

1 HOUSE OF REPRESENTATIVES  
2 COMMONWEALTH OF PENNSYLVANIA

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4 House Bill 1569

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6 SUBCOMMITTEE ON CRIME AND CORRECTIONS  
7

8 Room 140  
9 Majority Caucus Room  
10 Main Capitol Building  
11 Harrisburg, Pennsylvania

12 Tuesday, September 20, 1988 - 9:45 a.m.

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14 BEFORE:

15  
16 Representative Kevin Blaum, Chairman  
17 Representative Michael E. Bortner  
18 Representative Jerry Birmelin  
19 Representative Lois S. Hagarty  
20 Representative Jerry A. Kosinski  
21 Representative David J. Mayernik  
22 Representative Robert D. Reber, Jr.  
23 Representative Karen A. Ritter  
24 Representative Chris R. Wogan

25 ALSO PRESENT:

Michael Edmiston, Esquire  
Chief Counsel for Judiciary Committee

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**ALSO PRESENT (CONT'D):**

**MARY WOOLLEY, Esquire**  
**Chief Counsel, Minority Judiciary**  
**Committee**

**GWEN MILLER**  
**Administrative Assistant to Judiciary**  
**Committee**

**SUE GERMANIO**  
**Research Analyst**

**BARBARA O'LEARY**  
**Liaison, Attorney General's Office**

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<u>COMMITTEE</u>	<u>FOR IDENTIFICATION</u> <u>IN EVIDENCE</u>
Notes of testimony, submitted by transmittal letter dated May 13, 1988, to Hon. H. William DeWeese, Chairman, Health and Welfare Committee, House of Representatives, from Rosemarie Hake, Deputy Commissioner, City of Philadelphia	[Included at back of transcript]
House of Representatives Democratic Committee Bill Analysis	[Included at back of transcript]
House Bill 1569, Printer's No. 1873	[Included at back of transcript]

P R O C E E D I N G S

CHAIRMAN BLAUM: Good morning, ladies and gentlemen. This is the second hearing of the Sub-Committee on Private Corrections into the issue of child abuse in Pennsylvania, in response to the Attorney General's report, Violence Against Children, issued in January of 1987.

The Sub-Committee is considering a package of bills; six bills, to deal with the problem, and to strengthen our laws, to combat the problem in Pennsylvania.

Five of those bills are ready, I believe, for a vote by the Committee, to send to the full Judiciary Committee.

Today we're having a hearing on 1569, which is, perhaps, the most important and, at the same time, the most complex bill of the package.

And I'd like to introduce the members of the Committee now. To my left we have Representative Lois Hagerty, Representative Mike Bortner, Representative Jerry Birmelin, to my extreme right; and Representative Karen Ritter.

The attorneys for the Committee, Attorney Mike Edmiston, to my right, Counsel for the Majority; and Attorney Mary Woolley, to the

exteme left, my extreme left, the Counsel for the  
Minority.

Our first witness today is Mr. John  
Pierce, the Executive Director of the Pennsylvania  
Council of Children's Services, located in  
Harrisburg.

Mr. Pierce, if you will, come up and  
turn your microphone on.

Whereupon,

JOHN PIERCE

requested and was granted permission to appear  
before the Committee and, having been called as a  
witness, came forward to give the following  
unsworn testimony:

DIRECT TESTIMONY

CHAIRMAN BLAUM: Thank you, Mr. Pierce.  
I'd like to thank all the witnesses who are here  
today, and the staff who put this hearing  
together; especially, the Legislative Analyst, Sue  
Germanio, who did an awful lot of juggling of  
schedules to accommodate the witnesses, and to  
make sure they could all be here.

With that, Mr. Pierce, it's all yours.

WITNESS PIERCE: Thank you for the  
opportunity to present testimony in front of this

Committee.

I have prepared written statements. But, rather than read those to you, I am going to highlight what I think are important in this.

First of all, let me tell you a little bit about my organization, which is a statewide organization, composed of about a hundred and six private, nonprofit children and youth agencies, providing children and youth, juvenile justice, mental health, mental retardation, special education, drug and alcohol services.

A significant number of the children that we serve are abused or severely neglected children.

So that we see within our programs these kids every day. This is a majority of children served.

Before making -- and -- and I want to limit my comments to some general comments about this; a couple specific comments about those two or three parts of the bill that I think are the most controversial; and, then, a couple of other comments in that.

Let me start off by saying that we work on three basic premises or principles. The first

one was that children have an absolute right to be protected when their age or circumstance renders them vulnerable to abuse from their caretakers.

The second one is that children have a full right -- have a right to a full set of services, once government has decided to intervene in their life.

And the third one is that child abuse intervention and protective services must be considered entitlements, and receive full funding.

So everything that is said throughout this is based on this -- these three ideas on this thing.

Before dealing with the specifics, I'd like to make just some general comments about child abuse protective service, in general.

First of all, at the present time, with the present definitions that we have, and what we are doing, we do not do an adequate job.

We are not fully funded, and that there are a lot of children who come within the scope of the present law that are not receiving adequate services.

And let me give you two examples of this. I think they're very important. One is

that we have looked at the issues of re-abuse.

I think that's one of the good indications of what's occurring with the child abuse system in that thing.

In 1982, one out of every twenty cases of abuse is a case of re-abuse. So we're talking about three hundred children, approximately.

This past year, one in six cases, that's one out of every six cases of substantiated abuse, was a case of re-abuse.

That's eleven hundred and some odd children. I mean, that is totally unacceptable. What we try to do in looking at that is to compare those figures on a county by county basis with the overmatch the counties are making.

And believe it or not, there is somewhat of a striking correlation between counties that choose not to overmatch, and the amount of substantiated abuses of percentage of abuse; and, then, also, re-abuse cases.

And so that if you look at that just alone, it appears that the abuse area of re-abuse and things like that are dollar-driven.

So that if you start to look at other things, we've got to go back and say, "What is it



that we have to do with the present law?"

I had written a letter to the Minority and Majority Chairs of both the House and Senate Judiciary Committees, asking you to request that the Department of Public Welfare do a study on this.

And my understanding in talking to Deputy Secretary is they have agreed to do a study on re-abuse.

And I think that before we get into changing the law and looking at some of these, we need -- we need to get some of that kind of information available.

The second part of this is, it's also one of -- of these of looking at funding in relationship to abuse.

And, again, you can go to the variation from county to county, and from year to year, and find that the action on the counties, again, is dollar-driven, in that -- that one year you will find that the counties have a substantiated rate of -- of thirty-three percent, and the next year twenty-four percent.

And, then, you look at whether they overmatch or undermatch. And all of a sudden, the

decision is made.

The policy is that -- the counties you must stay within your appropriation. And one of the ways to do that is to not accept kids in through the finding of abuse.

So those are two things I think that -- that have got to raise questions about what do we do with the present law before we can start talking about expanding definitions or doing anything like that.

The second one is that I -- that is very important to us, is that child abuse services are funded under 148.

148, as you know, originally was an entitlement piece of legislation that's been capped.

And the effect of this has been -- is that children, the abused children, go back to the original statement that it's an entitlement for children.

That abused children are valued the same in terms of dollars that a truant is or an ungovernable child.

And I don't think that that's acceptable in this system. That if there's one

group of kids that we have to guarantee services for, it is the abused child.

And now we can't prevent abuse. But we can certainly prevent re-abuse.

The second important part of this is that 148 funds cannot be used across the board. So that there is a limitation not only on the capping of that.

But when you say the child and their family needs these type of services, they may need mental health, and the -- and the stepfather/perpetrator may have been involved in drugs or alcohol.

And you say, "What is it that we need in order to return that child safely to their home?"

They need -- may need mental health services. The family may need drug and alcohol counseling, et cetera.

But we have a limitation on the funds that are available to do that, which is, we cannot use 148 funds to do that.

With those comments, let me re-state overall to the bill -- and this is true, by the way, of all these bills.

We are not supportive of changes in the child abuse law at the present time, independent of funding being attached to any changes being made.

And, second of all, that we look at child abuse not from the criminal justice perspective of this, but the child abuse and protective part of this, and look at what our obligation is to children.

Is it an entitlement, separated off from all the kids that come under the 148 and -- and Juvenile Act?

And, if so, every time we look at amending this law, there's got to be dollars attached to it.

Because what we have done in the way -- we have made a promise to children, and then we don't carry it out.

And that's abuse in itself. Let me go to a couple recommendations. One is I think we just ought to back off some of this stuff.

And we've got to look in at children services and protective services in combination with each other.

You can't separate it off.

The second one is that we've got to figure out how to handle funding in terms of child abuse.

We would recommend to you that there be a specific line item, or part of the funding for abused children, it be entitlement money, and that we meet our obligations.

Then we try to work out a way for better services and reduce the amount of re-abuse. I mean, that -- that's just something that I don't think we can tolerate in what we're doing.

The third thing is that I think that we have to look at the child protective services laws in terms of the Juvenile Act and 148.

And somebody -- and I think it is the legislature that ought to be doing this -- is figure how to integrate the Juvenile Act, the Child Protective Services Law, and the funding that goes along with it.

The basic part of the Juvenile Act and the protection of children is the Child Protective Services Law.

Yet it sits over there by itself, totally unfunded,

Dealing with two or three things

specific to this bill that is under consideration, we do support the change in this that would add in the education system.

We're looking at a situation where we are talking about a power relationship between children and adults, where a child cannot remove themselves.

This certainly is one of those areas. And it is one where the child spends a great deal of time.

And, therefore, we ought to bring them into this. In doing that, I was reading this proposed legislation.

There were -- something that struck me. And it says in terms of talking about child care services, we bring in education.

But when we're talking about caregivers, they're not mentioned in this thing. And I think that we need, if we're going to talk about child care service under this definition, then, we ought to bring as the caregiver.

What we don't support at all, is the broadened definition of child abuse; specifically, the third part of this, which talks about one act that does not and cannot resolve.

And if you double that, in fact, you can get something out of it. We found some criteria in separating out unfounded cases that have -- that are really spurious from those that have some meaning to it.

We're -- we're overburdening the system, for one thing. We're also, I think, setting ourselves up with a lot of harassment.

If you take the number of cases in the custody area, where there are problems in custody, of reported abuse cases -- and there's a significant number of those.

There may be absolutely nothing to that, at all. It's an unfounded case. My reading of this is, without some other criteria, those get transported over, crossed over, into that cumulative file.

I just -- I don't think we can work with that system. It is too subjective. It places much too much of a burden on the counties.

And I'm not sure what you have when -- when you have -- when you have this. I'm not sure that's the population that we really want to be talking about with the limited number of resources that we have.

Two other comments in -- in this. And I -- I realize that's a controversial piece in that thing.

And while we would support some expansion of that if it is funded, I don't think we would support, even if the funding were there, number three in that broadened definition.

I just don't think it fits the way that it's worded right now, to put some other criteria and make it more objective.

Maybe something could be worked out that way.

One or two other things that need to be looked at in -- in this which this Committee didn't address, that I want to raise -- one of them is the term, "subject," in here, which includes a whole list of individuals, in that, as long as they're named in the report -- and, in fact, you can get situations where you have given the subject the right to appeal and -- and things like that, in which they're really not a party to the case.

For example, teenage girl abused by stepfather, which the mother has played no part at all in this thing.



Not present. Doesn't know anything about it. Comments, basically are, "I have nothing that I can tell you about this."

She gets named in the report as the mother. She's now a subject, according to this. She can appeal all kinds of things in this thing, regardless of whether the child wants that appeal taken, or the stepfather.

And we have so much problem with appeals now, that we're getting loaded down in, that I think we ought to narrow this down to dealing with the protection of the rights involved in it.

But also straighten out part of the appeal process and the burden of the way the appeals are done in the administrative process.

I'm not sure whether there would be a lot of support for this. But -- but we would recommend that you put into the Juvenile Act one of the grounds for dependency, which is abuse.

And, then, work your whole process of findings of fact, et cetera, on that definition within the Juvenile Act, and let the reviews take place there, and then do it on the basis of persons who are -- have a vested interest in this,

rather than setting this off and doing this in an administered appeal process.

The last comment that I would make has to do with the conference that I was at this last week, at which there was a whole group of persons together talking about child abuse and changing the law.

That report is going to be out the end of this year, and prior to the beginning of next session.

And I don't think that you're going to deal with this law in this session, given the number of days you probably will be in session.

I think there's some very interesting comments, and some that this committee ought to take into consideration.

This is a group made up of solicitors, and public defenders, and -- and children and youth people, in that thing.

I certainly would make that available to you when I get a copy of that thing and what we do.

Because there are a lot of good comments that are very important to, I think, the bills that you're dealing with that were discussed

at that point in time.

Also, I will make available to you, if you would like to see it, this -- the information we have on re-abuse, so that you can look at that county by county and what that looks like.

I mean, we've got -- some counties have a third of their cases as re-abuse cases. That's a -- you know, something has got to be done with that.

I think we ought to start dealing with that part of it before we start expanding the responsibilities of the counties into areas that are much more soft than what we're dealing with now.

Thank you, very much.

CHAIRMAN BLAUM: Thank you, Mr. Pierce. I have a few questions. And, then, the other members of the Committee can ask them.

It seems to me that the whole thrust behind the Attorney General's report on violence against children is to expand the definition of child abuse in Pennsylvania, and to bring it into compliance with the Federal Government requirements.

And -- and to bring it into compliance

and -- and to -- to make it similar to, I believe, what forty-seven or forty-eight other states have.

And -- and yet -- you could -- you come here today and say that you would not support it. I think the whole -- I think the crux of this legislation is contained in the first recommendation of the -- of the Attorney General.

"The Child Protective Services Law should be amended to include in the definition of child abuse, acts or admissions that could have caused serious injury, but because of intervention by others or happenstance, did not."

And, two, "Cumulative acts or admissions that, if continued or repeated, would more than likely cause serious injury to a -- a child."

What do you have to say -- and you mentioned your opposition to expanding the definition.

But yet if we come into compliance, this year alone, we could have gotten three hundred and fifty thousand more dollars from the Federal Government, which could be spread around these sixty-seven counties, which could have been just the start in -- in what I agree with you

should be enhanced funding for these -- for these services.

It might be that -- I mean, do you really believe that we should not expand the definition of child abuse to satisfy these requirements?

WITNESS PIERCE: Let me respond in this way, that it's -- I -- I don't think that I stated that I was opposed to an expansion of the definition of child abuse, except in that one area we were talking about.

I think --

CHAIRMAN BLAUM: What -- which one area is that?

WITNESS PIERCE: That's number three under the definition of child abuse, which gets into those areas where one act which could not and would not result in injuries, two of those being child abuse,

I -- I mean, that, to me, is -- is not what we're talking about in that expansion. But more serious to this thing is that -- well, I -- if -- if you could get the funding to do that -- and by the way, we're not -- three hundred thousand dollars in what we're talking about is an

insignificant amount of money.

