and avoid the necessity of placement when possible. The program was successful because Dr. Wardell had an understanding of and experience in the child welfare system. Because of the success of Dr. Wardell’s services, the agency decided in 1987 to do a pilot program to expand services. Using Human Service Development Fund dollars, several part-time counselors were employed to work under Dr. Wardell’s direction, in an effort to serve more families.

Mr. Watson continued by stating that in 1988 Centre County was able to obtain a three-year Child Abuse and Family Service grant from DPW to establish a separate, private agency with full-time staff under the direction of Dr. Wardell; the agency was called FICS. The goals of the grant were to prevent placements, preserve and strengthen the family unit and reunite youths with their family as soon as possible. The target

population then as now would be those youth at risk of placement who are (1) involved with either Children and Youth Services or the Juvenile Probation Office or (2) identified as needing joint services concerning Children and Youth Services and the Office of Mental Health/Mental Retardation. FICS was designed to be an extension of Children and Youth Services. Depending on the level of abuse or neglect that posed a danger to the child or youth, the case would be either referred completely to FICS or served jointly by FICS and Children and Youth Services.

Mr. Watson explained that because some families have a negative attitude toward working with the public children and youth agencies and since the FICS program was purposely created for intensive family work, it was intended that FICS have the authority and flexibility needed to meet the needs of the families at any given time, including emergencies and crises. The philosophical approach of FICS is threefold: it should be family-centered, strength-based and empowerment-driven. There is generally a team of family therapists and workers who provide services for the assigned families; the team joins the family and does whatever is necessary and healthy for the family to resolve its problems. Frequent contacts are required (for example, weekly or several times each week). Interaction with the family may last one hour at a time or whatever amount of time is necessary. Evening and weekend contacts occur frequently. FICS workers deal with crises before they become out of control. At least one parent and one child must be willing to work with FICS. Caseloads must be kept low to allow for the immediate provision of services. The program is designed to demonstrate a genuine concern for unique family issues.

Mr. Watson stated that concrete services are essential and are integrated with frequent regular individual and family counseling as well as crisis intervention. Concrete services include assisting families with meal preparation, house cleaning and transportation, visiting family members in prison and engaging in recreational activities. Another critical component is the authentic communication and freedom to express honestly, assertively and compassionately between the FICS workers and counselors and the family. Staff hierarchy is minimized to encourage sharing and feedback on the personal and professional growth of the staff members and to provide feedback in regular case reviews on the effectiveness of services to all client families. Staff turnover has historically been quite low in the FICS program. Centre County Children and Youth Services does provide oversight for the program as a whole and on a case-by-case basis, through monthly reviews on all cases with a designated liaison and impromptu reviews on specific cases when there are concerns by either FICS or Children and Youth Services for the health and safety of the children or the need for placement. Centre County has also contracted with Wardell and Associates for other programs and services such as Family Preservation, Family Reunification, Permanency Services, Independent Living Services, Family Service Aides and Home Studies.

Mr. Watson then summarized the enrollment and costs associated with the FICS program. From fiscal years 1995-96 through 2002-03, Wardell and Associates have served an average of 330 children in 147 families through the FICS, Family Preservation and Family Reunification programs each year. Family Preservation is a FICS-type

program limited to 90 days. Family Reunification is intensive services provided to families of children in placement to achieve a safe and timely permanent place to live. The cost for these three programs in fiscal year 2002-03 was \$1,112,258. When Children and Youth Services did a cost savings study in the early 1990s, it was calculated that \$2 to \$3 were saved in placement costs for every dollar spent on FICS. By comparison, it currently costs approximately \$20,800 to maintain a child in purchased foster care per year, while group home care for one child is approximately \$53,000 annually. Of the 548 children and 239 families served by the FICS and Family Preservation Programs between July 1, 2002 and April 30, 2004, 98% of the children served did not go into any dependency or delinquency placement other than short-term shelter care. Mr. Watson acknowledged that while it is not always possible to safely maintain children with their family, the experience with the FICS program is that thousands of child placements were avoided.

***Testimony of Chuck Songer,
Executive Director of the Pennsylvania Children and Youth Administrators
Association (PCYA) and Member of the Advisory Committee on
Services to Children and Youth***

Mr. Songer explained that the PCYA represents the county children and youth program administrators in all 67 counties and is an affiliate of the County Commissioners Association of Pennsylvania. He said that prior to joining PCYA more than six years ago, he worked at Adams County Children and Youth Services as a caseworker, supervisor and administrator for nearly 25 years. Her stated that Pennsylvania is one of only a dozen or so states that to one degree or another has a state-regulated and county-operated system of services for children, youth and families. Each county, school district, municipality and community may have a different sense of the need for and definition of prevention services. He noted that his organization supports efforts to integrate service planning to make a more seamless system of service delivery and recognizes the importance of prevention and early intervention regardless of how risk and risk factors are defined.

Mr. Songer noted that the report identifies three basic classes of prevention services: primary (directed at the general population with the goal of stopping child abuse before it begins), secondary (targeting at-risk families to alleviate conditions associated with the problem behavior, such as substance abuse, young maternal age, developmental disability and poverty) and tertiary (directing services to families where child abuse or neglect has occurred in an attempt to reduce the negative consequences of the abuse or neglect and to prevent its reoccurrence). Noting that counties are supportive of this approach, he said that it is often difficult to document the precise cause and effect relationship of a particular program. He further noted that prevention needs to be the responsibility of the community. He stated that since the release of the report, the Governor has appointed a Cabinet on Children and Families. He opined that such a structure will adequately address the concerns raised in the report, without the need for legislation creating an Office of Prevention Services. Similarly, he noted that the Cabinet

could serve as a state Prevention Services Board since many of the officials identified in the proposed legislation are included in the Cabinet. Furthermore, counties themselves could implement the component concerning county prevention services coordinators if they are properly funded.

With respect to the independent living program recommendations in the report, Mr. Songer stated that PCYA is supportive in terms of the suggestions regarding case planning, financial considerations, changing attitudes, preparing youth for independent living and fostering responsibility, coordination of services and effective management and support interaction. He said that if funded, the program could be expanded to include youth outside the children and youth system.

Noting that PCYA supports the concepts and practices outlined in the report's discussion of medically fragile children, Mr. Songer nonetheless said that PCYA was not in a position to endorse any specific program concerning that issue.

