

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES

CHILDREN AND YOUTH COMMITTEE HEARING

STATE CAPITOL  
HARRISBURG, PA

IRVIS OFFICE BUILDING  
ROOM G-50

THURSDAY, SEPTEMBER 13, 2012  
1:10 P.M.

PRESENTATION ON HB 2499 AND HB 2500  
FAMILY FINDING AND FAMILY CONFERENCING

BEFORE:

HONORABLE KATE HARPER, MAJORITY CHAIRMAN  
HONORABLE DAN MOUL  
HONORABLE C. ADAM HARRIS  
HONORABLE LOUISE WILLIAMS BISHOP,  
DEMOCRATIC CHAIRWOMAN  
HONORABLE STEVE SAMUELSON

\* \* \* \* \*

*Pennsylvania House of Representatives  
Commonwealth of Pennsylvania*

COMMITTEE STAFF PRESENT:

- JOHN E. SCARPATO  
MAJORITY EXECUTIVE DIRECTOR
- KAREN M. ZIVIC  
MAJORITY LEGISLATIVE ADMINISTRATIVE ASSISTANT
  
- ROSEANN R. CADAU  
DEMOCRATIC EXECUTIVE DIRECTOR
- HEATHER J. WALSH  
DEMOCRATIC COMMITTEE LEGISLATIVE ASSISTANT

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## 1 P R O C E E D I N G S

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3 MAJORITY CHAIRMAN HARPER: Ladies and gentlemen,  
4 I'm going to call this meeting to order.5 That clock is wrong. It is not 5 of 7, okay? So  
6 that much time has not passed, but we have an extremely  
7 full agenda today.8 These are important topics, and we wanted to hear  
9 from all the people we thought had relevant information on  
10 this. So we're going to ask the presenters to be efficient  
11 in the way they use their time, and if they don't, they get  
12 the hook and it's really embarrassing. So you want to  
13 stick to the topic, and then we'll take questions from the  
14 committee.15 I want to remind you all that we are being  
16 recorded. Let's not have any YouTube moments unless we  
17 intend them, okay? And you will want to silence your cell  
18 phone, if it does get reception down here in G-50, which  
19 mine does not. But yours might, so you want to silence  
20 that.21 And we're going to lead off with Chairman's  
22 comments -- that's me.23 Welcome. Thank you all for coming. I do  
24 appreciate it. I do know that most of the Members are busy  
25 in the district finishing things that they have to get done

1 before we come back into session, and it's also, you know,  
2 a long drive for many of them. So although we don't have  
3 the full committee here today, we will be letting them know  
4 what we heard.

5 And we do think these concepts are important  
6 enough and complicated enough that we need hearings, and we  
7 just don't want to run bills without having had a chance to  
8 look at the issues and see whether we need to make  
9 amendments or revisions to what we have.

10 So I'm going to ask Chairman Louise Bishop if she  
11 has any comments. In case you don't know, I'm Kate Harper,  
12 Chairman of the Children and Youth Committee.

13 Go ahead, Louise.

14 MINORITY CHAIRWOMAN BISHOP: Thank you very much,  
15 Madam Chairman.

16 I certainly concur with you that these two bills  
17 are very, very significant. I am delighted that we are  
18 going to have an opportunity to go over them, to discuss  
19 them. Almost every part, to me, is relevant, and it's  
20 always relevant when we're dealing with children and youth.  
21 So I'm hoping that we will come out of this with some bills  
22 that we can all support and it will benefit the children in  
23 our Commonwealth.

24 MAJORITY CHAIRMAN HARPER: Thank you, Madam  
25 Chairman.

1           I also want to remind the committee and others  
2 that we have actually been talking about this for a few  
3 months. We did have an interesting hearing with  
4 Chief Justice Baer that focused on some of these topics,  
5 and Representative Moul is taking the lead on putting  
6 together a package of bills, two of which we're going to  
7 consider today.

8           So Representative Moul, I'm going to let you go  
9 first and explain the bills before we get into the various  
10 people who might have different perspectives than ours on  
11 them. Go ahead.

12           REPRESENTATIVE MOUL: Thank you, Madam Chairman.

13           I do appreciate the opportunity to sit before you  
14 today, and I will put my speed-reading cap on here and move  
15 right along.

16           Chairman Harper, Minority Chairman Bishop, fellow  
17 Committee Members, thank you for the opportunity to hold  
18 this hearing and discuss HBs 2499 and 2500.