We're talking about a situation right now that is funded under 148. My understanding, this is talking to the counties and the County Commissioners Association that to -- to just get up to where we could start to expand services would cost us about \$35 million.

This bill, the group of bills, to my understanding, would cost about thirty -- about \$30 million to put into effect.

We're talking about \$65 million additional, before we can really even consider these bills, I think, in a realistic way.

CHAIRMAN BLAUM: Okay. I don't believe that. I don't believe it's that expensive.

WITNESS PIERCE: Well --

CHAIRMAN BLAUM: I think the County Commissioners want to believe it's that expensive. I don't believe it's that expensive.

WITNESS PIERCE: Well, assume that it's only \$10 million. Okay?

CHAIRMAN BLAUM: Okay. I know --

WITNESS PIERCE: Three hundred thousand dollars -- but my position is this. And until they're adequately funded at the present time, I

don't think that we ought to be expanding services.

And it's because we just can't do it. We have a larger group of kids, who we will not serve any of them, rather than saying, "Well, there's a group of kids.

"At least on a -- on a triage basis, if these are the most severe kids" -- and we have those under the Act right now, I think.

I don't think we oppose the increase in the definition and bringing more children into this, as long as we have the funding to do it, and that we've got some very objective criteria that we can talk about.

I don't think this bill has those at this point in time. I think that we have left much too much up to discretion, and allowing an awful lot of very soft areas at this point.

I don't have any problem with the expansion of this. But I think it needs to be done correctly.

And I think there has to be funding attached to it. And it may be, as you say, that \$10 million or \$5 million.

But I think that until we can fund the

child abuse part of this, and not put it under 148, I don't think we ought to be talking about increasing the demand.

CHAIRMAN BLAUM: I agree with you in -- I -- I -- it has been a policy of most of the members of the Sub-Committee that when this bill is reported, that we also report a suggestion or a piece of legislature as to where additional funds are going to come from.

I don't want to report a bill out and have -- let somebody else make the difficult decision as to where the money should come from.

I -- I want to also recommend where we think that should come from.

You bring up a good -- a very good suggestion as far as re-abuse. And it's something that we have not heard a lot about, especially in our first hearing, was the problem of re-abuse.

In mentioning that, when does law enforcement come into play? You mentioned your testimony of law enforcement.

You would not want law enforcement to be a primary -- involve itself primarily in the issue of child abuse, but rather services to the family and education.



When, in your opinion, should law enforcement step in, especially in light of your interest in -- in re-abuse?

WITNESS PIERCE: I -- I'm not sure whether we should deal with it under the protective services part of this in place.

It -- it's a question of where we can draw distinctions, and make sure that we don't place the county, the protective services part of that into the criminal justice part of it.

In the question of -- one of the things that we had asked that the Department look at is the question of same perpetrator.

CHAIRMAN BLAUM: Pardon me?

WITNESS PIERCE: Same perpetrator, assume on a re-abuse it is the same perpetrator. I've got real problems with that, not pursuing that criminally,

I mean, there is at that point in time, assuming that services have been made available, that I think that -- that with some of those, certainly that we have got to get the criminal justice system involved in it, and deal with that perpetrator.

We also have to meet the needs of that

child to make sure that they don't get returned to that situation where, in fact, they're going to be subject to re-abuse.

I want to -- I want to separate off. We have a real problem when we start confusing what the function of the Children and Youth Agency is and private agencies are when they are providing services and intervention to children and their families and, also, putting them into the criminal justice area in terms of, for example, what do you do with the individual worker who has gone out and there is an admission of abuse?

And in terms of meeting -- being able to deal with that family and the intervention and treatment of that, then, is that a privileged statement in terms of the criminal justice area, or not?

I mean, I think we've got to look at some of these as -- my tendency is to come down on the side of protecting children, the rehabilitation, et cetera, and not crossing over into the criminal justice area this quickly.

CHAIRMAN BLAUM: In your study of re-abuse, what percentage is it that is done by

the same perpetrator?

WITNESS PIERCE: I don't know. That's a -- see, what we did is that we took the figures that the Department of Public Welfare puts out.

And all we did is take those and run them county by county, and say, "Gee, we've got a major problem."

I mean, and in that -- asked the Department to do something about that. There was some hesitancy on studying that issue.

And that's when I said, "Fine. We will ask the -- the two committees to make that request, since you're the oversight committee of that thing."

And in that, the requests that had been made to the Department are very clear in saying one of the things that we want to know about is did abuse take place?

Is it the same perpetrator, in the same environment? Is there a difference between sexual abuse and physical abuse?

I don't know. But what I'm saying to you is, I think we need to know some of those things before we start passing laws that may or may not be affecting that.

I don't know what that looks like. But certainly, one of the things that we can do a better job at is -- is re-abuse.

I mean, you -- you just have got to be able to do a better job with that thing.

CHAIRMAN BLAUM: I agree with you. And I think it would be fascinating to find out as -- as far as how often the child is victimized by the same person.

WITNESS PIERCE: Well, and I assume, I mean, the reports are going to be made back to your committee, and the Senate Judiciary Committee.

I hope that you're willing to have hearings on those things. And we can start to look at how do we change the law in order to deal with that part of it?

Maybe we need to make some changes.

CHAIRMAN BLAUM: I think the question is, do we even -- do we -- do we put off changing the -- changing the definition that could, hopefully, protect some children while -- you know, while we wait until everything is in?

We could wait -- we could end up waiting forever.

WITNESS PIERCE: Yes. The assumption is that we can provide those services if we change it.

And that's what I'm saying. I -- don't change it unless -- unless you can carry it through and make sure that we can provide those services.

I think you have to attach funding to these bills. I mean you had said, "Yes, we'll --

CHAIRMAN BLAUM: I understand.

WITNESS PIERCE: Okay.

CHAIRMAN BLAUM: I don't disagree with you. You know.

WITNESS PIERCE: Okay.

CHAIRMAN BLAUM: You know?

WITNESS PIERCE: I mean, if you don't attach funding, don't -- don't pass these.

CHAIRMAN BLAUM: It may not be in this piece of legislation --

WITNESS PIERCE: Yes.

CHAIRMAN BLAUM: But it will -- I'm hopeful it would --

WITNESS PIERCE: But -- but it has got to be coupled up with the Child Abuse and Protective Services Laws, as opposed to just

saying, "Well, we'll put \$10 million more into 148.

Because that doesn't necessarily mean these kids will get any better service.

CHAIRMAN BLAUM: Okay.

WITNESS PIERCE: It's got to be connected up here.

CHAIRMAN BLAUM: Does the Committee have any questions?

REPRESENTATIVE HAGERTY: Yes.

CHAIRMAN BLAUM: Representative Hagerty?

REPRESENTATIVE HAGERTY: Thank you.

John, first, I want to thank you for calling to our attention the issue of re-abuse, and to say you, as a sponsor of this legislation after the last hearing, one of the needs, I thought, for this hearing was to examine more broadly the entire scheme of -- of child protective services and -- and what changes in law should be made.

As -- as I understand what you're saying on the -- let me go back a minute. On broadening the definition, one of the things -- and I think we were told at the last hearing, and

from what I've been told is, if everything worked as it should, children who were at risk of abuse, children who would fall under this definition, even if this definition isn't artfully drawn or -- or clearly enough standardized, still, under the scheme of things, should be receiving services in Pennsylvania.

Because they should be receiving services under general protective services. And so that the issue, I guess, the issue is that -- do you agree with that?

I mean, they should actually, if all things were working and these programs were properly funding, should be receiving services now.

And these families where these children are at risk would be being dealt with.

WITNESS PIERCE: They should be. That's right.

REPRESENTATIVE HAGERTY: And are you -- you're saying they're not, primarily because of funding, or also because of the way the statutory scheme is written?

WITNESS PIERCE: No. I think -- again, I may be wrong with this. I -- I think it is

primarily a funding issue at this time.

That -- that the way to limit your liability, dollarwise, in this thing, is to not accept certain children and their families.

And when you have a limited pool of dollars, you are going to take those children in our -- that are at greatest risk,

So you -- you draw your circle smaller. And under the present law, that that circle can be drawn larger, without any change in statutory law, and deal with the kids who are at risk under general protective services if there were dollars there.

REPRESENTATIVE HAGERTY: So we're agreed on the goal. And this is what I tried to say when the Department testified.

WITNESS PIERCE: Yes.

REPRESENTATIVE HAGERTY: We all agree that the children that fall within our broadened definition, again, perhaps not artfully worded or objective enough in terms of criteria, should be met.

What you're saying to us today is that we have so many problems, that this isn't the first need.



But --

WITNESS PIERCE: That's right.

REPRESENTATIVE HAGERTY: But the objectives and the goals, we all agree, that these are all children that we -- that should be -- should have services.

WITNESS PIERCE: Yes.

REPRESENTATIVE HAGERTY: And it's just you're saying that re-abuse is so appalling, and a more situated -- should be more situated to deal with it, that we should do that first?

WITNESS PIERCE: Yes.

REPRESENTATIVE HAGERTY: Is that --

WITNESS PIERCE: I -- yes. I -- I think that we -- when -- when you have intervened in a -- in a child's life, when you have determined that they are an abused child, you have an obligation to protect them, and to provide the necessary services ordered, hopefully, to return them home; but, at least, get them all those services that are -- that are necessary.

We don't -- we don't do that now.

REPRESENTATIVE HAGERTY: Do -- do you think that some of our counties currently, because of overmatching funding, though, do provide

services to these children who are at risk before they're actually harmed?

WITNESS PIERCE: Yes.

REPRESENTATIVE HAGERTY: So, I mean, that's a goal that is attainable?

WITNESS PIERCE: Yes.

REPRESENTATIVE HAGERTY: Is it not, because some of our counties --

WITNESS PIERCE: Yes.

REPRESENTATIVE HAGERTY: Do that now.

WITNESS PIERCE: Some of -- some of them do that. It is getting harder and harder to do that.

If you talk to most counties, they're drawing the net tighter than they were. Some of them are providing for some children that other counties say, "We just can't -- we can't bring them into the net."

REPRESENTATIVE HAGERTY: Let -- let me ask you another question. I had heard before, and I agree, that the definition of abuse, if we are to broaden it in this way, needs, either in the form of regulations or in the statutes, some additional objective criteria to be worked with.

Do you think, though, that in terms of

that goal, that this is the way to accomplish it? Or should we be looking, instead, at merging currently our general protective services and our abuse laws?

And, I mean, is there another way to accomplish the same goal that makes more sense, is one of the things I think we ought to be thinking about?

WITNESS PIERCE: Yes, I -- it's -- it's -- I made the comment in here, I think that we have to put all the children's services legislation together, and not treat them as separate entities.

We've got the Child Protective Services Law, and the Juvenile Act, and the funding stuff all integrated.

And I think when we look at that, we will find that those children, already, are at least theoretically covered under the law; but not, in fact, provided services in many cases.

And there is a real question between entitlements, and the mandates that counties have to provide.

And I -- I think that -- that we ought to be -- you know, we talk about children's

services and entitlement legislation.

Although we don't fund it that way. But I think there is a group of children, and I don't know where you draw that line, whether you go all children at risk, so you're getting in general protective services or not.

But part of that group has got to be entitlement funding. That's the obligation we face.

REPRESENTATIVE HAGERTY: If we were to drop truancy, how much more money do you think we would free up for our counties?

And are there things that we ought to be doing to free up money in the present system? And is truancy an example of that?

WITNESS PIERCE: Well, I would argue truancy as the sole basis should never be a basis for Children and Youth to get involved with a child.

REPRESENTATIVE HAGERTY: That's my impression.

WITNESS PIERCE: That's and -- that's an education --

REPRESENTATIVE HAGERTY: When I heard that I was surprised.

WITNESS PIERCE: If you take truancy as one of the symptoms of a lot of other things that go along, maybe.

But truancy, by itself, should be removed.

REPRESENTATIVE HAGERTY: And with that, they're not told --

WITNESS PIERCE: In some counties --

REPRESENTATIVE HAGERTY: Certainly a disproportionate, unnecessary --

WITNESS PIERCE: In your county, that would make a significant difference, let me tell you.

REPRESENTATIVE HAGERTY: One other question. You indicated, I guess, there should -- there should be involvement at the re-abuse stage, criminal involvement.

Is the problem now that there is not reporting? Because, it would seem to me that, certainly under criminal law, re-abuse cases could be prosecuted.

WITNESS PIERCE: They can. Sure.

REPRESENTATIVE HAGERTY: And so my question is, why your comment, then, that criminal law should be more involved in re-abuse?

WITNESS PIERCE: I think that --

REPRESENTATIVE HAGERTY: Or why isn't it being involved?

WITNESS PIERCE: Well, I don't know. I would say that there are steps, probably, that one goes through.

But, on a re-abuse case, my feeling is that that is a -- I just have a problem with allowing the perpetrator.

The same perpetrator -- assuming the same perpetrator --

REPRESENTATIVE HAGERTY: Well, you -- I guess, what my question is are not -- I understand why you have a problem.

Are our Children and Youth Agencies not reporting them to the District Attorney's office? Why -- or who is not prosecuting them?

Is it the District Attorney? Or you're not aware of it?

WITNESS PIERCE: I don't know. I can't respond --

REPRESENTATIVE HAGERTY: You're just saying that --

WITNESS PIERCE: I'm not a good --

REPRESENTATIVE HAGERTY: You're not

aware of it?

WITNESS PIERCE: I'm not a good person to respond to that. I think you have to talk to some counties.

REPRESENTATIVE HAGERTY: You're just saying it's not occurring.

WITNESS PIERCE: Yes. From what I have heard, no. That is not occurring, to the extent that I think that maybe it should.

REPRESENTATIVE HAGERTY: Okay. Thank you.

CHAIRMAN BLAUM: Before we move on to our next question, I'd like to recognize the presence of Representative Jerry Kosinski.

REPRESENTATIVE REBER: I thought it was about time.

[Laughter]

CHAIRMAN BLAUM: And Representative Reber.

REPRESENTATIVE REBER: Thank you.

CHAIRMAN BLAUM: Representative Bortner.

REPRESENTATIVE BORTNER: All right. Thank you.

I just want to follow up on a couple of

things. Because it was mentioned just recently, I'll start with that.

That's the subject of truancy. I serve on a truancy task force in York County. And I think the people that are one there, whether they're social service or educators, would tell you, that truancy is almost never an isolated incident or situation.

That it is almost always symptomatic of other problems, whether they're alcohol, and drug abuse, or other family problems.

And it's interesting. Because I think, at least in my county, there's the feeling that very little time is spent on truancy.

That's what has come before the task force. Because the Children and Youth Services spend most of their time putting out the fires, which are the serious cases of abuse, which unfortunately we've been -- we have far too many of them in my county.