Acknowledging the controversy of subsidizing a family to care for a child who is a blood relative, Mr. Songer opined that the Commonwealth should support subsidized permanent legal custodianship because it reflects economic reality and allows children to reside in a more comfortable and stable setting, without the need to live with strangers or in a group setting. He stated that PCYA supports this concept if it is properly funded.

Mr. Songer stated that PCYA would support the ameliorative services regarding incarcerated parents, which are outlined in the report, if they are properly funded.

With respect to the discussion of faith-based institutions set forth in the report, Mr. Songer affirmed that “[t]raditionally, faith-based organizations have been the bedrock for many community services to families. As with their public and private counterparts, however, their resources are being stretched to the breaking point while donations, endowments, et cetera, have dwindled. When public funds are sought to help these groups there should be a level playing field with neither favoritism nor discrimination, with all abiding by the same rules and expectations. We should let the outcomes speak for themselves.”

Mr. Songer stated that “[p]ost-adoption services can make the difference between a successful adoption and a disrupted one with considerable trauma for both the adopted child and the adoptive family. If properly funded, PCYA would support this service.” Mr. Songer concluded by observing that early intervention is the best intervention, from the standpoint of children, families and taxpayers. He emphasized the need for flexible funding and obtaining and retaining qualified staff to target and deliver services appropriately.

Adjournment

Representative Harhart thanked the participants for their testimony and adjourned the task force meeting.

**Task Force on Services to Children and Youth
Public Hearing
Monday, October 4, 2004, 10:00 A.M.
Room 8E-A, East Wing of the State Capitol
Harrisburg, Pennsylvania**

Task Force Members present: Representative Julie Harhart (Vice Chair), Senator Allen G. Kukovich, Representative Phyllis Mundy and Senator Michael A. O’Pake.

Introduction

Representative Harhart called the meeting to order and provided background information on the study, report and previous public hearings. She explained that the focus of today’s public hearing was placement services. The advisory committee reviewed several aspects of placement services, including older children in placement, education, health care, kinship care, drug and alcohol addiction treatment, foster parents and principles of care for children, parents and foster parents.

***Testimony of Estelle B. Richman,
Secretary of the Pennsylvania Department of Public Welfare (DPW)***

Secretary Richman explained that the report contains many recommendations that DPW strongly endorses, including some that the department has already begun to enact. However, the department has some concerns about implementing other recommendations within the current dynamics of the children and youth services delivery system. She emphasized the need for integration and coordination regarding children's services. She noted that DPW has begun to provide substance abuse training as part of the CORE training for child protection workers and create comprehensive service plans for children in foster care that address a multitude of issues.

Ms. Richman stated that in May 2004, DPW released the integrated children's services plan bulletin with the child welfare juvenile justice needs-based budget planning guidelines. Additionally, the bulletin asked counties to submit an inventory that lists the services they fund for children as well as which system pays for the services. She opined that many children's services were being inappropriately funded by county children and youth agencies. She stated that consequently, DPW has taken a number of steps to address this concern. For example, it is moving forward with ensuring that drug and alcohol, mental health and physical health services are not paid for by the child welfare system, and it is looking across all systems to ensure that every service provided to children is being provided by the appropriate entity. DPW recognizes the importance of assuring that children are accessing services from the service systems that have the clinical and professional expertise to appropriately provide them. She mentioned that two significant components of the integrated children's services planning effort are

budget realignment and ensuring that caseworkers across the various children's social service agencies have the ability to understand the variety of complex issues that impact a child's well-being. To accomplish this goal, she said that the Pennsylvania Child Welfare Competency-Based Training and Certification Program is in the process of developing, as part of the curriculum, a course on working with families with drug and alcohol treatment needs. Additionally, counties are required by the bulletin to pull together a cross-systems team of children's service employees. It is DPW's desire that as part of each county's vision of integration, caseworkers will begin to develop service plans across systems that are holistic and complete in nature.

Secretary Richman then turned her attention to addressing the issues facing children aging out of both the child welfare and the juvenile justice systems. She noted her support for the recommendation that caseworkers inform children of the possibility of remaining in either system until age 21 when no other family resource exists as long as they continue in an approved course of instruction or treatment. DPW is exploring the possibility of extending Medicaid coverage for children aging out of care from age 18 to 21 years of age. However, she pointed out that extending eligibility does have budget implications. Nevertheless, she said that she would consider this a viable concept in the 2005-06 budget.

Ms. Richman stated that DPW supports an increase in the number of doctors and dentists who are enrolled as medical assistance providers so that children have timely access to necessary services. She noted that the need for supports for a child aging out of care will decrease if the child has been connected to a supportive family that remains a resource for that child beyond age 18.

She stated that DPW has embraced the concept of kinship care and is working with counties to ensure that children removed from their homes are placed, when possible, with a stable and supportive family member. While DPW agrees that placing a child in a home environment is preferable, especially given the need for support beyond age 18, it does not support the report recommendation that counties be mandated to find foster homes for 75 percent of children over age 13.

Secretary Richman said that she disfavored placing children in residential treatment programs if there is no specific need requiring such placement. DPW cannot mandate the specific percentage of children to be placed in residential treatment programs. DPW strives to ensure that the type of placement matches the child's identified needs.

Another recommendation related to recruiting additional resource families for older children is the concept of paying them higher per diems. Secretary Richman expressed her concern about using monetary incentives to recruit resource families to take children into their homes. She said that DPW will explore the barriers to recruiting additional resource families willing to foster children over the age of 13 and ensure that there are ways to increase the number of families without providing direct fiscal incentives.

Secretary Richman explained that she favors House Bill 2172 of 2003 (“The Foster Parents Rights Act”), which would give a statutory framework to best practice standards currently used in the Commonwealth. This effort would ensure that all children will be able to access the services necessary to maintain them in their placement in accordance with their approved permanency plan.

Ms. Richman stated that DPW recognizes that most counties are already providing services necessary to maintain adolescent children in different types of substitute care. A loving adult is the key factor that dramatically increases a child's chances for success upon reaching age 18, and everything possible must be done to either (1) keep children in families who care for them, whether those families are resource families or birth families or (2) ensure that children are placed in the most appropriate, least restrictive setting which meets their psychological, social, educational, physical and emotional needs. Although the goal is to safely maintain children in their own homes whenever possible, there are instances that warrant a child's removal, but with greater assistance to families, DPW hopes to limit the number of those cases. Accordingly, Ms. Richman stated that she supports prevention programs that are inclusive of parents, such as family centers and home-based visitation programs like Nurse-Family Partnership and the Parent-Child Home Program. Parents are their child's best advocates and greatest resources, and as such, those who lack the necessary skills to appropriately and safely care for their children should be provided the resources necessary to address their shortcomings and empower them to properly love and care for their children.