19           As you may know, I have a great interest in the  
20 issues that affect children, and I am probably one of the  
21 few Members to repeatedly request assignment to the  
22 Children and Youth Committee. Unfortunately, the plight of  
23 our most vulnerable Pennsylvanians, the boys and girls who  
24 find themselves involved with the Commonwealth's child  
25 welfare system, are often overlooked by the General

1 Assembly.

2 I have introduced the bills we will be discussing  
3 today as a part of a larger package of child welfare  
4 reforms I introduced with some of my colleagues on the  
5 committee -- Chairman Harper, Representative Rosemary  
6 Brown, and Tarah Toohil.

7 HBs 2499 and 2500 are intended to increase the  
8 level of family engagement in the planning, service  
9 delivery, and placement for children and families who are  
10 receiving child welfare services. I recognize that  
11 effective family engagement practices require sustained  
12 effort on behalf of county children and youth agencies,  
13 many of whom are already struggling to manage difficult  
14 caseloads.

15 However, I firmly believe that if certain  
16 practices are properly implemented, we can build networks  
17 of support around the children and families who become  
18 involved with the child welfare system. These networks of  
19 support not only have the potential to create better, more  
20 stable outcomes for children, but they also can help  
21 taxpayers avoid bearing the burden of costly long-term  
22 placements for some children.

23 Before I discuss the bills, I would like to note  
24 that Act 80 of 2012, which was enacted after I had  
25 introduced this legislation, made an important step forward

1 for at-risk children by requiring that relatives within the  
2 fifth consanguinity or affinity be notified within 30 days  
3 of the removal of a child from the home.

4           As a result of this new law, I'm aware that some  
5 minor corrections may be necessary for my legislation to  
6 comport with the provisions of Act 80. Likewise, I  
7 appreciate the feedback of the stakeholders participating  
8 in this hearing, and I look forward to working with the  
9 stakeholders and the Members of the committee to refine HBs  
10 2499 and 2500 as the legislative process moves forward.

11           HB 2499, family finding. As you may know, family  
12 finding is a child welfare practice that involves ongoing,  
13 diligent efforts to locate family members broadly defined  
14 as "relatives and kin" and engage them in the planning,  
15 service delivery, and potentially the placement of the  
16 child. This practice allows child welfare agencies to  
17 identify those individuals in a child's life who can step  
18 in to form the support network for the child and the  
19 family.

20           Although a robust support network will benefit  
21 families receiving services in the home, the development of  
22 this network is particularly important for children who may  
23 need to be removed from their homes. My bill will require  
24 that counties engage in family finding for a child when the  
25 child is accepted for services by the county children and



1 youth agency. Family finding will be conducted at least  
2 annually and can be discontinued only if the child's  
3 involvement with the agency is terminated, family finding  
4 no longer serves the best interests of the child, or family  
5 finding poses a safety threat to the child.

6 The bill also contains a requirement that  
7 counties notify relatives within the fifth degree of  
8 affinity or consanguinity within 30 days when a child has  
9 been accepted for services. As I noted, a similar  
10 requirement was enacted as part of Act 80, so this  
11 provision may now not be necessary.

12 HB 2500, family conferencing. Family  
13 conferencing is a child welfare practice where the county  
14 children and youth agency facilitates a meeting where a  
15 family, including relatives and kin, develops a safety plan  
16 for a child. In other words, family conferencing puts the  
17 key members of the family support network around the table  
18 to decide how they will work together to meet the needs of  
19 the child.

20 My bill would require counties, within 5 years,  
21 to offer the opportunity for a family conferencing to all  
22 families receiving services from county children and youth  
23 agencies. The Department of Public Welfare would phase in  
24 family conferencing over the 5 years so that counties are  
25 prepared to comply.

1           Family conferencing would be offered at least  
2 annually and at key decision points for the child and the  
3 family. The county agency will be responsible for  
4 preparing the family for the conference and helping them to  
5 identify resources that are available to assist with  
6 addressing the safety concerns for the child.

7           At the conference, the family will have the  
8 opportunity to develop a safety plan on their own terms,  
9 but with the guidance of the county children and youth  
10 agency. The agency or court must approve the safety plan  
11 to ensure that it attempts to address the concerns for the  
12 child. The county agency will then assist the family with  
13 the implementation of the plan. This practice makes  
14 families responsible for correcting the problems that  
15 caused a child to become involved with a children and youth  
16 agency, and it gives the individual family members a sense  
17 of buy-in and responsibilities for the child's continued  
18 well-being.

19           I know that it may be hard work for some counties  
20 to sustain a long-term commitment to effective family  
21 engagement processes, but it is work that must be done.  
22 Our child welfare system exists to protect children and  
23 preserve families, and the right ways to do these things  
24 are not always the easy ways.

25           When a child must be removed from his or her

1 home, it can be a very traumatic experience. Therefore, it  
2 is vital that government do everything in its power to  
3 engage the extended family and kin and involve them in  
4 meeting the needs of the child before we place a child with  
5 strangers or in an institution.