So I -- I don't know how we can handle that issue, or how we deal with it, other than, I suppose, by giving the Children and Youth Services more resources, you know, to cover all the problem.



I -- I think educators feel that it's very -- what I'm hearing them say is that their responsibility is to try and educate kids.

And it's very difficult for them to deal with all the social problems that also come along.

I don't know if you have a reaction to that.

WITNESS PIERCE: I have two reactions to that. And one is that I -- I think that it's true that -- that in most cases truancy does not stand alone, by itself.

That it just -- it's not a random occurrence. There's something else that goes along with that.

But when you talk about that as, "Well, yes. It may indicate something to deal with drug and alcohol or mental health."

Then it ought to be dealt with in -- in the drug and alcohol system or the mental health system, not in the childrens' services system, which is basically a protective services system.

And that -- which gets back to one of the questions or the issue that I pose for you, which is, if the child comes under the protective

services, and they need drug and alcohol services, how are we going to get that to them without going to an adult system who does not have money for children, and then not being able to fund that part that we need.

And I think the education system faces much the same issue, which is, here is a problem that they can't resolve, because they don't have all the resources.

And yet, we are not providing the resources for them. The way to do it is not to dump in the Children and Youth.

REPRESENTATIVE BORTNER: Wait a minute.

WITNESS PIERCE: It's to deal with the resource issue.

REPRESENTATIVE REBER: Let me ask you to -- to follow up on the funding. I know you're not here speaking for the counties.

But why can't the counties provide these services? I mean, why -- why are they drawing the net tighter?

Why don't they use or develop local resources to deal with the -- with the problems?

WITNESS PIERCE: I can't speak for the counties. There are a couple people here who

could.

But let -- let me respond from my perspective in this thing. One is that I think that there is some obligation, certainly, at the local level, to be providing and fund services on that.

The group that I think that we really have to look at as the State policy is the abused child.

I think that that is not one where you can say, "Well, if "County 'X' chooses to make that a very high priority, and countywide doesn't, that's acceptable to us."

I don't think that's true. I think that this State makes a decision in -- in terms of serving children.

Another thing is the counties have, as the State has, limited resources to try to meet a number of their own needs.

It's -- as you add more mandates to the broad county thing. I think that's a choice that we -- counties -- some counties make, as to where they put their dollars in this thing, as you and the State have done.

My problem with that is I don't place

the same value on the dollars that you place on them or the counties do.

Because I'd place them with these kids. I think that's just -- I mean, to me there's nothing more important than meeting the needs of all little kids in this State.

I think that's a question -- there's no way that you could not fully fund the child abuse stuff.

REPRESENTATIVE BORTNER: I -- I would agree with you. I think most people would. That certainly has to be a priority.

I asked that question as a sort of a preliminary, I guess, to -- to a comment, you know, that I'll make and throw out, which I really have -- I really have no authority for this.

But it's a -- it's based on just my own study of the issue. There's an issue out there involving funding, and the State and counties, involving the funding of our court system.

And I've talked to a lot of people about it. And, based on what I'm hearing, perhaps at the far extreme, we could be talking about something that would cost \$500 million.

As I said, I'm not in any position to

really state how that's going to be dealt with. But I suspect that one of the ways that that may be dealt with is by cutting back funding in other areas where the Constitution may not require the State to reimburse counties.

And as I said, I -- I'm just looking at a situation where I think what we may see is if the Commonwealth of Pennsylvania has to reimburse counties for the cost of the court system, and the Supreme Court has said that that is a requirement of the Constitution, that one of the ways to deal with that would be to offset funding in so many other areas.

I don't think that's good. I don't think we ought to be paying off the cost of the court systems.

And I think that that would be unfortunate. But I think that the counties ought to recognize that, if they're coming in here now and asking for more money in all of these areas, I just think it's very unlikely that that's -- that's going to happen, especially, until that issue of the court system is resolved.

WITNESS PIERCE: Yes. In -- in response to that, I think we have a very difficult

situation.

We know that we need more funding in order to do this. But the political process is going to make it very difficult to do that.

And my only comment on this is, don't put more into the system and set expectations if there's no way we can carry those out.

Because we do already have a set a kids that we aren't doing the job with.

REPRESENTATIVE BORTNER: I actually agree with you on that very strongly. Let me ask you one other question about one other thing that I have some concern about.

And that's false reports that are made, and false accusations. And I haven't -- again, I don't know what kind of studies may have been done on this.

I think it would be difficult, perhaps, to do that. I don't know if anybody has looked at it.

Just based on my own experience as a lawyer and talking to other lawyers, I think it occurs far too frequently.

I think it occurs in custody cases. I think it occurs in other matrimonial-type cases.

How would you feel about legislation, or amendment to the law that would provide sanctions or criminal sanctions for intentionally making false reports involving another parent, another person in that area?

WITNESS PIERCE: I'd be supportive of that.

REPRESENTATIVE BORTNER: Okay. Thanks. Thank you, Mr. Chairman.

CHAIRMAN BLAUM: No further questions?  
[No response]

CHAIRMAN BLAUM: Thank you, Mr. Pierce. Our second witness, Walter Junewicz. Walt, did I pronounce that right?

WITNESS JUNEWICZ: Junewicz.

CHAIRMAN BLAUM: Junewicz? Walter Junewicz, Director of the Montgomery County Children and Youth Services in Norristown.

MR. KOSINSKI: Try Junewicz.

WITNESS JUNEWICZ: That's even better.

CHAIRMAN BLAUM: Is that it?

WITNESS JUNEWICZ: That's even better.

CHAIRMAN BLAUM: Jerry would know.

WITNESS JUNEWICZ: Very good.

Whereupon,

WALTER JUNEWICZ

requested and was granted permission to appear before the Committee and, having been called as a witness, came forward to give the following unsworn testimony:

DIRECT TESTIMONY

WITNESS JUNEWICZ: Thank you, very much, for the opportunity to address the Sub-Committee concerning House bill 1569, which proposes amendments to the Child Protective Services Law.

I am a social worker by profession. And I am in my twenty-first year of work in Public Child Welfare.

I view myself as a supporter of the bill, so long as there is adequate funding statewide to implement the changes which DPW has estimated at around \$30 million.

My testimony is organized to comment, first, on the actual proposed amendments; and, then, to add a few additional, personal suggestions.

With regard to law enforcement investigations of child abuse, when first enacted in 1975, the Child Protective Services Law forbade



Child Protective Service staff from sharing child abuse information or reports that were received with the police.

This was later amended in the law and regulation to require the cross reporting to police when, after initial review by Child Protective Service staff, the information gives evidence that the abuse results in homicide, sexual abuse or exploitation, serious bodily injury perpetrated by family or non-family members, child abuse perpetrated by non-family members, or repeated physical injury and a child's health or welfare is harmed or threatened.

This -- this was recognition of the fact that the skills of the Child Protective Service staff in conducting their social service investigations needed to be complemented, coordinated, mutually conducted, and balanced by the special investigative/interrogative skills of police officers in serious cases.

Actually, in some states it's required. It's required. Routine cross-reporting is required of all child abuse reports between CPS staff and police, with the local authorities then spelling out their mutual investigative and

service roles.

Thus, I support House bill 1569 and its expansive provisions, which do include the sharing of requested CPS information with police whenever a crime against a child has been committed, or when police have a missing child report pending; secondly, sharing information with police when there are cumulative acts against a child which are potentially harmful; and, three, sharing the name of the reporter of alleged child abuse with police by CPS staff, in those cases requiring report to the police, or when police request information, because a crime against a child has been committed, or they have a missing child report.

CPS staff and police officers are a very formidable team in investigating child abuse and, ultimately, providing for rehabilitative/ social services and/or prosecution.

In enhancing the ability of the two arms to share information and utilize each other's skills in behalf of protecting the children, the amendment should be supported.

I have some comments on the expanded definitions. With regard to care -- caregiver, I

concur with those persons included under, "caregiver" in the bill for inclusion in the Child Protective Services Law, as potentially possible of performing child abuse in their role.

However, for those "caregivers" not in a family role; for example, babysitters, day care staff, residential child care staff, youth group, and sports activities leaders, teachers, in fact, that law enforcement personnel should exclusively investigate, make disposition, and meet Child Protective Services Law reporting requirements.

The -- the present law and House bill 1569 are require reporting of non-familial abuse to police, but presently actually provide for two investigations; one CPS and one law enforcement.

I would propose the former be removed in these cases. Because, first, parents and legal custodians have legal remedies available that are more appropriate than our investigations by CPS Unit, which really has no authority to impose sanctions, except on its own agent foster homes.

Secondly, two investigations can be duplicative in non-familial cases consuming already burdened Child Protective Service staff time.

And, thirdly, often during the investigation of non-familial cases; for example, in day care center cases, more than one child can be identified as victims during the course of investigation increasing reliance on the investigative/prosecutorial expertise of law enforcement personnel.

I concur with 1569 that educators should be included as caregivers. However, we believe that the word, "teacher," should specifically be included under the definition, to avoid any misinterpretation of this.

With regard to the definition of -- expanded definition of child abuse, if the proposed definition of child abuse meets the Federal legal requirements of the Child Abuse Prevention and Treatment Act CAPTA funds, it is acceptable to me.

Because the proposed definition appears to include situations where a child might be harmed or threatened with harm, I presume that it does.

Regarding the definition of sexual abuse, I support the deletion of, "for commercial purposes," from the definition of pornography,

under sexual abuse for using children, because using children in pornography is child abuse, regardless of the purpose for which it is to be used.

Further, the Child Protective Services Law should be amended to include in the definition of sexual abuse, "the employment, use, persuasion, inducement, enticement, or coercion of any child, to engage in or assist any other person engaged in any sexually explicit conduct, or any simulation of such conduct, for the purpose of producing any visual depiction of such conduct."

CAPTA requires states to include in their definition of sexual abuse the above suggested language.

Since H.B. 1659 essentially expands the definition -- definition of abuse to include, "harm or threatened harm," which is required to be eligible for CAPTA funds, it is necessary to -- to amend several other sections, one of which is the definition of sexual abuse.

This would also strengthen the definition of abuse and offer protection to those children who might otherwise not be protected because of the "loophole" this language closes.

With regard to mandated reporters in -- in House bill 1569, I am supportive of not requiring that a child actually be seen before a report is required, but requiring only that mandated reporters have information in the course of their work that causes concern for the child.

However, I recommend that the Child Protective Law be amended to require a report when a mandated reporter knows or suspects child abuse, rather than when there is, "reason to believe."

"To believe" is a higher standard than to "suspect." If a person has a belief of something, it is a -- it is stronger than a "suspicion" in something.

I do oppose any discretionary reporting on the part of mandated reporters who might not have the professional or educational background to reliably conclude, as Section 4 requires, that a child is not in imminent danger.

For example, a dentist, and optometrist, a chiropractor, podiatrist, an L.P.N., day care center worker, and so forth.

Such judgments should rest exclusively with CPS staff.

With regard to the proposed cumulative

complaint file, there is clinical basis for establishment and maintenance of a cumulative complaint file of unfounded reports for a period of two years.

Frequently, services are provided on "unfounded" cases. Because the abuse was not serious enough under the Child Protective Services Law to be determined child abuse.

Or service cannot be provided because of an unwilling, service-resistant parent. Clinically, two years is sufficient time to establish patterns within a family that would indicate a child in jeopardy.

That concludes my -- my comments on -- on -- the bill that I would like to make. I -- I have been part of a statewide task force, convened by Ms. Julia Danzy, Deputy Secretary of Office of Children and Youth Families, charged with reviewing the Act 124.

Five meetings were held between May and July, 1988. Members included experienced supervisors and administrators in the county agencies across the State.

While I'm not the spokesman for the task force, I personally advocate strongly for

several key recommendations of the group.

Ever since the Act 124 was passed, I -- I -- I always wondered why we continue to have two acts that aren't concerned with misuse of children; and, thus, I really think that -- that integrating Act 333 and 124 needs to be looked at to -- to -- to form one child welfare statute and one response system for neglected, abused and dependent children.

House bill 1569 begins to integrate some aspects of Act 333 under the Child Protective Service Law in redefining child abuse to include cases where non-serious physical injury or threatened harm is involved.

Thus, it is probably time to entirely collapse Act 333, and combine all child law provisions under Act 124, the Child Protective Service Statute.

Provisions of Act 333, which deal with delinquency, could stand alone as a delinquency statute.

The General Protective Services under Act 333, and implementing regulations and system, which provided protection for all abused, neglected children prior to 1975, was left intact



to respond to reports involving children who were harmed or threatened with harm,

These situations are generally referred to as cases of neglect, or in the agencies, "GPS" cases.

They involve children who are without adequate food, clothing, shelter, and proper parental care and supervision.

Approximately two-thirds of all children in youth agency protective services caseloads are made up of such cases.

Frequently, children receiving GPS services are at greater risk of serious harm than those receiving CPS services.

But, because public attention is focused on CPS cases, with the attending legislated time constraints for beginning an investigation, completing the investigation, and submitting the required reports to Childline, the limited staff time is diverted from what are more serious situations.

Take, for example, the following two scenarios. A report is received from a mother that her child has a large bruise on her leg that was caused by the babysitter three days ago.

The mother has been to the doctor who was -- who diagnosed it as nothing more serious than a bruise.

The mother discontinued using the babysitter immediately. Another report is received involving a five-year-old child living with a parent, who is a substance abuser, and prone to violence when in need of drugs.

Although there are no marks on the child, neighbors report hearing an adult yelling and screaming.

The neighbors report hearing an adult yelling and screaming; and, then, the child crying.

The child appears sickly and undernourished, and constantly asking the neighbors for food.

By law, the first situation would be a report of suspected abuse, pursuant to the Child Protective Service Law, and investigated as such.

The CPS worker would have to begin the investigation within twenty-four hours, see the child as soon as possible, complete the investigation within thirty days, and file a report with Childline; this, in view of the fact

that the child is safe.

The child in the second scenario is at much greater risk of serious harm, but would not be considered a victim of suspected child abuse, pursuant to Act 124.

Although we have tried to minimize the difference between the acts on how we proceed in Montgomery County, some CPS staff throughout the Commonwealth, if overburdened with CPS reports, might take several days, or even weeks, before initiating a visit to this family.

If there were one system, workers could triage reports, and afford protection to the most vulnerable first, instead of being mandated to follow an arbitrary determination, simply because a child has a bruise, it is suspected abuse and needs immediate investigation.

If the acts were combined, CPS staff would prioritize reports to ensure the children at greatest risk are seen immediately, and others within a reasonable amount of time.

Our Task Force recommended what we already do in Montgomery County, a three-tiered timetable for responding to all reports; immediately; that is, with -- immediately, within

twenty-four hours; and within five to ten days.

Government intervention must be limited to situations where there is reasonable cause to suspect that a child has been harmed or threatened with harm.

Situations involving truancy, parent/child conflict, absent any harm, or threatened harm, should not be referred to child protective units.