Secretary Richman stated that DPW is examining another report recommendation relating to the concept of resource homes that will foster an adolescent mother and her children. Such a proposal furthers the department’s goal of empowering families with the skills they need to continue to be their children's best resource.

Representative Mundy mentioned the need for prevention efforts, including the Ounce of Prevention bill. She inquired into budget priorities for prevention programs and services.

Senator Kukovich impressed upon Secretary Richman to continue working with the General Assembly on (1) funding prevention efforts; (2) extending medical assistance; (3) integrating and coordinating systems; (4) monitoring which counties are using multi-systemic therapy (MST), an evidence-based, best practice method regarding mental health services that keeps children out of institutions and (5) determining what procedures are in effect to shift MST to the mental health system from the child welfare system.

Senator O’Pake suggested that the effectiveness of the Statewide Adoption Network (SWAN) be reviewed and needed improvements be implemented.

***First Part of the Testimony of Frank P. Cervone,
Executive Director of the Support Center for Child Advocates and
Chair of the Advisory Committee on Services to Children and Youth***

Mr. Cervone testified that The Support Center for Child Advocates is Philadelphia's lawyer pro bono program for abused and neglected children. He pointed out that they offer the skills and dedication of lawyer-social worker teams and represent more than 700 children each year. For more than 27 years, they have served as a balanced, candid and constructive resource to the Legislature and its staff.

Mr. Cervone noted that the term “placement” refers to diverse settings: placement with foster parents who may have been strangers to the child, placement with relatives and placement in congregate care and other group settings referred collectively as residential treatment. There are also different levels of care that are tied to the child's behavioral or medical needs and which provide different per diem funding to the caregivers and agencies and, at least theoretically, different levels of support and care to the child.

Mr. Cervone then introduced three former foster children, each of whom is a current member of the Client Advisory Board of the Support Center for Child Advocates in Philadelphia. He noted that, at the conclusion of their testimony, he would offer additional testimony.

***Testimony of Donna Felton Smallwood,
Former Foster Child and Member of the Client Advisory Board of the
Support Center for Child Advocates***

Ms. Smallwood said that currently she is helping to raise her 14-year-old niece (thereby removing the need for placement) and helping her son recover from trauma because of the domestic violence he witnessed. She stated that she was in and out of foster care between the ages of 15 and 19, because of a family background of abuse and domestic violence. Being treated inappropriately by her mother, she too fell into a pattern of improper behavior. In her early teens, she became pregnant and entered the foster care system after she was attacked by her family members upon their learning of her pregnancy. Based on her experience, Ms. Smallwood observed that, as things got worse in her foster home, her foster parents did not know how to handle the situation appropriately. Throughout her pregnancy and well after, she was beaten, abused and mistreated. She became scared and unsure about her safety. She did not want to tell the foster care agency about the abuse for fear that she and her baby would be separated.

Ms. Smallwood favorably commented on the recommendation that foster parents obtain training before serving as foster parents. She said that applicant screening by agencies and monitoring placements closely are key to protecting children. In this way, foster parents are better educated on domestic violence and placement issues, and

children and young adults in foster care will know their rights and options regarding living arrangements.

Ms. Smallwood also touched on health care issues and commented that there is no organization to support foster children's medical treatment. Health records do not follow children, and as a result children get vaccinated every time they are sent to a new placement. She said that this happened to her niece, who was be vaccinated every time she went into placement, which was every three to six months; aside from the health risks, such redundant procedures are costly.

In response to a question from Representative Harhart, Ms. Smallwood noted that communication is key to improving the placement process and that fear of the unknown and separation anxiety motivates children not to share their true feelings.

***Testimony of Edward Q. Lewis,
Former Foster Child and Member of the Client Advisory Board of the
Support Center for Child Advocates***

Mr. Lewis explained that he went into placement at age 7. He and his brother were brutalized until he was hospitalized and taken away for his own safety. He was in one foster care placement until he was 16 years old, and then he was moved to a group home. He believes that his foster parents "only wanted little kids." In high school, he was a mock trial participant and on the school newspaper and track team. However, in 11th grade, he became too ill to attend school because his medical needs had never been met in foster care. After leaving foster care, Children and Youth Services never told his grandmother about his medical problems. He attended night classes and later obtained his GED. Unfortunately, because of the medical neglect that he suffered, he must now attend dialysis three days a week and expects to do so for the rest of his life unless he has a kidney transplant.

Mr. Lewis stated that all the indignities that he faced as a small child -- as a foster child -- have made him very sensitive to the pain of other foster children. He was picked on in school and felt different from the other children. However, he is now a very compassionate person.

Mr. Lewis said that he believes it is very unfair to legislate rights for criminals but not for foster children. He opined that advocates or foster care workers should stay in touch with the schools and inform school counselors of the child's situation as a way of providing additional support to the child. A child may not get along with his foster parents or may be ashamed of being a foster child. As a result, he may neglect to tell his foster parents about parent-teacher meetings or other important information that must be handled.

Mr. Lewis stated that there should be a limit on the number of children in each foster home setting, since dealing with four or more children who have been through the

system can be very stressful for a foster parent. He observed that a screening process should be put in place so that not just anyone can be a foster parent. Foster parents, he added, should be motivated by something more than money. He said, "I had been taken out of a home where I had been hit with a stick and got placed in a home where I got hit with a stick. Sometimes the hell you know is better than the hell you don't." He stated that caseworkers believe children when they tell them what their parents did, but they generally do not believe them when they tell them what their foster parents did. He recommended that two to five percent of each check that the foster parent receives should go into a trust fund for the child when the child leaves the system as a young adult and needs to find housing.

Mr. Lewis emphasized that there should be careful monitoring by either the foster care workers or the child advocates to ensure that the foster parent is truly dealing with the medical issues of the child. In his case, there were so many days that he told his foster parents that he did not feel well, but they just thought that he did not want to go to school. He believes that if a doctor had seen him as many times as he felt sick as a child, the diagnosis of his problem may have been made in enough time to prevent his current problems.

Mr. Lewis ended his testimony by stating that "when you hear the word 'children,' you think of beautiful innocents who are as pure as the winter's first snow. And today, in this time and this era, we don't have many beautiful, innocent things left to cherish. Please help protect the last innocents, the last beauty that is our children before it is too late."

