

COMMONWEALTH OF PENNSYLVANIA
House of Representatives
Judiciary Committee

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Child Abuse Investigations and Children's Advocacy Centers
Testimony of
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Chairman Marciso and members and staff of the House Judiciary Committee, thank for the opportunity to appear before you today to discuss Child Abuse Investigations, children's advocacy centers and House Bill 1739.

The Support Center for Child Advocates (*Child Advocates*) is Philadelphia's lawyer pro bono program for abused and neglected children. At *Child Advocates*, we work to change the story for children. For 35 years, we have offered the skills and dedication of lawyer-social worker teams, and we represent more than 850 children each year, including in criminal prosecutions of their alleged abusers. While our direct service work is Philadelphia-focused, we work with partners across the Commonwealth of Pennsylvania and the nation on the development of effective policy and practice for vulnerable children. We attempt to offer a balanced, candid and constructive assessment of what our children need and how we are all doing for our kids.

To assist and inform your work, I call your attention to the set of policy papers and recommendations prepared by the Protect Our Children Committee (POCC), Pennsylvania's statewide coalition of advocates, physicians and service providers joined together in coordinated strategies to prevent child abuse and achieve targeted child welfare reforms that are child-centered. The topics include:

- *"Toward Improved Protections for Children: Buckets of Review" (prepared to assist Task Force on Child Protection);*
- *"Digging Deeper to Understand How Pennsylvania Defines Child Abuse"*
- *"Reporting Child Abuse is a Critical Child Protection Tool"*
- *"Investigating Child Abuse and Crimes against Children in Pennsylvania"*
- *"Examining Child Abuse Fatalities to Improve Child Protection"*

I want to be clear however, that the positions presented today are not those of the POCC or its other members, except as individual and organizational members of this coalition may agree with them, and represent on the positions and recommendations of the Support Center for Child Advocates.

We focus today on issues related to the investigation of child abuse cases, and in particular the services provided by children's advocacy centers, or CACs. As you heard this morning, CACs present the state-of-the-art approach to high-quality, reliable forensic interviewing of child victims and to the collaborative investigation of always-complex child abuse cases. I would like to share some of the national perspective on these programs and protocols, and some of the areas where growth and guidance may be needed.

According to statistics provided by the National Children's Alliance, almost 280,000 children were served at or by CACs in 2011, investigating crimes or other activities of more than 220,000 alleged perpetrators. 179,014 children participated in on-site forensic interviews, and 78,081 received some form of medical examination or care. The data is available at: <http://www.nationalchildrensalliance.org/>. In many jurisdictions, law enforcement, C&Y, CAC staff and medical professionals are co-housed or co-located in the same building, making the entire process more efficient and more collaborative.

You will see that virtually every state has CACs operating in them – this is, indeed, the way it is to be done. We have provided Gap Analysis maps of Pennsylvania and New Jersey, for your comparison.

Impressively, there are no “white” or unserved counties in New Jersey. Unfortunately, by contrast, Pennsylvania has 33 counties that are not served by CACs, and many of the counties with accredited or developing programs cannot afford to serve all of the children with this state-of-the-art approach. The alternative? Presumably the most experienced police officer in a township gets assigned to the case...or not. Perhaps the C&Y worker who is interviewing the child has a solid relationship with the local police department ... or not. Almost undoubtedly, without a CAC, the child will be separately interviewed by C&Y Intake Worker, investigating police officer and/or detective, assigned Assistant District Attorney, maybe the guardian ad litem, and others, perhaps multiple times on the way to an arrest and then preliminary hearing ... and then all over again if the case is held over for trial. We must close this gap, and make collaborative investigation and quality interviews available to all child victims.

Across the nation, and across the Commonwealth, many if not most CACs provide videotapes and written reports of child interviews. They facilitate joint law enforcement/child protection services interviews and facilitation of the investigation using common protocols agreed upon by the team. They track cases and case review meetings with all multi-disciplinary team members. By portraying a reliable picture of the child and his or her story, the videotaped interview promotes both guilty pleas and *not prossc* dismissals.

The Forensic Interview permits a child who is an alleged victim of sexual abuse to tell his/her own story in a safe, supportive environment with law enforcement, child protective services and mental health providers present. They are designed to be neutral and fact-finding, not leading or loaded. Police, C&Y and district attorneys share information in this process, and the caregiver or parent participates by contributing information regarding the allegations and home situation, and later by being counseled on how to support herself and her child, immediately and through the criminal justice prosecution. The CAC's skilled child forensic interviewers elicit difficult information in the interviewing process and empower both the child and the caregiver to begin to put their trauma behind them and experience healing.

Depending on their facilities and focus, different CACs provide: crisis counseling for the child and counseling for the non-offending parent, guardian or caregiver; support and information groups for caregivers and self-esteem building groups for children; training for professionals in team building, forensic interviewing and related subjects; and/or referrals for emergency medical, legal, financial and therapeutic services. These adjunct services help advance the overall mission of victim service.

As Ms. Kirchner observed, the teams work best when they commit to work as a team. Memorandums of Understanding (MOUs) create and then memorialize the commitment. Mostly they must be organic: voluntarily entered, the terms of engagement sorted, negotiated, and clarified. In both the police and lawyer sides of the work of the criminal justice system, however, we are often inclined to “go it alone” and “do it my way”. I have visited and conferred with the practitioners in Dallas, Houston, Albuquerque, Brooklyn, Doylestown, Allentown and Philadelphia, among others: without variation, they report

resistance at the beginning, and satisfaction in the end. You might consider helping that process along, perhaps requiring an MOU in order to obtain additional state funding, kind of an incentive to 'play nice' and be on one's best behavior.

Some other areas for your consideration:

- We need to correct the current confusion and lack of clarity about multi-disciplinary teams (MDTs) (i.e., may be convened *annually*, etc. See 23 PA.CS.A. § 6365 (b)), joint investigative teams (23 PA.CS.A. § 6365 (c), and Act 33 teams (23 PA.CS.A. § 6365 (d)) – each required under various sections of the Child Protective Services Law (CPSL) – so that their complementary and unique roles and their interplay are established.
- We are pleased with the amendment exempting from the additional \$10 fee on background checks foster and adoptive parents and certain volunteers, but we urge that the additional fee should NOT be assessed on any volunteers of non-profit organizations.
- We note that FBI background checks require an additional fee and thus a burden on volunteers, staff and their organizations.
- Since the intent of the legislation appears to focus on establishing and expanding CAC services, we are concerned that funds generated by or through this legislation should be restricted and additive, and not subject to supplantation of existing state funding (e.g., Act 148).

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In the interests of full disclosure, since 1992 I have served as a member of the Board of Directors of the Philadelphia Children's Alliance (PCA), where Ms. Kirchner serves as Executive Director. By the bylaws of the organization, our agency, the Support Center for Child Advocates, occupies one of several permanent seats on the PCA Board. I believe this service has offered me a valuable window into the workings of one of the nation's premier CACs, as well as its challenges in development and going forward. Wishing the organization well, I thus do not come to you entirely free of agenda. But then what advocate does? In all, I believe the CAC model is outstanding in its approach to children and families, just and fair for defendants and the accused, and worthy of the public's investment and trust.

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