Intervention by CPS should be for child protection, only.

With regard to the funding, as I have said earlier, any changes to the Child Protective Service Law and Child Abuse Programs must include funding for adequate implementation.

There must be sufficient funds, or it only places additional burdens on the counties and places the children at even greater risk.

As such, I would recommend that there would be a separate line item in the budget to fund the Child Protective Service services.

Reimbursement rate for those protective services should be at a hundred percent. The budget should not be capped.

Placement costs for CPS cases should be

reimbursable at a hundred percent rate for six months.

And the allocation for each county should be approved as part of the annual CPS plan.

The final -- a final suggestion of concern to the definition of perpetrator, the Child Protective Service Law should be amended to establish eighteen years of age and older for a perpetrator of child abuse who is an, "individual residing in the same home," as the child victim.

The CPS Law defines perpetrators of abuse as, "a parent of a child, persons responsible for the welfare of a child, individuals residing in the same home as the child, or a paramour of the child's parent."

The category of, "any individual residing in the home of the child," is problematic when applied to siblings.

When a four-year-old child bites a two-year-old child, the four-year-old becomes a perpetrator of child abuse, and remains on file at Childline until the two-year-old turns eighteen.

This was not the intent of the Act.

Our Task Force felt that this was unfair. It takes -- it takes valuable time for

workers to investigate these reports, and may label natural child behavior as child abuse.

A child residing in the household can be determined a perpetrator by the CPS as a, "person responsible for the -- responsible for the welfare of the child," would never be appropriate.

That concludes my comments on 1569.

CHAIRMAN BLAUM: Thank you, very much. I think you've had some -- many good suggestions that the Committee can undertake.

It seems to me that, as we go along with 1569, we're going to -- we're not going to make much progress, unless we also deal with the funding aspect of it.

When I hear numbers like \$60 million and \$30 million, I wonder if -- if that's possible.

And if -- if we should hold up passage of legislation, waiting for that kind of money, if it -- if, in fact, it may never come.

My question is, are you familiar with other -- with other states. If we are one of only two or three states that are not in compliance with Federal regulations, Federal guidelines on definition of child abuse, how do other states do

it?

And are we that bad, as far as underfunding of these services, that they can do it and we can't?

WITNESS JUNEWICZ: I -- I believe that we -- that we would have to look at each county in the Commonwealth.

And I suspect other states, and I can speak for Ohio, where I returned to -- from, to Pennsylvania in November of '79 -- I'm sorry -- of '86, that the -- the ability to protect children is contingent upon each of the county's ability to fund appropriately.

I find that to be the case in Pennsylvania, as I found it to be in Ohio, where I had been for seven years.

I believe that -- that in -- in some counties -- and I can speak for my own, Montgomery, that children who would be covered under the expanded definition in 1569 are being protected, because they're being accepted for services and protection under Act 333, if they don't meet case acceptance criteria under Act 124,

That's with great cost to Montgomery County, which now has a -- about a \$3 million

overmatch, which other counties across the State cannot assume.

So that, while increased funding in Montgomery County may be -- may be minimal to pass this -- this bill, as -- as Mr. Pierce said, our ability to, in -- in our county, to continue to -- to fund both protective services, and placement services at the rate we have been, is no longer possible.

So that -- so that Montgomery -- I -- I cannot say that we in Montgomery County are without financial problems at this point in protecting children and placing those children who need to -- to be protected, and so forth.

And the problem is exacerbated even more in -- in counties that -- that have tightened that circle more, because of lack of funds.

So that -- so that it's very hard to estimate what will -- how much this will cost statewide.

CHAIRMAN BLAUM: It's going to cost more money. And my congratulations to Montgomery County.

But what I'm looking for is I -- the implementation of -- of -- of this law, I think



the cost of it has to be shared by the State and by the counties.

And I guess what I'm looking for is that forty-seven, forty-eight states do it. And are they able to do it and we are not, because the State of Pennsylvania's lack of funding, or the lack of effort on the counties?

Maybe I could ask the staff, or Sue to begin working on that, to find out why -- how other states are doing it, and what the state efforts are.

And if we are lagging that far behind other states, that this -- that this law would be too expensive for Pennsylvania to -- to implement, as some people have suggested, or if it's the counties that need to begin doing more.

WITNESS JUNEWICZ: I -- I --

CHAIRMAN BLAUM: In your experience --

WITNESS JUNEWICZ: I think that -- I think that there's something --

CHAIRMAN BLAUM: In your experience in Ohio --

WITNESS JUNEWICZ: That you're -- that you're saying that -- that is probably not entirely accurate.

While their definitions -- while -- while the definition of -- of abuse may be expanded for purposes of receiving Federal funds, again, if the funds are not available to hire staff to meet the type hire -- investigative hire requirements, and so forth, they have to, like we do in Pennsylvania, narrow that circle of -- of case acceptance.

CHAIRMAN BLAUM: Um hmm.

WITNESS JUNEWICZ: And -- and that has happened in the other states, too.

CHAIRMAN BLAUM: I -- I understand that. And I understand that that will -- that will happen.

But right now, from what I understand, that there are certain children who may be in danger of harm that we can't provide services to because there -- there's no law been violated.

But if you expand the definition of the law, obviously, there are going to be additional children that we can give services to, and that they may have to go through some triage system to find out who -- who's better.

But, at least, we can give the -- give the services to them under -- under law if this is

changed, realizing that there are always going to be some cases tha we can't handle.

And -- and that's the sad part. The good part is, if we see a child in harm's way, right now we can't do much about it.

Or -- or there, you know, people have an out, because the law doesn't make us do it. But if the law was changed, we can possibly move that kid right up to the top of the list of the -- of triage and give him the services.

You know what I mean?

WITNESS JUNEWICZ: Right.

CHAIRMAN BLAUM: Am I making sense?

WITNESS JUNEWICZ: You -- you -- you do. But it does boil down to the adequate funding for the counties that are doing these investigations.

Look, the -- even -- I'm -- I'm for the 1569 with adequate funding. But on paper in legislation, the authority and the capability to protect children under either Act is there right now.

However, the -- the counties, Montgomery less so than -- than some of the others, particularly, the big urban counties, just

don't have the funding, regardless of whether there's one act or two act to -- to efficiently and promptly respond to all of the -- the complaints that we're going to get, and that -- that we're getting.

And, believe me, there are other factors that are -- that are entirely overstretching the -- the county agencies; the school truancy problem being reported to us; the incorrigible, unmanageable child the juvenile courts diverts.

What they do is divert to the already overburdened child welfare system. There is -- this inordinate -- this small group of adolescents, who -- who their parents cannot control, exhibit the same problems of control with authority when they enter the child welfare system.

Some of these youth come in the front door, because they've run away or kicked out of the house.

And they're going out the back door of the child welfare system. And there are a lot. But -- but my point is that -- that -- that these other cases being referred, require an inordinant

amount of service time that's -- that's being taken away from what we're really all about; that is protecting children.

CHAIRMAN BLAUM: Okay. I -- and I understand that. Let me -- let me ask one final question along the same lines.

It -- it's come down to what is adequate funding? And -- and there may not be enough dollars that anybody can humanly come up with, to provide the service -- adequate services to every child who should be entitled to it under the expanded definition.

Let's assume, though, that adequate funding is \$30 million, as I think you mentioned. Suppose we one come up with six to ten million.

There have been those who suggested, "Unless you come up with the thirty, don't pass this law."

I -- I kind of approach it from a different end, as to a different direction. If we come up with six to ten million, pass the law, so that services, at least, can be offered, you know, to kids who we see in danger.

Because now the law is on our side. Yes. If you come up with six to ten million, is

it worth passing?

You know, would you be in favor of passing the law, then, assuming that thirty million is what you would really like, we -- we only come up with six to ten million?

You know, do you still not pass the law?

WITNESS JUNEWICZ: Well --

CHAIRMAN BLAUM: Or do you pass it?

WITNESS JUNEWICZ: At -- you know, at the -- at the present time, the -- the figures I have heard, which is -- which would be available, something like \$350,000 throughout the Commonwealth --

CHAIRMAN BLAUM: It's a Federal share. I'm talking about finding ways to come up with money -- finding ways for us to come up with money.

Six to ten million.

WITNESS JUNEWICZ: I -- I -- I -- don't you think that -- that in order to arrive at a -- at a figure that -- that there ought to be some estimate from each of the counties as to what this would mean for them, rather than --

CHAIRMAN BLAUM: Sure.

WITNESS JUNEWICZ: You know. Certainly, I don't know if \$30 million is the correct figure.

CHAIRMAN BLAUM: But, I'm -- I said, assuming it is. Would you be willing -- would you be in favor of passing a law, if we could only come up with one -- one third of that?

WITNESS JUNEWICZ: Assuming that -- that \$30 million --

CHAIRMAN BLAUM: Assuming that's the magic number. And increased State assistance --

WITNESS JUNEWICZ: And only provide a third of that?

CHAIRMAN BLAUM: Right.

WITNESS JUNEWICZ: No. I wouldn't. Then you would be -- you would be putting -- it would seem to me that that would be putting the counties, especially some of the big urban counties, in a very difficult situation by increasing demands on them without the additional service time that they would need.

This would make a difference. The investigative requirements are more stringent. They have to be done within tighter time periods.

And, without having the adequate staff

to do this, it could actually be putting more children at risk.

CHAIRMAN BLAUM: I -- I don't think so. But I appreciate that answer. Any other questions?

REPRESENTATIVE HAGERTY: Yes.

CHAIRMAN BLAUM: Representative Hagerty?

REPRESENTATIVE HAGERTY: Good morning, Walter. Thank you for sharing this with us today. Did the task force on which you served under the direction of Julia Danzy, of the Department of Welfare, come up with a figure as to what implementation of the new definition would cost?

WITNESS JUNEWICZ: As I recall, we were a -- we were -- no, we did not. And we will accept the figure that the Department of Welfare had come up with it.

REPRESENTATIVE HAGERTY: In Montgomery County, would it cost any more money if we were to change the definition?

WITNESS JUNEWICZ: In Montgomery County, probably not. As I said before, as we have established our Intake Department, we have -- we have operation combined the GPS and the CPS.



We've done it for many reasons. One, we have recognized that the -- the General Protective Service case often is as serious, if not more than the CPS case.

Secondly, from an operational standpoint, it's confusing to staff to -- to -- is this -- to -- to -- to -- to consider in their mind, is this a CPS case?

Is this is a GPS case? If it's a CPS case, "Well, I've got to get out now." So we have to -- we have, to the extent possible, set up that triage with reporting.

But, in answer to your question, generally, no. In Montgomery County --

REPRESENTATIVE HAGERTY: Well, I'm -- I'm now increasingly frustrated by the fact that we're dealing with a figure that is undocumented.

And, frankly, I can't imagine that anyone even made the assumption that this would cost no extra dollars for Montgomery County.

And it leads me to another question. And that is, if what we're at is getting services to kids most at risk, can't we do in our counties now, and can't we change this law, so that, if we have limited dollars, the counties can prioritize

which kids are most at risk?

I mean, what -- what bothers me about this discussion is, I don't think changing the definition given that, ideally, all counties are supposed to be providing services to those kids now, ought to cost any more money.

I mean, they just ought to, then, it seems to me -- the other option is, to do what our county does.

And that is to use all of those definitions, and decide which kids are most at risk.

And so when they draw the circle, they draw it in that way. And I'm just frustrated and wonder if you're aware, I guess, of any documentation, or any reason why that can't be done, and why we shouldn't be taking a better -- a better approach to this law.

My assumptions are that broadening this definition means, that we're somehow going to treat kids who are less in need of services, and neglect the kids who are in more need of services.

WITNESS JUNEWICZ: Well, I think what the concern is, statewide, is -- is that -- is that, in incorporating the child who is -- is

threatened with harm, neglected, into the child abuse statute, that -- that very strict investigative time requirements and reporting requirements need to be met that -- that do not now.

REPRESENTATIVE HAGERTY: So if we merge the systems which, after a discussion with you in my own county, I've become a believer.

And hearing you today was even more enlightening that that's what we ought to be doing.

If we merge those systems, you're saying, then, there's no real reason why we're talking about additional dollars?

Does that make sense?

WITNESS JUNEWICZ: If --

REPRESENTATIVE HAGERTY: And I'm not suggesting --

WITNESS JUNEWICZ: If you --

REPRESENTATIVE HAGERTY: I don't want to be misinterpreted that we shouldn't be putting more dollars.

I mean, we're not funding adequately, in my mind, our Children and Youth offices.

WITNESS JUNEWICZ: If -- if --

REPRESENTATIVE HAGERTY: Given whether we're going to fund more --

WITNESS JUNEWICZ: If the acts were merged in Montgomery County, no. It would -- I don't believe it would cost any more money.

Because we're -- we're meeting the time requirements for abuse and the reports now. However, I do believe that, at this point in time, that Montgomery County is contributing too much of a share of --

REPRESENTATIVE HAGERTY: Right.

WITNESS JUNEWICZ: Which is resulting in tremendous overmatch, and strain on that county.

REPRESENTATIVE HAGERTY: Do you know how many other counties over match? You may not know that some --

WITNESS JUNEWICZ: I -- I -- I really don't know.

REPRESENTATIVE HAGERTY: Okay. Thank you.

REPRESENTATIVE BORTNER: Mr. Chairman?

CHAIRMAN BLAUM: Representative Bortner.

REPRESENTATIVE BORTNER: A couple quick

questions with easy answers. What do you start your caseworkers at, Children and Youth services?

WITNESS JUNEWICZ: \$16,685.

REPRESENTATIVE BORTNER: Do you have a big turnover problem? Or do you -- do they stay?

WITNESS JUNEWICZ: We -- we have a -- we have a turnover problem, yes.

REPRESENTATIVE BORTNER: We have a serious problem in York County. I'm curious whether you have the same sort of problems in your county?

WITNESS JUNEWICZ: Yes. This is -- this is a very serious problem; especially, at the line casework level,

Absolutely.

REPRESENTATIVE BORTNER: Is that pretty much a statewide --

WITNESS JUNEWICZ: Yes.

REPRESENTATIVE BORTNER: Problem?

WITNESS JUNEWICZ: I think that our task force estimated that -- that, on an average, there is at least twenty percent turnover amongst caseworkers in the counties.

REPRESENTATIVE BORTNER: Do you think that -- do you feel that counties have any

responsibility for the funding of Children and Youth Services, for putting local dollars into the program?

WITNESS JUNEWICZ: Yes. I do, absolutely.

REPRESENTATIVE BORTNER: Do you have any feel for what that mix ought to be? You know, in schools -- in school situation, we talk about fifty percent funding.

And we're not exactly accurate.

WITNESS JUNEWICZ: Oh, I -- I would subscribe to the -- the original ratios that -- that Act 148 required.