In response to a question from Representative Harhart, Mr. Lewis stated that children must be made more a part of the placement process, and communication must be improved.

***Testimony of Valarie Fritsch,
Former Foster Child and Member of the Client Advisory Board of the
Support Center for Child Advocates***

Ms. Fritsch explained that she is a graduate of Bloomsburg University of Pennsylvania with a bachelor's degree in social work, a minor in sociology and a career concentration in children and youth. She is currently employed by Kids Peace National Centers as a foster care and family service caseworker. The purpose of her testimony was to share her past experiences in the foster care system and explain why it is important to implement change to the Pennsylvania foster care system. She recounted the troubling experiences of her childhood:

It was a rainy day in January of 1985. I was a month shy of turning 5 years old. There was a lot of commotion in the house early that morning. My mother was trying to get the day started for her three children when household items began flying across the dining room. My

two brothers and I sat huddled crying in a corner together witnessing yet another vicious attack on our mother. I watched as my mother was strangled and lifted off the floor by our stepfather. I remember feeling so scared and helpless that all I could do was cry and scream at the top of my lungs. My eldest brother who was 7 at the time jumped from the corner to save our mother. I remember covering my eyes because I could not bear to witness what was about to happen to my brother.

My brother grabbed the hose to the vacuum cleaner and relentlessly hit our stepfather on his back. I opened my eyes just in time to see my brother run and call 911 screaming help into the phone. I watched my mother fall to the floor gasping for air. My stepfather was chasing my brother around the house with a belt in hand. I remember being so scared for my brother because I knew he was going to get a beating like no other. It was common in our house to get beaten with a belt for reasons such as making a mess in the living room with your toys or not flushing the toilet. I was not able to comprehend what my brother was going to feel from that belt after actually doing something to cause a punishment. I sat in the corner trembling, saturated in my own urine. This was a typical day in the Fritsch household.

I witnessed firsthand my mother miss her opportunity to protect her children and leave the abusive situation in which she was living. I watched my mother lie to the police protecting the man who just tried to kill her: “We got into an argument, and it must have scared the kids, and that is why they called 911.”

I did not know then what I was feeling. But as I grew older and became more knowledgeable of words and feelings and how to express myself, there is one word that explained that moment: betrayal. My own mother was lying to protect this monster who was living in our home rather than speaking the truth to protect her children.

A few days after this incident, life was still the same as it was before. My mother would get up in the morning to go to work at the local Dunkin Donuts, and my stepfather would stay home with the children to baby-sit. I can't recall when the horrors of our family life became worse, but I sure knew something was not right in our house.

One night while my mother was bathing me, she asked me how I got a bruise on my back. I told her that daddy did it. Her response to me was that daddy did not do that: “You must have fallen when you were playing with your brothers.” Confused, I told my mother again that daddy hit me with the belt on my back. Not accepting of my rebuttal, my mother told me that I was not telling the truth. I was scared of my mother at this point and felt so distant from her.

I remember going to bed that night and crying. I could not sleep. So I went into my brothers' room to sleep with them because I knew they would protect me. My eldest brother and I were talking that night and we discussed, as much as a four year old and a seven year old could, the disliking of what was happening to us in our home.

We discussed how we did not like how our stepfather made us take our clothes off together during the day while mom was at work. We told each other that we did not like having to touch each other's private parts while our stepfather watched. We discussed not liking our stepfather touching our private parts or having to touch his. We cried together and went to sleep.

Sometime after my brother and I had our conversation, I brought up the topic to my mother. I remember it was early in the morning and my mother was getting ready for work. I was in the bathroom as she was fixing my hair. She told me that she would be getting home later that day from work and dad would be taking care of us that day. I began to cry, begging and pleading for my mother not to go to work. She told me that it would okay and that she was just coming home a little later.

I told my mother that I did not like when she went to work because daddy would touch me. My mother asked in a joking manner what I was talking about and dismissed the topic. I did not know how to explain to my mother all of what was happening to me. I knew that the things that were taking place were wrong and did not feel right. But who was I to know what was right and what was wrong. I was just a child. Moments after, my mother left for work and reassured me that everything would be fine. While she was gone, I was locked away in a bedroom with my stepfather having me perform whatever sexual act he wanted with a kitchen knife by my side to remind me that if I did not do as he asked, he would kill me.

When my mother arrived home from work, I blurted out everything that had happened that day to prove to her that I knew what I was talking about and that I was scared. I told her everything while my stepfather was not at home. I told her everything that she did not want to hear. She asked me if I was trying to ruin her life. She told me that my father loved me and he would never do those things to me. She told me that I was a liar. My caretaker, my older brother, saved the day once again. My brother yelled at my mother and told her that everything I was saying was true. She did not want to believe what she was hearing.

I don't know how I was referred to the foster care system. But I do remember the day that I was moved from my house. My mother stayed home from work one day, and she and her three children and her husband

were all in the house together. My mother asked her children if they wanted to go down to the basement to play a game with her.

While in the basement, my mother explained to us that we would never see our stepfather again. Relief filled our hearts. My mother explained that the police were coming to our house and they were going to take our stepfather to prison. We heard the doorbell ring. Within moments, our stepfather was escorted out of our home, and I felt as though I was going to be okay.

When we walked upstairs from the basement, there were many adults standing in our living room. One woman asked me to see my room and told me that I was going to spend some time living with a different family. I was so happy at that moment. My stepfather was out of my life, and my family and I were going to live together in a safe place. I packed some of my belongings and hurried downstairs to find the rest of my family.

My mom was in the dining room crying and screaming at one of the social workers in our home. I asked my mom what was wrong and she just held me really tight. I was scared again. The woman who helped me pack my belongings told me to give my mom a kiss and say goodbye and that I would see her soon. I asked where I was going and she told me I was going to live with a family who was going to take good care of me.

The next thing I knew I was boarding a train with a complete stranger who was telling me everything was going to be all right now. I did not know what I was feeling, but I sure knew it felt like I was being punished. I did not understand why I was being separated from my family. I knew that the source of the problem, my stepfather, was gone. What could I have done that was so bad that I was on a train without my mother or my brothers? All I remember is the social worker repeatedly telling me things are going to be okay now and you are safe.