6 In situations that may not necessitate the  
7 removal of a child, government should be working to build  
8 family support networks around the child and his immediate  
9 family so they can begin to meet the child's needs. My  
10 legislation is intended to put these ideas into statute and  
11 would ask for the committee's support and consideration.

12 I would now be happy to answer any questions  
13 about the legislation, but I remind the committee that the  
14 next two groups of presenters are child welfare  
15 professionals who will be discussing the practice of family  
16 finding and family conferencing in much greater detail.

17 Again, thank you for this opportunity.

18 MAJORITY CHAIRMAN HARPER: Thank you,  
19 Representative Moul.

20 I know this is a subject about which you have a  
21 great deal of passion.

22 REPRESENTATIVE MOUL: Yes.

23 MAJORITY CHAIRMAN HARPER: And I also know that  
24 while it may be necessary to use words like "consanguinity"  
25 in your testimony, I think the committee and the audience

1 here would benefit by your explaining, in as simple terms  
2 as possible, what your bills are aiming to do.

3 REPRESENTATIVE MOUL: My bills, family finding is  
4 to correct the situation where some children and youth  
5 agencies might just place a child and forget a child and  
6 not have looked for families to the fifth degree -- blood  
7 families, friends, relationships, that sort of thing -- so  
8 that they can have a buy-in. And the family conferencing  
9 is to get all those people who have a relationship -- or  
10 blood relatives -- with that child into a conference so  
11 that they have a buy-in to make sure that they are part of  
12 it.

13 There's nothing worse than removing a child that  
14 has already been traumatized by a situation that caused the  
15 county children and youth agency to become involved in the  
16 first place, but then to place them either in an  
17 institution or with total strangers when he could be placed  
18 with an aunt, an uncle, a grandparent or so forth, or even  
19 a close family friend that he would feel more secure, or  
20 maybe keep him in the same school district, which is  
21 another bill that is part of this package. But the whole  
22 idea is to keep the child as comfortable and feeling safe  
23 as possible and not be forgotten.

24 MAJORITY CHAIRMAN HARPER: All right. Thank you  
25 very much. I think that was a good explanation.

1 Chairman Bishop, do you have questions?

2 MINORITY CHAIRWOMAN BISHOP: Yes. Thank you.

3 And I am delighted to have the opportunity to  
4 serve on this committee and talk to people who have the  
5 same interests I have. But I do have some questions as to,  
6 and I don't see if your bill addressed it and maybe you  
7 could help me, how do we discover the right family finding  
8 when we find a family member and say, this is one who is  
9 capable of taking this child rather than putting him in the  
10 system? What do we hold up for this person, what standard  
11 do we hold up for this person to come up to that says this  
12 will make a good parent and it's better here than it is  
13 with the State?

14 REPRESENTATIVE MOUL: You know, Chairman Bishop,  
15 I'm not sure that I could write something that creates a  
16 standard to determine what a good parent or a good  
17 situation would be for every single child, because every  
18 single child is different. God made us all different. And  
19 I do know that children are best served by their families,  
20 and I've got to lean heavily on these professionals that  
21 are sitting behind me that run the children and youth  
22 agencies to make those determinations. I could never do  
23 that in statute. That's why they have the educations in  
24 this field. I've got to depend on them to answer that  
25 question.

1 MAJORITY CHAIRMAN HARPER: So I think it's fair  
2 to say your legislation doesn't actually deal with that.

3 REPRESENTATIVE MOUL: It does not actually say  
4 you must place them with grandma, grandpa, aunt or uncle,  
5 or a family---

6 MAJORITY CHAIRMAN HARPER: It just says you have  
7 got to pick family first.

8 REPRESENTATIVE MOUL: Families first.

9 MAJORITY CHAIRMAN HARPER: And that you need to  
10 conference with the family.

11 REPRESENTATIVE MOUL: You need to let them have a  
12 buy-in to the plan, and that's always important. It is  
13 saying this child is part of your family; you need to come  
14 up with a plan; what do you people think would be best for  
15 this. Because you might have -- let me give you an  
16 example, a bad example, of what could happen.

17 Without this, involving all the family, as much  
18 family as you can get, you might have an aunt and uncle  
19 that could possibly say, yeah, we'll take that child.  
20 Maybe they didn't really want the child, but it's a  
21 sister's kid, and we'll take that child. Well, the aunt  
22 and uncle, he might be an alcoholic that nobody knows  
23 about, but yet his brother might say, hey, wait a minute,  
24 you don't want to place this child with them because  
25 they've got a set of their own problems that they have to

1 deal with. However, we might have a relative here that we  
2 all agree would be a great placement, but this one might  
3 not be the best. There's no way for a children and youth  
4 agency to know those things, but family does, and that's  
5 why it's important to get as many people within the family  
6 structure as possible to come up with a plan, because the  
7 last thing that they're going to want to do, I would say in  
8 almost every case, is place a child where the child  
9 shouldn't be. And if with Uncle Joe might not be the best,  
10 they're going to tell you, and that's why I feel it's  
11 important to get the family together to talk it out and  
12 have a buy-in.