I thought that the concept of 148 and putting incentives in the rate of reimbursement for services that would help children remain in their own home is basically sound.

My -- my difference is with the cap; especially, with regard to services that the counties are mandated to do provide for protecting children.

But then the State does not come up with the legally -- the legislated rate with reimbursement.

REPRESENTATIVE BORTNER: Um hnm.

WITNESS JUNEWICZ: And that's where the problem -- problem is.

REPRESENTATIVE BORTNER: Okay. Thank you. I appreciate your comments.

Thank you, Mr. Chairman.

CHAIRMAN BLAUM: Any other questions?

[No response]

CHAIRMAN BLAUM: Thank you, very much, Walter.

[Witness excused]

CHAIRMAN BLAUM: Our next witness, Mr. Guy Vilim, Division Deputy City Solicitor, City of Philadelphia.

Guy, did I pronounce that one right?

WITNESS VILIM: You got it.

CHAIRMAN BLAUM: All right. Go ahead. Whereupon,

GUY VILIM

requested and was granted permission to appear before the Committee and, having been called as a witness, came forward to give the following unsworn testimony:

DIRECT TESTIMONY

WITNESS VILIM: Mr. Chairman, ladies and gentlemen of the Committee, thank you very much for your invitation to present this morning.

I'm very happy to be here on behalf of the City Solicitor's Office in Philadelphia, to bring to you our perspective on House bill 1569, and also on the child welfare system, in general.

Before beginning formally, excuse me, let me direct the Sub-Committee's attention to written testimony that I brought copies of,

That this testimony was presented by the Department of Human Services in Philadelphia in conjunction with the May 1988, hearings regarding this bill, and addresses many of the specific provisions.

I would also direct the Sub-Committee in its ongoing deliberations to a position paper developed by the Pennsylvania Association of County Commissioners, which addresses the specifics of the bill.

Let my begin by introducing myself. I am a lawyer for the City of Philadelphia. Among other operating agencies, I represent the Department of Human Services, and the Children and Youth Agency in the city.



That my job gives me a somewhat unique perspective on the system. I operate within the Child Welfare system in Philadelphia, but at the same time operate outside of it.

Because I'm not directly connected with the Department of Human Services. That allows me to see the system both inside and outside.

And I believe it gives me a unique perspective to see its successes, both as social workers try to do their job, and in the court room,

Because one of the most important things that I do on my job is to stand in the court room to watch these cases as we present them to judges.

From that perspective, I must bring to the Sub-Committee's attention, and I believe you've heard this echoed, that at this date and at this time, the child welfare system in Pennsylvania, and like I say, Pennsylvania, not just Philadelphia, does not protect children.

I know that, because I see it happening in Philadelphia. I know that, because for the last several months, at least, I have been in close contact with my counterparts in other

counties throughout the State in both large and small counties.

And every single one of those counties without exception tells me that you take out Philadelphia from all newspaper reports from all the multi-disciplinary human reports and substitute their county name, and you have exactly the same factual situation.

It is not a big county problem, It is not a small county problem. It is a State and county problem.

I believe that House bill 1569, although it is created in the correct spirit, does not go far enough in addressing the needs of the system.

I think that in a joint State and county effort, we need to attack the child welfare system, and its deficiencies, in three main ways.

I think we have got to, one, clarify the mission of those agencies. I think, two, we have got to create an environment, a professional working environment, for the people we give our children to, for the protection of those children.

And, three, we have got to demand competence and professional performance from those

people.

Moving back to number one, I think we have -- it is wise to redefine child abuse. I think it is essential to combine the Child Protective Services Act together with the Juvenile Act, together with the Child and Victim Witness Act, together with Act 148, together with Act 33.

Put them all together. Because, from my perspective, in this child welfare system, and that includes trying to do training in my community for social workers, and administrators who try to do this job, for hospital personnel, for doctors, for other lawyers, for everybody in this system, the system doesn't make sense to anybody, except the lawyers who practice in court.

And that's not good enough. The system makes sense. I understand the Child Protective Services Act.

I understand how it's supposed to work in theory. I understand how it's supposed to work in conjunction with the Juvenile Act.

But I'm not the one out there on the street. I'm not the one who's got to decide whether a child is abused or not.

That's left up to nurses and doctors

and teachers and social workers. And they don't understand what they're supposed to be doing.

They don't understand the current definition of child abuse. And with all respect to the -- to the drafters of this piece of legislation, I think that redefinition contained in House bill 1569, would just layer more confusion onto their ability to do their jobs.

I think we have got to simplify the definition. And we have got to correct a fundamental misunderstanding that I hear all the time from those people, and that I've -- have heard here, this morning.

And that is that if a child is not injured, and if a child does not meet the definition of child abuse, there's nothing we can do to help that child.

That is false. The Juvenile Act contains a definition of a dependent child, which includes any child who is without proper parental care and control.

That means children who are abused. It means children who are neglected. It means anything I can walk into a courtroom and convince a judge requires court and social work

intervention.

The simple fact is that social workers, teachers, and nurses, those kinds of professions, do not know that.

They do not understand it. They do not appreciate it. And, frankly, when I do legal training, it takes me four full days of legal training with social workers, their undivided attention, to try to convince them of that simple concept.

And they still don't get it. Now, that's not because they're stupid people. It's because the laws are too confusing.

We've got to take apart the current statutory structure, and put it back together again, in a way it makes sense, not just to me and not just to the judges I talk to in the courtroom, but to the people who have to really do the work.

That doesn't exist right now. We also need to redefine the mission of the child welfare agencies.

Because they don't understand the scope of their activities. They don't understand. And they don't know.

And, frankly, I don't either, whether

they're supposed to be dealing with truants, or child conflict -- parent/child conflict situations, or only child abuse cases.

That has got to be clarified. And, frankly, to answer the questions that I'm sure will come about truancy -- and I don't -- truant kids need help.

And we have to build them into the system some way. But the system as it exists right now, does not include the school districts or school educational planning as a mandatory component of that system.

It dumps it onto child social workers, who are trained and told that their jobs is to protect children from abuse.

And, now, they've got to get Johnny to school in the morning. And their response is, "Why can't the teachers do that?"

And the teachers are not in the courtroom trying to do that. That needs to be built in, in some way.

When I -- when I leave this hearing room, I will return to Philadelphia, and I am told, at least, I will be heading directly to Federal Court in Philadelphia.

Because as of today, I am told, by attorneys for a class of children in my county, they will be suing the Department of Human Services, to try to establish a Constitution -- under the Federal Constitution, a right to have a child welfare agency in Philadelphia, fund secondary and college educations for kids now under our care.

Does that exist? I don't know. I'm going to be in court testing that. But it's not clear in the law now.

It needs to be clarified. Do we -- are we dealing with abused kids? Are we dealing with education?

Tell us. What, exactly, are we dealing with? It's got to be redone. And it's got to be redone, not just up here.

The counties, quite frankly, know the system the best, and know it inside and outside best.

And the responsibility, now, is on the counties to redraft a piece of legislation that works for the kids in each of the individual counties.

The second point I mentioned is

creating a professional environment for people to work.

We, in Philadelphia, and in other parts of the State -- and I -- I attended a conference of -- surrounding child welfare last week out in Pittsburgh, and learned that in Blair County -- and I don't know if any of you represent areas connected with that county.

But they pay their child welfare Child Protective Services workers eleven thousand dollars a year.

We require -- I do. The judges do. The public does, require those people to make professional assessments of lives and the future of children and families.

You cannot hire somebody for eleven thousand dollars to do that job. If you can hire some good-natured recent college graduate to do that for a couple of months, you put them in an environment where they can't do the work.

Because they don't know what they're supposed to be doing. Because they're overloaded. And they leave.

You heard information about turnover rates. That's consistent throughout the State.



You can't keep people in this field for more than a year.

You drive them crazy. And I mean literally. I have seen people have emotional breakdowns from doing this work.

You burn them out. And you lose any sense of professional continuity. And yet these are the people who we're asking to make day-to-day decisions about whether kids are going to be killed or not.

You can't do it. We have to professionalize. And we have to create an environment where we hire and keep good people in the system.

It's not enough just to keep good judges and lawyers in the system. We've got to hire good social workers, and keep them.

You have got to. We have got to lower caseloads. The Department of Public Welfare has come up with a regulation -- has maintained a regulation for some years now, that talks about thirty-to-one caseloads for everybody.

It makes no sense. If I am a social worker in Philadelphia or any other county in this State, and I hire a private agency to do some work

on a case that is calm, cool, and has not been disturbed, or changed for several years now, I can handle thirty-to-one.

I can manage those cases, and provide detailed social services, through somebody else, on a day-to-day basis for thirty-to-one caseloads.

If I'm somebody who wants to get up in the middle of the night and investigate Child Protective Services, and child abuse and go and knock on somebody's door in the middle of the night, I can't do thirty of those cases.

I can't do them at any one time. And I certainly can't continue at that level for any length of time.

The Pennsylvania Association of County Commissioners recommends a twenty-to-one caseload. Frankly, I think that's too high.

I have yet to track it down. But I have spoken to national child welfare associations, who tell me that there is some lawsuit in Massachusetts, where they took a look at Child Protective Services workers.

And they mandated as part of a class action in that State a three-to-one caseload ratio.

That's ten times less than what we're doing. I don't know what the right answer is. But I know that it's different from county to county.

It's different from the type of case to type of case. You don't -- somebody doing GPS investigations, General Protective Services investigations, can't handle more cases than a CPS worker.

But, in general, thirty-to-one caseload doesn't work. It's impossible. It is absolutely impossible.

For those of you who don't know how the system is supposed to work, we're not just talking about investigations.

We're talking about ongoing planning and monitoring. Because it's not usually in the investigation stage where re-abuse occurs.

It's when there's poor planning or inadequate monitoring. And that's happening with thirty-to-one.

We're not protecting kids at thirty-to-one caseload ratios.

And, finally, quite frankly, you've heard before, and I'll say it again, somebody has

got to fund this system.

There's a statutory ratio in place now, I don't advocate changing that. But I do advocate funding it, according to the statute,

That's not happening now. I am informed that the -- the total over -- funding overmatch that the county has applied in this year will total \$35 million throughout the State.

Some -- Mr. Chairman, you asked what responsibility do the counties have. That responsibility is now defined by the statute.

Certainly, the counties have a responsibility. But it's a State problem. It is a statewide problem.

Philadelphia kids don't just belong to us in Philadelphia. They belong to the State of Pennsylvania.

This is a State-created system, It's a State -- it's a system where the State defines what should and should not be done.

And the State has a primary role, I believe, in making sure that throughout the State, the kids are protected.

You know, I did a little calculation while I was standing there, sitting in the back

waiting to come up.

And I figured out that I pay thirty-five cents a day to check the baseball scores by buying a newspaper every day.

And that totals close to a hundred and twenty dollars a year out of my pocket. I, not as a public official, not as a city solicitor, not as a Philadelphian, but as a citizen of the Commonwealth, will commit a hundred and twenty dollars out of my pocket for Children and Youth Services in the State of Pennsylvania.

And my guess is that there are other citizens who would do that, as well. So cut that in half.

Create some kind of a special tax. And target it to child welfare services. And we'd get out of the debate about funding courts or funding Child Protective Services.

I think -- and of course, I defer to wiser minds than mine. But I think we, all together, could sell on the taxpaying public thirty-five cents a day to protect kids.

I think that there's probably a way to do that.

Finally, and I know that there's a bill

kicking around somewhere up here to train and certify social workers to do proper investigations.

I support that bill in a way, of course, that does not interfere with union concerns, and that would not lead to a -- a mechanism to eliminate unwanted employees.

I think that's the main union concern at this point. But there's got to be a way to define for social workers, to set professional objectives for the professional, ethical standards for them.

We expect professional judgments from them. We ought to tell them what basis they're supposed to operate on.

In my profession, I get kicked out of my profession if I take on too much work. I have an ethical responsibility to the public, to my colleagues, and to the courts I operate in, to turn away from my door, no matter how desperate the situation, one more case than I can do my best with.

And we should make a similar standard available to the people we entrust the protection of our children to.

We owe that to the kids. We owe that to the people we try to hire.

The final point -- actually, there's another one coming after this that I want to mention.

People who enter the child welfare system are very special people. They come out of college.

They come out of schools. And they devote their lives, and make careers out of trying to protect kids.

And they don't get acknowledged for that. They get named in the newspaper. They get chastised when they do -- when they make a wrong decision.

But nobody ever says, "Thank you so much for devoting your time and your careers to protecting kids."

I sit in my office behind a desk. I'm not out on the street. I'm not -- I don't have the courage, frankly, to do the job that those people do.

I don't know how many do. But we don't reward them. We don't congratulate them. We do not create for them the kind of environment they

need to be able to continue doing the work that they've chosen.

And that's an error. It's an -- it's an -- it's an injustice on our parts. And it's bad for the kids that they try to protect.

Finally, ladies and gentlemen, before you vote to expand the definition, before you vote or make decisions about what funding is appropriate and what funding is necessary, I urge you and invite you, on behalf of the County of Philadelphia, and my guess is, every one of your county agencies would invite you to do the same, go out with a couple of people.

Go introduce yourselves to social workers. Go see what their job really is, I've done that.

And, to be quite blunt about it, I've driven out to homes in the middle of the afternoon,

And I wouldn't do it at night -- and knocked on somebody's door, standing next to a social worker, and came pretty close to soiling my trousers, just out of standing there.

It's amazing the guts that these people show in knocking on doors. And I'm not just



talking about Philadelphia, where people walk into housing projects, and do it, without uniforms, without badges, without guns, and without bulletproof vests.

They knock on people's doors at all hours of the day and night. And they say, "I'm here, maybe to take your kid; but, certainly, to find out what's going on inside your house."

And we sit up here in the air conditioning and talk about whether there's enough money for those people to do their jobs.

It's an unjust discussion. We have to find the money. Whether that comes from the State or from the counties, or some combination of both, it's got to be done.

And it's got to be done now. Because we're not protecting kids. That's my presentation.

[Whereupon, the reporter was instructed by the Chairman to add the summary of the position statement by the Pennsylvania State Association of County Commissioners and the Pennsylvania Children and Youth Administrators Association in response to the Attorney General's Family Violence Task Force Report Recommendations for Changes to the

Child Protective Services Law at the close of Mr. Vilim's testimony, before questioning.

It follows herewith]:

"This summary represents Pennsylvania county government's response to the twelve recommendations for changes in the Child Protective Services Law as contained in the Attorney General's Family Violence Task Force Report and House bill No. 1569.

"We have serious concerns about the Report, and the proposed legislation both programmatically and financially.

"The focus of Child Protective Services historically has been on rehabilitating families to protect children from maltreatment.

"The proposed changes in the law serve to shift the focus of Child Protective Services from treatment and rehabilitation to becoming an arm of law enforcement.