I walked through the doors of my new home. All the new scenes overwhelmed me. I had to look to make sure things looked okay there. I did not ever get a chance to walk in the door before I was showered with hugs. My foster mother hugged me, looked me in the eyes and told me this would be home for awhile. I never felt so relieved. Of course, I had a million questions and concerns but those just seemed to subside because for the first time in my life, I felt safe.

I lived at my first foster home for two years. In these two years, there were many obstacles that I needed to overcome. I needed to attend therapy to deal with my previous life before being in placement.

My brothers were in a home where I knew they were safe, and we were able to see each other for extensive periods of time. Our foster parents were friends before we were placed in their care and they made sure that my brothers and I got to spend every possible moment together. I was secure. I felt safe. I had a family who loved me and took care of me. I was finally home.

I will never forget the day when my mom and dad had to sit me down and tell me that I was going to move back home with my mother. I did not want to go back home with her, but I knew that I was only going to be here for a short time. I moved back home with my mother, and things were not bad when we first got there. I was able to talk with the Willards when I needed to and occasionally spend weekends when things were too much for my mother to handle.

It was not even six months that we lived with our mother before we were back in the foster care system. My brothers and I were now placed in our second foster care placement.

I don't recall where I lived after this placement, but I know there were a total of nine different homes that I lived in for only a few days at a time during this period without either of my brothers. I really can't recall this portion of my life. I do, however, remember where I ended up after these multiple placements.

My brother and I were placed in my tenth foster home in south Philadelphia. My eldest brother was placed in a group home somewhere in the city. Living in this home was worse than when I lived with my mother and stepfather before coming into placement.

We lived with a single older woman and there was one other foster child in the home. While living there, my brother and I did not have a toothbrush or hairbrush, and I had only three changes of clothing and one pair of underwear. We did not have any other basic hygiene necessities. We were not allowed to shower on a regular basis because we would make the bills too expensive.

While living at this home, my brother and the other foster child who resided there and myself were physically abused by our foster mother. I was 8 years old and remember telling myself that getting hit with a metal spatula was not as bad as getting hit with a belt buckle. I would go to school and be beaten up by the other kids because I smelled or because I was a foster child. There were two occasions that I slept at school in a coat closet so I did not have to go home to that house.

I could not believe I was living in these circumstances again, especially after hearing people tell me that I was going to be safe. I was molested while living in this home by my foster mother's 40-year-old son. My true understanding of how much horror was in this house was when the foster mother's son who frequently molested me raped me in this foster home.

During the time that I was at this house, which was two years, I never saw a caseworker or any representative from any children and youth agency. I waited for the day that a caseworker would finally come to the house so I could ask them to take us out of that home. That day never came. I resorted as an 8 year old to talking to a teacher at school. I was finally removed from this house and moved to a home where at 10 years old I could once again start my life over.

My brother and I were placed in my eleventh foster home together. My brother and I were so frustrated with life at this point that we began to fight all the time. Our actions were too much for our newest foster mother to handle and she sadly had to let my brother go to another foster home. She felt that having my brother and I together was going to cause one of us serious danger. I remained at this foster home until I moved away to college.

Ms. Fritsch emphasized that she told her story not to receive sympathy, but rather to raise awareness. It was her hope that the many children in the system whose situations are similar to hers, and in some cases worse, be given the respect that they deserve and have a system formulated to protect them.

Ms. Fritsch said that her biological mother had more rights and power while she (Ms. Fritsch) was in foster care than when she was living at home. While in foster care, she often had to ask her mother's permission to go on vacation with her foster family. The majority of the time her mother would say no just because she herself was not taking her children on that vacation. In addition, Ms. Fritsch had to attend regular bi-weekly visits with her mother. At these visits, her mother would tell her that she would be moving home soon and that things would be okay. She would also tell her that her stepfather was out of prison and said that he would be coming to kill all of them because they ruined his life. Ms. Fritsch added this man threatened her mother so much that she had to change her name; however, all three of her children still carried his last name.

In response to a question from Representative Harhart, Ms. Fritsch observed that honest communication with children is important, and children should know why they are being removed from their biological home.

Resumption of the Testimony of Frank P. Cervone

Mr. Cervone emphasized the importance of hearing the experiences of young people and families who have been a part of the children and youth services delivery system, a system that is designed to serve them and that serves them well in many ways and fails them in others. He noted that the role of the advisory committee and task force is to analyze the problems and recommend changes, legislative and otherwise, to correct the failures.

Mr. Cervone stated that young adults under current law may stay in the system until they are 21 years old, but many are unaware of this fact and many county agencies rarely offer such support, believing that their services are supposed to end when the young adults reach age 18. He observed that the advisory committee recommended that caseworkers should be required to explain this support system to teenagers in placement and that the court should make certain that such teenagers understand this opportunity. He noted that both Mr. Lewis and Ms. Fritsch remained in the system until they were 21.

The advisory committee also made numerous recommendations regarding teen parents and noted that Ms. Smallwood was a teen parent. He said that there is a tremendous and upsetting number of young people living in care who have children of their own. Dependent teens in placement who are parents should be told by their caseworkers, and the law must state, what they must do to avoid having their children taken from them. Their caseworkers must ensure that they understand they do not have to leave placement in order to be with their own children. The system should recruit foster homes that will accept both the teen parents and their children. Higher foster care rates and better support need to be offered for the so-called "parent-child" homes.

Mr. Cervone stated that the Juvenile Act should be amended to clarify that a child does not need to be adjudicated dependent just because the child's teenage parent is adjudicated dependent. In addition, the act should be amended to enhance the court's oversight role in cases involving older dependent youth. At a minimum, the court should be asking, and all the parties should be addressing, issues of school, job training, health care, and drug and alcohol addiction treatment. A proposed amendment to the Juvenile Act appears at pages 34 and 35 of the November 2002 Joint State Government Commission report. He also stated that, in order to improve the provision of services to older children in placement, the Public Welfare Code should be amended to require the provision of adequate public child welfare services for all children who need them regardless of age.

Mr. Cervone said that all children in placement, especially older children, should have the right to maintain their cultural identity. The advisory committee recommended numerous ways that the dimension of cultural identity in placement decisions and in the recruitment and training of foster parents would be nurtured.

He noted that many children who voluntarily leave the children and youth system when they reach age 18 cite as the reason the inability to drive while in placement. The

advisory committee stated that more flexibility should be given regarding the issue of driving while in placement, but the issues of supervision, insurance coverage and vehicle availability were too difficult for the advisory committee to fully resolve. However, he said that the same rules should apply for both youth in intact families who have access to cars and are permitted to drive and youth in placement.

Mr. Cervone noted that youth aging out of the foster care system in Pennsylvania currently qualify for Medicaid only if they meet the income guidelines for adults under the age of 21. As a result, young people who are employed full-time do not receive medical benefits from their employers and often go uninsured. Youths like Ms. Fritsch who pursue post-secondary education can qualify for Medicaid benefits while they are full-time students, but if they are employed as well during summer breaks, their Medicaid benefits are lost and they must reapply for them. Frequently, this lack of medical coverage means that youths do not receive necessary medical care and often precipitates the discontinuation of therapy at the very time they are leaving the foster care system, perhaps when these support services are most needed. The Foster Care Independence Act of 1999 amended the Federal Social Security Act to create an optional Medicaid eligibility group for young adults. In order to provide health care coverage for these young adults as they move from dependence to independent living, DPW should extend Medicaid eligibility to them.

Mr. Cervone stated that many older children are placed in residential care simply because individual foster care homes are not available to them. He cited Mr. Lewis as a prime example. Greater attention should be given to developing foster homes for older children and providing the parents within those homes with the necessary supports and funding. A targeted recruitment campaign, which includes educating people about the realities of older children and their needs, should be established. A proposed amendment to the Child Protective Services Law (pages 37-38 of the report) requires county agencies to have homes available for older children.

Mr. Cervone opined that DPW must implement better data collection procedures, particularly regarding older children in placement.

Mr. Cervone urged the General Assembly to pay special attention to the education of children in out-of-home placement. The education and children and youth systems generally do not communicate well with each other. To remedy such problems, the advisory committee recommended legislative and regulatory reform regarding prompt enrollment, assignment to the appropriate program, transfer of records, special education, continuity of school and education as placements change, parent and caregiver involvement and the differential treatment of children in placement. He highlighted *Lost in the Shuffle Revisited* by the Education Law Center, a very meaningful report on the education of children in foster care that the advisory committee reviewed.

He mentioned that county workers should be cross-trained so they can identify the range of issues detailed at today's hearing, such as domestic violence.

With respect to concurrent planning, Mr. Cervone said that prior to 1997, it was common for children across the country to remain in foster care for many years. Planning for an alternative placement for a child was begun only after all the attempts to rehabilitate the child's parents and reunify the family had failed. Because finding a permanent placement for a child outside his or her family often takes time and is often frustrated by the advancing maturity of the child, caseworkers now plan simultaneously for reunification and for adoption or other permanency option. This need to plan for reunification and an alternative placement has proven difficult and confusing for caseworkers. Concurrent planning can be particularly difficult for foster parents who want to adopt their foster child but must at the same time acknowledge that the child may eventually be returned home. Because of the complexity of the issues in concurrent planning and the effect it has on all involved individuals, caseworkers and others need to receive continued training in order to improve their work at concurrent planning.

Mr. Cervone emphasized the need to improve access to services. He noted that this is a statewide problem. People are reluctant or unable to drive hours for care and services, which may be necessary for reunification.

Mr. Cervone then directed the attention of the task force members to the issue of principles of care for children, parents and foster parents.

He emphasized how drug and alcohol addiction treatment problems are inextricably enmeshed with many of the concerns that bring a family or child to involvement with this system. Untreated drug and alcohol abuse and addiction is believed by many to be the largest single common denominator at work in the caseloads of children and youth workers. Failure to provide assessment and treatment often results in injury and even death. For this reason, these services must be augmented and improved, particularly with respect to the managed care approach to drug and alcohol treatment and behavioral health services.

Finally, Mr. Cervone opined that the sharing of information is critical. The information management systems must be improved.

***Testimony of Chuck Songer,
Executive Director of the Pennsylvania Children and Youth Administrators
Association (PCYA) and Member of the Advisory Committee on
Services to Children and Youth***

Mr. Songer stated that PCYA endorses many of the recommendations in the report and specifically in the section dealing with placement services. He mentioned that placement services to children and the associated support services to family and other caregivers are delivered by other public and private systems, and not just the county children and youth services agency. Therefore, although the counties and DPW provide leadership, they alone cannot improve the system. Whether it be under the integrated children's services plan proposed by DPW or another cross-systems model, if efforts at

reform are to be successful, the stakeholders, both public and private agencies and families, must be involved prior to implementation of the affected services. He then began to highlight PCYA's specific concerns with the report recommendations.

With respect to older children in placement and service planning, he did not believe that the Juvenile Act needs to be amended as it already allows for the continuing of care through age 21 if the youth is in an approved course of treatment. However, he felt that additional education for courts, attorneys and agency staff would be appropriate and would not require an amendment.

Mr. Songer said that cultural issues must be addressed as an integral part of the general service planning and delivery process. This need is amplified when placement is needed. Child-specific training and orientation for caregivers may be appropriate. However, even with extraordinary efforts, ideal placements may not be there when needed; selection is made from the best of the pool available at the time. Recruitment campaigns have occurred in public agencies, and private agencies also are constantly trying to recruit foster parents. The need to recruit additional foster parents is second in importance to only the recruitment and retention of agency staff in both the public and private sectors.

Mr. Songer agreed with Mr. Cervone's comments on driving. Because of liability and other issues, this should remain a decision made by agencies, youth, families and the caregivers involved until a reasonable and safe option may be developed.

With respect to placement, Mr. Songer said requiring that foster homes be found for 75% of older children who need a home is unrealistic. Although this level is something for which the agencies and courts can strive, a mandate would be counterproductive.

Mr. Songer observed that foster care rate setting by public and private agencies will vary considerably due to a number of demographic, economic and geographic factors. Although he agrees that the local scale should reflect the child's needs, he remarked that a statewide level is inappropriate. The differing rates between public agencies from county to county, region to region and class size to class size will vary and it will vary equally as much in the private sector. Whatever scale the public or private agency uses, it should be adjusted to the needs of the child so that the foster parent or caregiver is fairly compensated for caring for the particular child.

With respect to education, Mr. Songer noted that many agencies have caseworker liaisons with the various public school districts. While acknowledging that this needs to be emphasized, he was reluctant to set a standard that the agencies must identify a certain staff person or a certain number of staff. Flexibility is needed at the local agency.