"If the criminalization of child abuse or the expansion of the prosecutorial effort is indicated, it should be accomplished within the criminal justice system, not by introducing a marriage of law enforcement and social service agencies.

"It is crucially important to understand that we basically agree with most of the recommendations in the report, as well as agree with the intent of the Task Force to provide better protection for Pennsylvania's children.

"We do, however, take issue with five of the recommendations which we strongly believe do not meet that intent, (Numbers one, three, four, seven, and eleven.)

"For those recommendations which we oppose, this summary attempts to describe what will happen if they are implemented as proposed in the Report.

"A larger report is available which discusses each recommendation.

"Additionally, the lack of acknowledgement of fiscal impact in the Report cannot be overstated.

"These recommendations will at least double the CPS workload without proportionately increasing the staff and resources to implement them.

"Recommendation one: The Child Protective Services law should be amended to include, in the definition of child abuse, one,

acts or omissions that could have caused serious injury but, because of intervention by others or happenstance, did not.

"And, two, cumulative acts or omissions that, if continued or repeated, would more likely than not cause serious injury,

"Response: This change would require too much speculation about what might have happened,

"It is difficult enough to assess existing injuries and causes without delving into what 'likely' would happen.

"Often the nature of the injury itself is used to determine what the act was. Without an injury, it becomes the child's word against the alleged perpetrator in the absence of witnesses.

"Additionally, we see the potential for an increase in vindictive reports and abuse of the reporting laws,

"Other services can be initiated to families whose children are neglected, or who potentially could abuse their children.

"The expansion of a definition of child abuse would at least triple the amount of reports handled as child abuse.

adequate staff and funds are not available for that influx of reports.

"The proposed amendment lends itself to a further interpretation. It will be successfully argued by the subject of an indicated report that any form of discipline, verbal, or physical, if continued or repeated, would more likely than not cause serious physical or emotional injury.

"The scolding of a child might not, per se, constitute emotional abuse. But it is certainly conceivable that repeated and constant scolding to the point of verbal harassment would lead to emotional injury.

"Such an argument would lead to the conclusion that no form of discipline would therefore be permissible under the statute because, if continued or repeated to a great enough frequency, would be more likely than not to cause serious injury.

"As stated on page 24 of the Report, 'The purpose of the amendment, and its predictable results, is to authorize CPS agencies to intervene in circumstances in which they now can do no more than investigate, notwithstanding that they have come upon evidence that a child is demonstrably at

risk of serious injury.'

"We agree with this purpose. However, we strongly believe that this purpose is already being, or could be met now, through services available to children and families under general protective services.

"Unfortunately, significant funding limitations make it difficult. We are currently authorized by the Juvenile Act to intervene and provide services through juvenile court, in those circumstances described above and on page 23 of the Report.

"Additionally, implementation of this recommendation as proposed will mean that any parent of a dependent child in Pennsylvania will be labeled as a child abuser.

"Furthermore, it is much easier to find a child dependent under the Juvenile Act and provide protective services, than to have to prove child abuse, as this recommendation suggests.

"It is our experience that the police will not prosecute unless mandated to do so by law for cases in which there is no medical evidence of an injury; and, secondly, the victim can testify on their behalf.

"There is absolutely no likelihood of an indication of child abuse according to this statute being upheld upon a request for expungement.

"We would suggest that the best way to intervene in a family where a child may be at risk is to provide further funding under Act 148 for general protective services.

"Recommendation three: The Child Protective Services Law should be amended to include, in the categories of abuse that must be referred to law enforcement, one, acts or omissions that could have caused 'serious bodily injury' and, two, cumulative acts or omissions that, if continued or repeated, would more likely than not cause 'serious bodily injury.'

"Response: As in Recommendation one, the increase of reports would be staggering and the cases that law enforcement would be called upon to investigate would strain their limited resources.

"If we are to preserve the family, after assuring the safety of the child, how will criminal investigation further the treatment?

"Would criminal investigation even

result in increased prosecution and convictions based on 'could haves' and 'more than likelys'?

"Contempt for the law is created by the act of passing unenforceable laws. Law enforcement officials would have difficulty filing criminal charges.

"Our attorneys feel strongly that the implications of the Superior Court's decision in the Wildoner versus Commonwealth is critical to these proposed legislative changes; i. e., there needs to e substantial evidence that an act against a child will create substantial risk of causing death, serious bodily injury, disfigurement, extreme pain, or mental distress or gross degradation.

"In order for the police to pursue, arrest on any case in which a serious injury with medical evidence has not happened, the parenting statute in the criminal code needs to be eliminated.

"The Superior Court has stated that the criminal court process is one reserved for the most serious of crimes, and that parents have the right to exercise physical discipline.

"As long as that remains in the statue,



defense attorneys will argue that, since serious injury did not occur, parents were exercising legitimate physical discipline.

"It is our feeling that the criminal code and the proposed changes in the CPS Law which would require us to refer the above action to the police are in conflict.

"If there can be no conviction according to the Superior Court in the Wildoner decision, then the police cannot act for an arrest in any action in which bodily injury could not have caused serious injury as proposed by the report.

"Recommendation four: The Child Protective Services Law should be amended to include, in the definition of child abuse, sexual abuse, or exploitation perpetrated by, 'any persons,' irrespective of that person's relationship to the child victim.

"Response: CYS is a family-oriented program. This is a matter to be handled by law enforcement officials.

"We would become policing authorities enforcing/investigating any and all cases. We are not trained or adequately staffed.

"Further, since we do not prosecute, and since the perpetrator is not in a caretaker role, what would we be doing for the child beyond listening?

"We would have no leverage over such a perpetrator, either for protection of the child, or treatment of the perpetrator.

"The criminal system can address needs regarding such perpetrators and local victims programs and MH programs can be made available to such victims.

"The assumption that parents are harming their children by not availing themselves of treatment resources for children in sexual abuse cases is an interesting one,

"The dilemma that it would place child protective services in would be to force parents to get treatment for a child who is sexually abused by a non-related perpetrator when the parent feels, in the child's best interest, that perhaps medical treatment might be all that is needed and followup counseling was not in the child's best interest.

"Although we may disagree in some cases with the parent's wish in this aspect, to force

ourselves into the family home against the parent's wishes and to give that child treatment, whatever that may be, would again revictimize the child.

"Unless the parents are cooperative, we doubt very seriously if any help would be effective.

"So that our main role would be convincing the family and parents that help for the child is needed; not taking court action or protective custody.

"Once our workers and their records become involved in the criminal court process, all of the information the family gives our worker is grist for the public record, and will be used for the purpose of deciding if the case will come to trial.

"This is the role of the criminal justice system, not of the protective service system.

"Although a close working relationship with the police is absolutely essential to good protective services, some system must still be available to help families prior to becoming involved in the criminal justice system.

"Once a family is involved in the criminal justice system, there needs to be an agency that can support the family and children through the process, which is a painful, difficult one.

"There can be no dispute that all cases of suspected sexual abuse or exploitation of children should be thoroughly investigated, irrespective of the perpetrator's relationship to the victim.

"The question or core issue is who is best 'equipped' to conduct various investigations. The CPS law, together with the Juvenile Act, provide the CPS agency with a legal vehicle to intervene, (investigate), and provide followup treatment to the family.

"It is only the criminal justice system that has jurisdictional power over non-parent (non-custodian), offenders to require them to submit to recommended treatment.

"Therefore, it is argued that the police, who are the arm of the criminal justice system, are best equipped to conduct investigations encompassing perpetrators who are not presently covered by the definitions utilized

by existing CPS law.

"Finally, there is obvious merit to the contention that perpetrators of all substantiated cases of child abuse be indexed in a registry.

"Nevertheless, for instances where only the police would conduct an investigation, it would be feasible for the police investigators to provide report data to the existing Abuse Central Registry.

"It would not appear inconceivable that a 'parallel' state registry housing all police investigation child abuse data could be established similar to what the NCIC and CLEAN provide for missing children on a nationwide level.

"Recommendations seven: The Child Protective Services Law should be amended to require that professionals and other persons mandated to reported abuse report to DPW whenever they have reason to believe, based on information received in their professional or official capacity, that a child is an abused child.

"The law should further provide, however, that such persons are not required to report if the information is received through a

communication with someone other than the child, the communication is recognized by law or professional ethics as confidential, and the person concludes, in the exercise of sound professional judgment, that the child is not in imminent danger of further abuse.

"Response: It is critical to understand that our opposition to this recommendation is based upon the exclusionary provisions in the second part of the recommendation.

"We disagree because we want to make it stronger. Confidentiality has no place when a child needs protection.

"All mandated reporters and professionals should be required to report suspected child abuse regardless of their relationship to the source of the information.

"It is felt no provisos should be made for any exceptions, since some may only unnecessarily and inappropriately provide 'loopholes' for resistive reporters.

"Many professionals who receive information suggestive of suspected abuse from individuals other than the child will often not

have the opportunity to see the alleged victim; and, therefore, cannot accurately assess the risk inherent in the child's situation.

"Few professionals are thoroughly intimate with the dynamics of the abusive family or the sexual offender; and, therefore, cannot have incisive judgment concerning the recidivism of abuse.

"Recommendation Eleven: The Child Protective Services Law should be amended to require that subjects of a report of child abuse be notified of the report and of their rights under the law prior to being interviewed rather than, 'forthwith.'

"Note: The implications of this recommendation have been brought to the attention of staff members in the Attorney General's office.

"They have clarified that this recommendation, as written, was not the intent of the Task Force; i. e., notifying all subjects of the report prior to interviewing the alleged child victim.

"Response: This recommendation as it is worded may be well-intended, but would have the unfortunate consequence of requiring CPS to notify

parents perpetrators of the investigation prior to interviewing the child's victim.

"This may sabotage the investigation and leave the child vulnerable and unprotected. It is frequently vital to have access to the child before the parents are aware of the pending investigation.

"This recommendation will interfere with our ability to gather vital substantiating information and assess need for protective measures before suppression or denial takes place.

"The Attorney General's Report recommendations are now contained in House bill 1569, Printer's Number 1873.

"The Pennsylvania State Association of County Commissioners and the Pennsylvania Children and Youth Administrators are opposed to this legislation as presently written.

"We would welcome the opportunity to work with the Attorney General's Office to produce legislation which would better address the intent of the Task Force of providing better protection for Pennsylvania's children."

CHAIRMAN BLAUM: I want to thank -- I want to thank you for your testimony. I -- I sat



here and listened to every word.

I think the City of Philadelphia is very lucky to have you. I think you -- you've given us an awful lot of food for thought.

I have no questions, and I think that's because of your testimony. It was so clear. And I -- and I hope that you make yourself available to this Sub-Committee over the next few months, as we begin to -- we begin to develop the legislation, as I hope all the people who testified will.

Are there any questions?

Representative Hagerty?

REPRESENTATIVE HAGERTY: I thank you also, for bringing closer to us today the -- the real world of abused children.

However, I cannot let go unchallenged your initial statement that the sad and shocking examples have been documented in the newspapers with regard to deaths of children in Philadelphia could have occurred in any county throughout this Commonwealth, and that you heard from county people throughout this Commonwealth that that could have occurred anywhere.

And I challenge that. Because I don't

believe -- I don't say that Philadelphia doesn't care.

But I do think that this is not a -- this is not something that just could have occurred anywhere.

I think that in our counties that fund that -- such as my own county, that over match, that has a system in place that's working, if we don't end up with -- we don't end up with children dying.

We've been reported previously. And -- and I -- and I ask you, were you -- you know, were you exaggerating when you said that every county you've heard that from?

Were you being glib here today? Or is that really the case? That every county has examples as upsetting and deplorable as Philadelphia?

WITNESS VILIM: I don't think I was exaggerating. I have talked over the last several months, as I said, to some of my counterparts in other county solicitor's office, and have been asked for advice about how they handle -- how we handle dealing with the press when kids get hurt and die in their counties.

And that has come from small and large counties.

REPRESENTATIVE HAGERTY: Well, I just suggest that I think that if it --

WITNESS VILIM: Representative, I --

REPRESENTATIVE HAGERTY: If you suggest that that's occurring throughout Pennsylvania on any kind of proportionate scale as Philadelphia, is it -- is an undocumented fact, that I don't think that this Committee --

WITNESS VILIM: I would not ask you to take --

REPRESENTATIVE HAGERTY: Should hear.

WITNESS VILIM: I would not ask you to take my word for it. I do invite you. I am fully confident that, if you -- if you, personally, talked with other solicitors, other county children and youth agency representatives, or other county commissioners --

REPRESENTATIVE HAGERTY: I have talked to my own county commissioners. And I have visited my own children and youth agencies, and my own District Attorney's office, in which they've prosecute child abuse cases.

And I never had any of that experience,

or saw those type of those cases to which you referred to by the Philadelphia Inquirer.

WITNESS VILIM: I must stand by my statement that Pennsylvania, not just Philadelphia, is not protecting kids --

REPRESENTATIVE HAGERTY: I don't disagree with that. I'm talking about the scope of the problem.

The second thing I just want to explain is that your discussion of the scope of this legislation, I -- I think that I should explain as a sponsor of the legislative recommendation that the Attorney General's Task Force -- that this task force under the direction of the Attorney General was designed to deal with the criminal justice aspects of child abuse.

The Protective Service bill, as explained to me by the Chair of that Committee, came into being, and was addressed, because of the interaction with child abuse, or because of the criminal system.

It is because of the -- a concern and awareness of our Sub-Committee Chairman Kevin Blaum that we've been able to go as a committee.

We can go, and I believe, now, should

go, beyond the Attorney General's scope, and look at the larger picture.

But I -- I don't want to criticize this legislative package, because this was their goal, was the criminal aspect of that system.

We're now looking at a broader aspect.

The -- the third comment I wanted to make is in terms of your suggestion that people don't understand the two -- the two-tiered system that that definition -- that I -- I agree with that.

And I believe we ought to merge the system. But I've also been told in particular, by people working in Philadelphia court system, the training is simply inadequate.

Is that your assessment in Philadelphia?

WITNESS VILIM: Since I do the training for the -- the in-house training DHS -- the legal training --

REPRESENTATIVE HAGERTY: Well, I --

WITNESS VILIM: The legal training about the acts, if it's deficient, I wish somebody would bring it to my attention.

I would ask what -- what people you

have spoken to. Because that may help answer the question.

REPRESENTATIVE HAGERTY: I spoke to a psychiatrist, who testifies in cases and becomes involved, I guess, in that -- I don't know his exact capacity.

Does he -- or he is employed by the court system to do examinations in these cases. And he felt -- and when I say, "inadequate," I don't mean to suggest, necessarily, that what you're delivering, obviously, is inadequate.

But if isn't enough funding and time for broader training, you know, I don't -- I don't think that that's a reflection on your training.

But his perspective was that he simply made a distinguishing -- a distinction, that you have to make in dealing with these cases.

He felt there just simply was not adequate training for these people to do that.