Mr. Songer said that health care, particularly in the rural counties, presents other concerns. Mandating physical exams prior to placement would be impractical, if not impossible, to schedule. Many agencies have considerable problems getting the routine

physical and dental appointments now, let alone having somebody available on a 24/7 emergency availability basis. Additionally, a visit to the emergency room is not always the best thing for a child who is entering placement. It can add to the trauma of the situation if the child has no obvious physical problems. Therefore, PCYA does not endorse mandating the exams prior to placement.

Mr. Songer expressed concern over the recommendations regarding out-of-state and long-distance placements. Pennsylvania has way too many youth placed outside the Commonwealth, but such a reality is at least partly a capacity issue in terms of what the public and the private sector can accommodate.

With respect to assessment and evaluation, he noted that the competency-based training and certification program has made some changes already and has added to the curriculum to incorporate more of a cross-systems approach.

Mr. Songer said that having assessors or multi-system assessors on staff presents problems regarding the capabilities of counties to finance additional personnel positions, even though access to such individuals may be important.

In terms of improving access to services, he observed that the children's policy of the County Commissioners Association of Pennsylvania endorses and supports finding ways to make access a primary issue in the delivery of children and youth services. There are many ways to do this, without mandating specific programs; a spectrum or range of options should be available so that the local communities may tailor them as needed.

With respect to funds provided for foster care, Mr. Songer stated that local circumstances should drive foster care rates and increases. Counties should be authorized to change their rates as needed and not have the changes mandated. There are too many factors for a single foster care rate to be applied statewide. As for COLAs for foster parents under contract with a private agency, that should be and is handled as part of the annual contract negotiation process between the county and the private agency.

Mr. Songer noted that abuse has and continues to occur in approved foster homes. Foster parenting is a responsibility, not a right, and when a child is placed in the care of a foster family, the system must ensure that the child is not further victimized. Removal of a child from any caregiver is traumatic. However, the responsibility to determine, as rapidly as possible, whether a threat to the child exists is equally important. If the system errs, it must be on the side of the safety of the child, whether the child is in a foster home or in his or her own home.

Mr. Songer also briefly discussed the issue of changing the definitions under the Child Protective Services Law to become compliant with the Federal Child Abuse Prevention and Treatment Act.

Mr. Songer then pointed to House Bill 2172, which would establish a bill of rights for foster parents. He recommended that a working group comprised of families and public and private agencies should be convened to assess the need for, in light of current regulations, a bill of rights for children and families. He said that PCYA has not yet taken a position on the issue.

Representative Harhart emphasized the need for integrated service treatment, integrated planning and accountability regarding foster parent funds.

Representative Mundy highlighted three specific subjects: a bill of rights for foster children, support group possibilities for foster children and funding mechanisms for caseworkers' salaries and training.

Adjournment

Representative Harhart thanked all the participants and adjourned the task force meeting at 12:30 P.M.

APPENDICES

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 97

Session of
1999

INTRODUCED BY DENT, O'PAKE, JUBELIRER, CONTI, EARLL, COSTA,
STAPLETON, MOWERY, WHITE, SALVATORE, TARTAGLIONE, BELL,
GERLACH, WAUGH, SCHWARTZ, MELLOW, HART, BOSCOLA, SLOCUM AND
KASUNIC, SEPTEMBER 23, 1999

AS AMENDED, HOUSE OF REPRESENTATIVES, NOVEMBER 16, 1999

A CONCURRENT RESOLUTION

1 Directing the Joint State Government Commission to establish a
2 task force to study issues relating to the Commonwealth's
3 children and youth services delivery system ~~on an ongoing~~ ←
4 ~~basis~~ and to make recommendations to the General Assembly.

5 WHEREAS, The Commonwealth's children and youth services
6 delivery system is a joint responsibility of the Department of
7 Public Welfare and county government; and

8 WHEREAS, Each county is responsible for developing and
9 administering a program of services designed to treat and
10 prevent child abuse, neglect and exploitation; and

11 WHEREAS, It is anticipated that changes will continue to
12 occur in the children and youth services delivery system and in
13 the dynamics of children's issues in the future; and

14 WHEREAS, The mission of children and youth services, to first
15 serve those children most at risk of abuse, neglect and
16 exploitation, is difficult to fulfill because of the severity of
17 child abuse cases and the escalating incidence of child sexual

1 abuse cases; and

2 WHEREAS, Fulfilling this mission is further complicated by
3 increasing caseloads, which include services to parents and
4 children to enable children to remain in their homes and
5 communities, placement services for children who cannot live
6 with their birth family, adoption services, assistance to
7 provide a permanent legal family for any child who cannot be
8 returned to a birth family and any service or care ordered by
9 the court for children; and

10 WHEREAS, The Legislative Budget and Finance Committee
11 recently released the results of a performance audit on children
12 and youth agencies in this Commonwealth which provided a
13 comprehensive review of the children and youth services delivery
14 system and contained recommendations regarding the effectiveness
15 of the operation and management of the system in meeting
16 statutory and regulatory responsibilities for at-risk children
17 and families; and

18 WHEREAS, There is a need for a comprehensive bicameral and
19 bipartisan ongoing review of issues relating to the delivery of
20 children and youth services to ensure that these services meet
21 the needs of at-risk children and families; therefore be it

22 RESOLVED (the House of Representatives concurring), That the
23 General Assembly direct the Joint State Government Commission to
24 establish a task force of four members of the Senate and four
25 members of the House of Representatives to undertake an ongoing
26 study of the children and youth services delivery system in this
27 Commonwealth in order to ascertain whether it is meeting the
28 needs of at-risk children and families and, if it is not meeting
29 those needs, to recommend appropriate corrective measures; and
30 be it further

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- 2 -

1 the General Assembly containing recommendations for legislation
2 and other potential corrective measures to address certain
3 complications within the children and youth services delivery
4 system; and

5 WHEREAS, These recommendations could prove valuable in
6 ensuring the safety of Pennsylvania's at-risk children;
7 therefore be it

8 RESOLVED (the Senate concurring), That the General Assembly
9 authorize the Joint State Government Commission to reconstitute
10 the Task Force on Services to Children and Youth to provide an
11 opportunity to hear from the child-advocate community and other
12 pertinent parties on the merits or pitfalls of the
13 recommendations contained within the November 2002 report of the
14 task force; and be it further

15 RESOLVED, That the Task Force on Services to Children and
16 Youth created under Senate Concurrent Resolution No. 97 of 1999
17 be reconstituted until November 30, 2004, to conduct public
18 hearings and other comprehensive studies as deemed appropriate
19 to identify and prepare for the implementation of measures that
20 will help to safeguard at-risk children throughout this
21 Commonwealth; and be it further