WITNESS VILIM: Well, it's -- it's important to -- to keep in mind that when that psychiatrist supported by the court system, or otherwise in the communities, acts in the court, he or she acts under the Mental Health Procedures Act, and not under the Child Protective Services

Act, or Juvenile Act.

So they wouldn't need --

REPRESENTATIVE HAGERTY: No. He told me he functions with the Child Protective Services system in Philadelphia.

WITNESS VILIM: Functions with the Child Protective Services in the child welfare system.

But, in terms of what he is looking for, as a psychiatrist --

REPRESENTATIVE HAGERTY: I -- I don't know that. My one other question was, at what level -- what is the -- we haven't heard.

What is the ratio of the State/county participation that -- under Act 148?

REPRESENTATIVE VILIM: It varies, depending on the service provided.

REPRESENTATIVE HAGERTY: I mean, what is -- oh, okay. What is it supposed to be?

REPRESENTATIVE VILIM: It varies from ninety to one in some types of cases to seventy-five to one, and down to about fifty-to-one in delinquency placement, reimbursement figures.

REPRESENTATIVE HAGERTY: And what is the Philadelphia -- at what level is Philadelphia

matching?

REPRESENTATIVE VILIM: I believe Philadelphia's overmatch for last year was in the area of six to \$7 million dollars.

I can get that exact figure for you.  
But --

REPRESENTATIVE HAGERTY: No. That's --

REPRESENTATIVE VILIM: But it was in that neighborhood.

REPRESENTATIVE HAGERTY: That's enough.  
Thank you.

CHAIRMAN BLAUM: Any other questions?

[No response]

REPRESENTATIVE VILIM: I could -- I would also add that, from the contents, I know that Allegheny County's over match for last year was about five to \$6 million.

CHAIRMAN BLAUM: If there are no other questions, I will give the -- take a ten-minute break to give the stenographer a rest.

And I'd like to recognize the presence of Representative Dave Mayernick.

REPRESENTATIVE VILIM: Thank you.

CHAIRMAN BLAUM: Thank you.

[Witness excused]



CHAIRMAN BLAUM: Off the record.

[Whereupon, at 11:27 a. m.,  
the proceeding was  
recessed]

A F T E R N O O N        S E S S I O N

CHAIRMAN BLAUM: Our next witness is  
Miss Carol Rosenblatt, Social Workers'  
Representative from AFSCME District 47 in  
Philadelphia.

Carol?

I'd like to recognize behind me,  
Representative Chris Wogan, who has joined us.  
Whereupon,

CHAIRMAN BLAUM:

CAROL ROSENBLATT

BRENDA GOOD

requested and was granted permission to appear  
before the Committee and, having been called as a  
witness, came forward to give the following  
unsworn testimony:

DIRECT TESTIMONY

WITNESS ROSENBLATT: I would also like

to take this opportunity to -- to introduce Brenda Good, who is also a member of our local Executive Board, and a social worker from Philadelphia County Children and Youth Agency.

My name is Carol Rosenblatt. I am President of AFSCME Local 2187, District Council 47.

My local represents two thousand professional, administrative and technical non-supervisory employees of the City of Philadelphia, about four hundred of whom are employed with the Philadelphia County Children and Youth Agency.

These social workers address the problems of child abuse and neglect every day, and are very concerned about how House bill No. 1569 will impact on the clients they serve and their ability to perform their jobs in a professionally responsible manner.

As you are no doubt aware, the Philadelphia County Children and Youth Agency has been the subject of considerable attention and scrutiny due to the number of children and babies whose deaths were attributed to abuse during 1987 and 1988.

In November of 1987, a multi-disciplinary team issued a report on Philadelphia Protective Services to the Pennsylvania Secretary of Public Welfare.

It is in light of this report, and the experiences of the social workers that my Union represents, that I will comment on Bill No. 1569.

The expanded definition of child abuse as delineated on page three of the bill causes us concern, and would be impossible to implement in Philadelphia without an enormous infusion of funds from the State.

We estimate this proposed definition to increase the number of Child Protective Service reports threefold, bringing the number of CPS reports to ten thousand in 1988 in Philadelphia.

Child abuse and neglect reports currently are broken into two categories; Child Protective Services, CPS, which are considered serious physical or mental injury, or sexual abuse or neglect, or General Protective Services, GPS, which cover other instances of neglect.

The new definition of child abuse under consideration would mean that those cases which have been considered GPS under current definition

would become CPS; and, therefore, would mandate increased responses, reporting regulation, and responsibility on the agency responsible for enforcement.

The multi-disciplinary team report cited, in November of 1987, and I quote, "In recent years, the county, like the country, has experienced a constant increase in both the number and complexity of child abuse and neglect cases.

"The incessant pressures have exacerbated the historic staff morale and resource problems of the Philadelphia Children and Youth Agency.

"In the last five years, the agency's leadership has changed four times. Workers have demonstrated, to protest the work environment, to call attention to safety concerns, and to lower their caseloads.

"The City's Civil Service System has not been able to fill vacancies quickly, intensifying the difficulty of training new staff adequately and covering caseloads completely.

"Too often, budget increases have not kept pace with internal or external costs, and outside agency resources have dwindled or

withdrawn from Philadelphia's child serving network.

"Further, the shortage of court manpower, judges, masters, advocates, and the perceived and real delays in hearing non-emergency cases have inhibited the use of the courts.

"Finally, the mission and mandate of the agency to keep families together and to protect children seem at times, to be in conflict, causing tensions between the caseworkers, their clients, and their solicitors.

"The City has not made children a priority, has not provided enough workers or support services.

"The State has not provided funds for prevention or early intervention, has not clarified agency funding or responsibility for children who are mentally ill, retarded or medically compromised, and has too often emphasized documentation over performance.

"The Department of Human Services Children and Youth Division needs more money, better organization, more accountability and more leadership.

"With trained workers, good

supervision, adequate resources and small caseloads, the mission would be difficult.

"Philadelphia CYS does not have enough of any of these today."

The multi-disciplinary team emphasized that the caseloads of Philadelphia County Children and Youth Agency social workers are too large.

Furthermore, the report states that caseload assignments must, and I quote, "take into consideration the complexity of specific cases, the worker's experience and skill, travel time required, and the particular county agency's workload requirements for each case."

Considering that Philadelphia County Children and Youth Agency serves a major city with the problems generally associated with urban life, it is reasonable to expect that these caseloads be set well under the State-imposed maximum of thirty cases per worker.

Each case encompasses one family, which may include many children in various placements. An average caseload of thirty cases now translates to seventy children.

Already, the ability of Philadelphia's social workers to provide protective services to

Philadelphia's children is seriously hindered by the lack of sufficient resources for their placement and/or treatment.

In terms of overall intake, 1988 projections will be the worst in the history of the Philadelphia County Children and Youth Agency.

We can project that in 1988, we will continue to see increases, and that we will anticipate receiving reports totally ten thousand.

Another factor, which is impacting on this escalation, is the large number of both CPS and GPS cases where drugs, particularly crack, are present.

From the period of January 1st, 1988, until August 31st, 1988, PCCYA received 7,325 reports, 3,360 CPS and 3,965 GPS.

For the same period of 1987, PCCYA received 6,987 reports, 2,713 CPS, and 3,484 GPS. This represents an eighteen percent increase over the 1987 figures.

Since 1983, reports have increased to PCCYA. In 1983, there were 5,234 total reports. In 1984, 6,615 total reports; in 1985, 6,553 total reports; and in 1986, 7,658 total reports; and in 1987, 9,463 reports.

Most of the aforementioned years have shown an increase in the number of CPS reports and GPS reports.

And a chart is attached to demonstrate this.

It should also be noted that the number of substantiated abuse reports accounted for 43.7 percent in 1987.

It is safe to project that the substantiation rate will be close to fifty percent in 1988.

Any substantiated abuse report where the child remains at home, must be seen by the CPS worker a minimum of once a month in the home.

PCCYA currently has eighty workers that are responsible for the investigation of CPS reports, and a substantial number of GPS reports.

These CPS workers are averaging one report per day. Also, the average amount of experience for investigating these reports is less than two years.

We also would like to bring to your attention the new notification requirements as specified on pages twenty-two and twenty-three of Bill No. 1569.



The proposed requirement to notify subjects of a report of child abuse prior to the investigation and interview can have serious adverse consequences.

It would afford the perpetrator and parent the opportunity to destroy physical evidence, and to threaten or intimidate the child and/or other witnesses.

This would impact on PPCYA social workers with the additional burden of notifying the subjects of the reports.

This additional task will increase the caseload size, as the worker would not be able to complete the investigation in a timely fashion and possibly put the child at greater risk.

Furthermore, the multi-disciplinary team report states, and I quote, "In recent years, the deaths of children from abuse or neglect have aroused concern about the handling of cases.

"The understandable desire to prevent maltreatment deaths raises many questions and feelings, including an impulse to fix blame.

"Retrospective reviews, with the benefit of hindsight after the death, often create an impression that the death was foreseeable, and

that greater precautions could have avoided it.

"However, this study undermines the view that deaths from child abuse or neglect can be predicted when hindsight is not a factor in the analysis.

"In general, fatality cases do not look very different from cases which do not produce a death."

AFSCME Local 2187 has long been advocating for systematic changes in the Philadelphia Children and Youth Agency to address the devastating problems of child abuse and neglect.

However, we do not feel that Bill No. 1569, in its present form, would address those problems.

And without funds for staff and services, it would put an impossible burden on a system already in crisis.

And I want to thank you today for giving us the opportunity to present our testimony to you.

CHAIRMAN BLAUM: Thank you, Carol. Are there any questions?

REPRESENTATIVE HAGERTY: No questions.

CHAIRMAN BLAUM: That's the benefit of  
coming --

WITNESS ROSENBLATT: Those are coming  
at --

CHAIRMAN BLAUM: Coming towards the  
end, you --

WITNESS ROSENBLATT: Twelve o'clock,  
right?

CHAIRMAN BLAUM: You get that -- you  
get most of the questions out of the way.

WITNESS ROSENBLATT: Okay.

CHAIRMAN BLAUM: Thank you, very much.

WITNESS ROSENBLATT: Thank you.

[Witness excused]

CHAIRMAN BLAUM: And our final witness,  
Darlene Bachman, Anne Vaughn, Josephine Parks for  
the Parents' Rights Organization.  
Whereupon,

DARLENE BACHMAN

ANNE VAUGHN

JOSEPHINE PARKS

asked for and were granted permission to appear  
before the Committee to present the following  
unsworn testimony:

DIRECT TESTIMONY

**WITNESS BACHMAN:** Good morning. I'm pleased, and I welcome the opportunity to speak before this hearing today.

As parents, we all care about separation from our children. We want the child care agencies to help us with parenting before serious neglect or injury occurs.

It is important to us to us that there is a helpful social work agency, because parents need to ask for help, rather than hide from law enforcement officers.

We think that most foster care cases are due to social and economic circumstances, and the need for parenting skills training, day care, and housing, and are not abuse cases.

Most people reported are poor persons. But most abuse reports, sixty-five percent are unfounded.

Our issue is not whether Children and Youth Services should intervene in our lives, but when and how.

We oppose House bill 1569, because it is much better to let us ask for help, and let us know where to get help, before our children are at risk.

As the system is now, parents are afraid to ask CYS for help. Some parents are afraid to use local health care because of reports to CYS.

Parents should not have to fear a doctor or a therapist, but they do. As it is now, CYS turns parents over to law enforcement for questioning.

As it is now, parents are reported anonymously, sometimes for spite reasons. CYS practice now is to file petitions in dependency cases alleging earlier unfounded reports.

Now, CYS petitions allege acts or omissions that might have caused injuries, but did not.

Few investigated parents get services in the home. And the result of an indicated or founded report is often separation.

Standards for good parenting are not clear. Even officials in child care agencies cannot easily define good parenting, and differ in their beliefs.

Even they acknowledge that we all parent without much training, and that most of us try to work it out, and try to do our best.

And sometimes we all fail. For example, is it wrong or it is right to spank a child?

If it is wrong, should we be reported? If it is right, should we be reported if we do not spank?

Under the proposed law, if we catch a toddler and prevent his falling, is that reportable?

If a child falls from a supper chair, is that reportable? Will it be reportable if a child gets hurt roughhousing in the playground?

These are common happenings, as all parents know. But expanding the reporting system won't help parents get training if that is needed, because services already are not available.

Parents already are reported on by welfare office guards, landlords, housing officials, school secretaries for non-payment of rent, forgetting a lunch, or yelling at a child in a public waiting room.

We do not believe that any professional can assess risk outside of the professional context.

If we call the child's doctor about a

nosebleed and the symptoms subside and the appointment is not kept, should the doctor have to report that?

If a child's day care worker sees a parent having trouble controlling a child in the supermarket, must the day care worker assess the emotional abuse to that child and report it?

There are already layers of information gathering in the CYS system. Leave intact our relationships with the professionals that we need to be able to trust to help us.

Now, there is a gap between the need for services by troubled families and the -- the availability of services.

If parents may ask for help without fear of reprisal, the family may be preventing serious risk later on.

We do not believe that there is much correlation between CPLS reports and the receipt of services, as the following stories will show.

They are some of our parents' stories, but names have been removed for fear of reprisal. The stories are attached to this testimony, and summarized below:

Case one, K. N. was already seeking

mental health clinic help for her child's fireplaying activity when her landlord evicted her.

And the clinic reported she missed an appointment during the time she was looking for an apartment.

CYS and the police took her child into foster care, which seriously damaged her child, and led to extensive institutional treatment for him.

She would have sought help regardless of the reporting system, and has cooperated fully with CYS so that the child is now with her.

Case number two, S. M. was a young first-time mother who had been in foster care herself, and had no parenting skills training.

After the birth of her child, she had no family supports. Home health workers stopped coming to her home.

No one ever referred her to CYS for parenting skills training or other newborn assistance.

Her child was injured. She immediately took him to the emergency room, which reported to CYS.



Her child has been in foster care. She received extensive services through the foster parent that are not available to other parents.

She is cooperating fully with CYS. But the services should have been accessible to prevent injury and placement.

Case number three, D. H. is epileptic, and there was great love between her and her only child, who had been in foster care for a number of years.

The family received very little in the way of reunification services, despite many requests.

There was no family therapy and, for some time, an unresponsive and hostile social work system.

The court ordered expanded visitation for weekends and holidays. Then an abuse allegation was filed against the mother, which she denied but, at that point, did not have the strength to rebut.

Although she had cooperated with what services CYS would give her, her daughter was removed to a residential setting miles away from the parent, effectively terminating visitation and

the bond.

Case number four, K. L. was voluntarily receiving many CYS services; counseling, therapy, day care, and fully cooperating with CYS when the day care filed a report against her because her son had two black eyes.

She was in a financial crisis at the time, but her circumstances were stabilized when the court ordered her children placed.

She filed an appeal with the Superior Court and CYS then returned her children. She fully cooperated with CYS, both after her children were removed, and after they were returned.

Case number five, P. M. asked for and received help from CYS for years, to assist her to raise her children, because she is very ill with lupus and related impairments.

CYS helped her with day care, and counseling her through many crises caused by her health and its impact on her children, transportation to her children's schools, doctors, and to get food.

Against her wishes, CYS closed her case. However, CYS continues to receive and always investigates abuse reports filed against

her, but has never offered her family further services as a result of those reports.

Many parents have asked for CYS services, and have been denied. None of these parents have -- have resisted CYS services.

But many resent the manner of agency involvement and the abuse reporting system presently in place.

Most voluntarily received services regardless of the reports, or the reports made no difference in the receipt of services or actually reduced services received.

Often reports become a tool for dividing families, not a means to access services. Where reports have been the beginning of services, as with S. M., she and her baby would have benefited from an information and application system in place, so that she could have sought and received help before her child was born.

Other parents are afraid to seek help because of the bad reputation of CYS, and their distrust of the agency, and their fear of losing their children for long terms to foster care.

Sometimes, workers are seen as law enforcement agents, even though they smile and do

not wear uniforms.

Our parents will ask -- all ask that you do not expand the reporting system and involve the law enforcement agency to any greater extent.

Use the funds that this bill would cost to add the services for our families. We ask that you look seriously at preventing the course child welfare law in Pennsylvania seems to be taking.

Well-meaning persons are urging the expansion of reports and report retention and investigations.

But the better practice to to focus on the mandates of the child welfare State and Federal law that requires services to preserve family unity, and prevent the causes of dependency, neglect and abuse.

If we expand access to day care, parenting counseling and education, improve access to housing and other services to prevent crisis separation, provide homemakers and caretakers to work with the families in the home, we may not need as extensive a reporting law as the CPSL contemplates, presently.

The Child Protective Services Law is the extraordinary measure, for use when

conventional protections by services providers under the County Institution District and Public Welfare Code fails.

We don't think that it makes sense to let the exceptional measure swallow the general laws that protect our families.

Again, we urge you, as policymakers, to look closely at the mandated services of counseling, education, homemakers, day care, caretakers, and see whether they are in sufficient quantity and quality to perform their preventive function.

Look at whether costly foster care and vendor placements are consuming funds that could be used for services to the intact family.

Return the course of child welfare law to its original ends, prevention of need for family separation.

Please don't ask us to live with a system that relies on paperwork, accumulated reports, and post-crisis intervention, because the system does not have enough prompt and intensive services.

We thank you for the opportunity to present our testimony to you.

CHAIRMAN BLAUM: Anne, do you have anything to add?

WITNESS VAUGHN: Nothing, Chairman Blaum.

REPRESENTATIVE HAGERTY: Mr. Chairman?

CHAIRMAN BLAUM: Representative Hagerty?

REPRESENTATIVE HAGERTY: In the cases that you've cited, in case four, how did the child get the black eyes?

Do you know?

WITNESS VAUGHN: There was a hearing on this. And, as I recall, the doctor testified -- well, the mother did not know how the child got the black eyes.

The mother had left the child with a caretaker and with the boyfriend. The mother was gone for about half an hour to the store to buy food for supper.

When she returned, she did not notice the black eyes immediately, when she took the child to the day -- well, she bathed the child that night and noticed the black eyes.

She took the child to the day care, and the day care reported it the next day. She denies

having caused the black eyes.

She denies knowing how they were caused. There were some children playing with sticks in the backyard.

The child was outside playing during this time. The child was a three year old at the time, as I recall, and lived in a housing project at the time.

And it was a crowded situation. There were lots of children around. It -- the parent completely believes that it was accidental.

It's not believed that either the sitter or the boyfriend would have caused it. The doctor's story was different, I will admit.

The doctor did say that the injury was not the sort of injury that could have been caused, in his opinion, by a -- a stick -- of children playing in the backyard.

There was no determination as to how the black eye was caused. There was also no founded abuse, as I recall, in the court's order. There was an indicated report on file.

CHAIRMAN BLAUM: I want to thank you, very much, for your testimony. I think you testified at our last hearing in May, and in this

one.

And I think you point out the very fine line that -- that the Committee is going to have to walk,

There's definitely nothing worse in this world than being falsely accused of abusing your child that you -- you -- you love so much.

And we certainly want to make sure that those who would, in fact, report falsely are -- are dealt with, and try to minimize them, while at the same time, trying to protect kids and -- and realize that not every bruise is abuse.

Are there any other questions?

MR. BORTNER: Mr. Chairman?

CHAIRMAN BLAUM: Yes.

MR. BORTNER: I don't have any questions.

CHAIRMAN BLAUM: Mr. Bortner?

MR. BORTNER: I would just echo what the Chairman said. I -- I consider your testimony very valuable and very helpful.

I think it is a very delicate balance that needs to be struck in this area, where we don't overly interfere in the -- the private lives of people, that are trying to protect the -- the



real rights of children.

And I think that your insight and your influence is very helpful.

MS. VAUGHN: Thank you, sir. We would like to point out that there doesn't seem to be a correlation between the present CPLS reporting system and dependency issues.

That to us, it seems to be an extra added-on type of system that's valuable. And we would not deny that we need that system in place.

Obviously, terrible things do happen to children. We don't want to see those things happen.

But we're saying, by and large, if you increase the funding, then you don't need to have this system in place.

Because you will already, as in the case of SM, be in a situation, or as she should have been, been in a situation where she could readily access the services that she did so desperately need --

MR. BORTNER: Um hmm.

WITNESS VAUGHN: And that would have prevented the injury to her little baby which, unfortunately, happened.

CHAIRMAN BLAUM: How was SM's baby hurt?

WITNESS VAUGHN: That, again, is unexplained. The baby got --

CHAIRMAN BLAUM: That was what case? What case was that?

WITNESS VAUGHN: That was -- SM is case number two.

CHAIRMAN BLAUM: Um hmm.

WITNESS VAUGHN: There, the baby was in a swing. The baby had a -- a busted lip, as the mother said.

The mother took him immediately to the hospital. The hospital did an examination, and discovered a cracked rib.

This is when the baby was four months old. Is that a tragedy? Yes. We agree, it's a tragedy.

But we're talking, here, about a mother whose child -- who was, herself, in foster care, who had no supports, who had no parenting training, who, herself, had been in parenting -- in special education.

This mother loved that baby tremendously. This mother was very devastated by

the fact that there was separation, here.

Our position is, why should that have happened? Here was a mother who, herself, was receiving services through foster care, should have received something there, we think, as a young adolescent, in terms of parenting skills training, was out of that system into a hospital, and then into a Home Health Care system, neither of which made any referral for her, or urged her to apply for or contacted CYS for some assistance here to help her.

There should have been someone there after the Home Health people left going into that home once, twice, three times a week.

Is the baby prospering? Is -- is he receiving adequate parenting care? Is there other help that this mother needs?

CHAIRMAN BLAUM: And this never happened?

WITNESS VAUGHN: And instead, there was a gap. Home Health left. Nothing was there to supplant that for this mother.

There should have been something there. We agree, it's a terrible tragedy that this happened to this baby.

But what we're saying is, it shouldn't have happened, had we had a system that worked right.

We don't need to have a CPLS system to provide that sort of service. We have that sort of service under the Juvenile Act, and under the County Institution District Law, and under the Public Welfare Code.

We have access to those services. It should have worked. It should not have happened.

CHAIRMAN BLAUM: What did they say happened? I mean, do they -- do they say, you just don't put a four-month-old on the swing, or what?

WITNESS VAUGHN: I'm not sure that was the problem. I don't think that it was a -- a large swing, such as you would put a toddler on.

I think that it was a -- a swing intended for a young child. I do not believe that that was the problem.

We don't have an answer as to what has happened. The mother never admitted. But the mother also denied that she did anything, that she did -- to cause that.

Obviously, there has to be some

causative factor, or you do not have a -- a baby with a broken rib.

We will acknowledge as much. But how it happened, we do not know. Whether the baby fell out, whether -- we don't know.

We do not know what happened. And I do not recall what the doctor's testimony was at the hearing that was a couple of years ago.

I honestly do not recall.

CHAIRMAN BLAUM: Well, why do you give us these cases?

WITNESS VAUGHN: Why do I give you these cases? Because I agree that they are tragedies, but --

CHAIRMAN BLAUM: But I'm sitting here wondering, you know, where is Paul Harvey with the rest of the story.

WITNESS VAUGHN: Yes.

CHAIRMAN BLAUM: You know?

WITNESS VAUGHN: Yes.

CHAIRMAN BLAUM: It's that -- that there's something missing from here, that if I ask them at the CYS agency, they'd say --

WITNESS VAUGHN: The CYS would have a different story.

CHAIRMAN BLAUM: Right.

WITNESS VAUGHN: Yes. The CYS would have a different story. They would have more complete records than I have here.

I did not go back into the CYS records to prepare this testimony. I will in all honesty, admit that to you.

I --

CHAIRMAN BLAUM: That's okay. That's okay. You know, I --

WITNESS VAUGHN: I took the stories as the parents recalled them.

CHAIRMAN BLAUM: As I said before, you know, I -- you -- you keep us on that line, and let us know that there's, you know, another -- another side to this issue --

WITNESS VAUGHN: There is another side to all of these issues. There is another side.

CHAIRMAN BLAUM: We thank you for your testimony.

WITNESS VAUGHN: Surely. Thank you.

CHAIRMAN BLAUM: No other questions?

MR. EDMISTON: Yes.

CHAIRMAN BLAUM: A question from Mike Edmiston, Counsel for the Committee.

MR. EDMISTON: The first question is key to the commentary of Sub-Committee Chairman Blaum and Representative Bortner, earlier, expressing their appreciation of your perspective on these issues.

I noticed that you were here earlier in the hearing. And I imagine you may have heard some reference to ongoing task force meetings in the Department of Public Welfare on examining this bill, and examining the needs of the Child Protection Services system.

I'm wondering whether or not you were all involved in that, whether or not you've had any mechanism for input to that -- that study process, and whether or not there's any commentary that you would offer the Sub-Committee members on that point.

WITNESS VAUGHN: Thank you, Mr. Edmiston. We did not know that those meetings were taking place until the Director of Children and Youth Services from Montgomery County said as much, just now.

I did hear one time from Mr. Loftus Verguri, who I think was here, as well, in the May hearings, that there was going to be a meeting.

I did not know that there was going to be a series of meetings. Were we invited to participate in those meetings?

No. Do I think that we should have been? Most definitely. We're talking about a system of laws that affects families.

That includes parents, as well as children's advocates. Of course, we should have been involved.

There are State mandates for advisory lobbies to review all policy decisions. There -- we understand that there have also been ongoing meetings about permanency planning.

We have urged to be involved in a risk assessment process. None of that has happened. We have not been involved in any of that.

In all fairness to Secretary -- or Deputy Secretary Julia Danzy, she did invite us to participate in some local regional office meetings<sup>1</sup> that she was setting up.

That was last Monday, I believe, she invited us to participate. The -- the meetings were held Monday.

I think we got the word the Friday or Thursday before, and were unable to participate in



any fashion or to -- to arrange for other persons to go.

Again, we think it is crucial that if we're talking about developing policy that affects families, that we involve parent advocates, as well as children.

We acknowledge that the focus of the protective laws is on children. But we must remember that those laws are within -- that that protection is to take place, whenever possible, within the family.

That we are to prevent the causes of dependency. That we're to prevent separation. We're to prevent neglect and abuse within the family.

And that does mean providing services to parents when they are needed. That we can't assert on behalf of our parents, the right to those services, or on behalf of family unity, the right to that family unity, unless we are invited to participate fully with policymakers and their delegates, who are devising laws, policy, and regulations around these very, very important issues.

We think that the perspective of the

parents is crucial, here. We have a very, very expensive program.

We have a program that funds vendors to very, very high tunes. I think that the most expensive in the State, the last time I looked, was something, \$43,000 a year per child for secured facility up in Erie, Pennsylvania.

I believe that that is the most expensive, a place called Gannondale. I'm sure it's a fine facility.

And I'm sure it has its role. However, that -- do we need something as costly as that? Are we misusing our funds to establish facilities in -- in separations in residential facilities many, many miles from a child's home, so that no parent can ever visit the child in that home, so that the child can't return to his own natural community?

Do we need to be looking at having those vendors become providers of in-home services, for example?

Would they be willing to do such? They would -- could they function? Would they continue to function, if they, instead of being residential placements, started providing in-home services,

homemakers, therapists, family therapists,  
resource aids, parenting education centers?

Wouldn't that be a better use of our  
State funds? Would it also save State funds,  
which, I think, is something that we haven't  
really, seriously looked at, here.

The cost effectiveness of the balance  
of 4-E funds used to pay for residential  
placements, and 4-B funds, which are the services  
funds.

And I would ask the Committee to  
consider them again. Thank you.

MR. EDMISTON: There was one other  
question. Ms. Bachman made reference in her  
testimony to perceived disparity in the range of  
services, supportive services, available to foster  
parents, as opposed to parents whose children are  
in placement.

I'm wondering whether or not in your  
efforts to present your perspective, to have the  
policymakers and those charged with the  
responsibility to execute these laws, hear you,  
whether or not you developed that assertion with  
data?

Can you show the different kinds of

services that are made available to foster care placements that are not available to the -- that family where that child may not have been placed?

And if -- if you have not, can you? Do you expect that you can develop that kind of information and supply it to the Sub-Committee?

WITNESS VAUGHN: That -- that is a very interesting question. We think -- we have been trying to get access to some information about the break between 4-E services available to children in families, and 4-B services, which are available, we believe, to families to prevent the placement.

I have some figures. But they're very general figures. And they are not sufficient a breakdown, I believe.

For the Committee, I would pursue that avenue. And we'll make efforts to get such figures available and present them to you.

I may need some help from certain resources on the Committee as to sources of such information.

I think it might be available through the -- the Department of Public Welfare. I think it might be available as data that underlies

Senator Greenwood's bill.

I have not seen the data that -- that we would like to see, and -- and review for presentation to -- to the Committee.

MR. EDMISTON: That's all. Thank you.

[Witness excused]

CHAIRMAN BLAUM: Okay. That concludes our hearing today of the Sub-Committee on Private Corrections.

I want to thank the Committee members for attending, as well as all of our witnesses, and especially the Committee staff for putting the hearings together and, of course, we have an awful lot of work to do in the weeks ahead.

I would also like to recognize the staff of the Attorney General Zimmerman, who has been here throughout the hearings, and to thank he and the staff for getting this all started by filing the timely report on child abuse and violence against children.

Thank you, very much.

[Whereupon, at 12:23 p. m.,  
the proceeding was  
concluded]

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BY Antoinette S. Caswell

Antoinette S. Caswell

Notary Public in and for the  
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