22 ~~RESOLVED, That relevant standing committees within the Senate <—~~
23 ~~and the House of Representatives are also authorized to conduct~~
24 ~~public hearings and studies on the recommendations contained~~
25 ~~within the report of the Task Force on Services to Children and~~
26 ~~Youth in accordance with the rules of the Senate and the House~~
27 ~~of Representatives.~~

28 RESOLVED, THAT THE HEARINGS AND STUDIES AUTHORIZED BY THIS <—
29 RESOLUTION SHALL BE IN ADDITION TO ANY HEARINGS AND STUDIES
30 CONDUCTED BY THE RELEVANT STANDING COMMITTEES OF THE SENATE AND

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 114 Session of
2001

INTRODUCED BY DENT, O'PAKE, HELFRICK, LEMMOND, M. WHITE,
D. WHITE, ERICKSON, LAVALLE, WAUGH, ORIE, WOZNIAK, MOWERY,
THOMPSON, TARTAGLIONE, KITCHEN AND BOSCOLA, OCTOBER 1, 2001

REFERRED TO AGING AND YOUTH, OCTOBER 1, 2001

A CONCURRENT RESOLUTION

1 Directing the task force established by Senate Resolution No.
2 97, Printer's No. 1515 (1999) to conduct its study and
3 present its findings and recommendations by November 30,
4 2002.

5 WHEREAS, Senate Resolution No. 97, Printer's No. 1515 (1999),
6 directing the Joint State Government Commission to establish a
7 task force to study issues relating to the Commonwealth's
8 children and youth services delivery system and to make
9 recommendations to the General Assembly, was adopted by the
10 General Assembly on December 1, 1999; and

11 WHEREAS, Senate Resolution No. 97 directed the task force to
12 conclude its study and present its findings and recommended
13 legislation to the General Assembly no later than two years
14 after the enactment of the resolution; and

15 WHEREAS, The task force intends to report on the status of
16 the study to the General Assembly no later than December 1,
17 2001; and

18 WHEREAS, The task force, upon the recommendation of the

1 advisory committee formed under Senate Resolution No. 97,
2 requests, for the purposes of concluding its study and
3 presenting its findings and recommended legislation to the
4 General Assembly, an extension to November 30, 2002; therefore
5 be it

6 RESOLVED (the House of Representatives concurring), That the
7 task force conclude its study authorized by Senate Resolution
8 No. 97, Printer's No. 1515 (1999) and present its findings and
9 recommended legislation to the General Assembly by November 30,
10 2002.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 131 Session of
2003

INTRODUCED BY HARHART, BEBKO-JONES, BISHOP, BROWNE, BUNT,
CAPPELLI, CIVERA, FREEMAN, GABIG, GEIST, GEORGE, HENNESSEY,
HERSHEY, HORSEY, HUTCHINSON, LEWIS, MANN, MUNDY, PICKETT,
PISTELLA, READSHAW, E. Z. TAYLOR, THOMAS, TIGUE, WATSON,
WOJNAROSKI, YOUNGBLOOD, ZUG AND GOODMAN, MARCH 10, 2003

SENATOR ORIE, AGING AND YOUTH, IN SENATE, AS AMENDED,
MAY 13, 2003

A CONCURRENT RESOLUTION

1 Authorizing the Joint State Government Commission to
2 reconstitute the Task Force on Services to Children and
3 Youth.

4 WHEREAS, Senate Concurrent Resolution No. 97 of 1999 directed
5 the Joint State Government Commission to establish a legislative
6 task force to examine Pennsylvania's children and youth services
7 delivery system in order to determine whether the system was
8 meeting the needs of at-risk children and families in this
9 Commonwealth; and

10 WHEREAS, The task force was permitted to create an advisory
11 committee to assist with its research and investigation; and

12 WHEREAS, Over the course of nearly two years, a substantial
13 amount of work was completed and considerable effort was
14 expended on assessing the children and youth services delivery
15 system; and

16 WHEREAS, In November 2002, the task force issued a report to

1 the General Assembly containing recommendations for legislation
2 and other potential corrective measures to address certain
3 complications within the children and youth services delivery
4 system; and

5 WHEREAS, These recommendations could prove valuable in
6 ensuring the safety of Pennsylvania's at-risk children;
7 therefore be it

8 RESOLVED (the Senate concurring), That the General Assembly
9 authorize the Joint State Government Commission to reconstitute
10 the Task Force on Services to Children and Youth to provide an
11 opportunity to hear from the child-advocate community and other
12 pertinent parties on the merits or pitfalls of the
13 recommendations contained within the November 2002 report of the
14 task force; and be it further

15 RESOLVED, That the Task Force on Services to Children and
16 Youth created under Senate Concurrent Resolution No. 97 of 1999
17 be reconstituted until November 30, 2004, to conduct public
18 hearings and other comprehensive studies as deemed appropriate
19 to identify and prepare for the implementation of measures that
20 will help to safeguard at-risk children throughout this
21 Commonwealth; and be it further

22 ~~RESOLVED, That relevant standing committees within the Senate <—~~
23 ~~and the House of Representatives are also authorized to conduct~~
24 ~~public hearings and studies on the recommendations contained~~
25 ~~within the report of the Task Force on Services to Children and~~
26 ~~Youth in accordance with the rules of the Senate and the House~~
27 ~~of Representatives.~~

28 RESOLVED, THAT THE HEARINGS AND STUDIES AUTHORIZED BY THIS <—
29 RESOLUTION SHALL BE IN ADDITION TO ANY HEARINGS AND STUDIES
30 CONDUCTED BY THE RELEVANT STANDING COMMITTEES OF THE SENATE AND

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- 2 -

- 1 HOUSE OF REPRESENTATIVES ON THE RECOMMENDATIONS CONTAINED WITHIN
- 2 THE REPORT OF THE TASK FORCE ON SERVICES TO CHILDREN AND YOUTH.

**ADVISORY COMMITTEE ON
SERVICES TO CHILDREN AND YOUTH,
NOVEMBER 2002**

Frank P. Cervone, Chair

James E. Anderson	Sean McCormack
Judge Max Baer	Diane E. Moyer
Jeanette L. Barr	Barbara W. Murphy
Dawn Bartholomew	Carolann Murphy
Deb Beck	Cathleen L. Palm
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