13           And, you know, in some cases there might not be a  
14 family, much of a family structure, and there might not be  
15 any choice but foster care, and those situations are going  
16 to happen. But I do know that in my heart, a child is  
17 always better with people he's comfortable around and feels  
18 secure with than placing a child in a situation that's  
19 totally new to him.

20           MINORITY CHAIRWOMAN BISHOP: I agree with you,  
21 and of course I'm signing on with you, but there are  
22 questions that I think that we have to dig a little deeper  
23 for.

24           That Uncle Joe, that Uncle Charlie, may sit with  
25 the family and come out great, but deep down Uncle Joe,

1 Uncle Charlie, may have some background somewhere that does  
2 not come out, that no one has told about. That is my  
3 concern. How do we correct this legislation, which I  
4 cosponsored with you, so that we can protect those with  
5 deep, dark secrets in the family that the family doesn't  
6 know about or doesn't want to talk about?

7 REPRESENTATIVE MOUL: Chairman Bishop, the whole  
8 idea of getting the family together is because there's  
9 absolutely no way for the children and youth agencies to  
10 know those deep, dark secrets about Uncle Joe, but the  
11 family would.

12 MAJORITY CHAIRMAN HARPER: Or might.

13 REPRESENTATIVE MOUL: Or might.

14 MAJORITY CHAIRMAN HARPER: Might more than  
15 another.

16 REPRESENTATIVE MOUL: Yeah. They would  
17 definitely know, and they might be able to say, hey, Uncle  
18 Joe might have volunteered for this, but I know something  
19 about Uncle Joe and we don't want him to go to Uncle Joe.  
20 Let's try Aunt Mary over here, and she would be willing and  
21 she's a good person. She doesn't have any deep-seated  
22 past; this would be a good placement. And there's no way  
23 for the -- they're strapped as it is. There's no way that  
24 they could possibly know those things about everyone, but  
25 family does.



1 MAJORITY CHAIRMAN HARPER: All right. I see some  
2 of our future testifiers have opinions on this, too, so I  
3 guess we'll hear from them in a little while.

4 Okay; can I move to Representative Samuelson?  
5 You had a question also?

6 REPRESENTATIVE SAMUELSON: Thank you.

7 Just the explanation on the fifth degree of  
8 consanguinity. Are we talking about first degree is  
9 parents, second degree is grandparents?

10 REPRESENTATIVE MOUL: It's blood, but yes, you're  
11 on the right track. Yes.

12 REPRESENTATIVE SAMUELSON: So if you go out to  
13 the fifth degree, how do you get out to the fifth degree?

14 REPRESENTATIVE MOUL: I think the fifth degree,  
15 you're now stretching into second and third cousins.

16 REPRESENTATIVE SAMUELSON: Okay. Well, why did  
17 you choose fifth degree instead of something like third  
18 degree, like you might get parents, aunts, uncles---

19 REPRESENTATIVE MOUL: I want as many people as  
20 possible to reach out to that a child could call family.

21 REPRESENTATIVE SAMUELSON: Is there a  
22 requirement? I mean, some families don't even know who  
23 their third cousins are. Is there a requirement that the  
24 county agency has to sign off on every single possible  
25 mathematical fifth degree of consanguinity or---

1           REPRESENTATIVE MOUL: I don't think so. I think  
2 in a good, valid effort of searching you're never going to  
3 find everyone, especially as global as we are today.

4           MAJORITY CHAIRMAN HARPER: And Executive Director  
5 Scarpato has just pointed out to me that Act 80, which is a  
6 piece of this---

7           REPRESENTATIVE MOUL: Right.

8           MAJORITY CHAIRMAN HARPER: ---uses the same fifth  
9 degree.

10          REPRESENTATIVE MOUL: Right.

11          MAJORITY CHAIRMAN HARPER: So that part is the  
12 law.

13          REPRESENTATIVE MOUL: It's already done.

14          MAJORITY CHAIRMAN HARPER: We're going to find  
15 out if that works after we try it.

16          REPRESENTATIVE SAMUELSON: Okay. Well, I might  
17 have a question later on about that.

18          REPRESENTATIVE MOUL: Sure.

19          REPRESENTATIVE SAMUELSON: Because as I said, if  
20 you find the parents, if you find the grandparents, if you  
21 find the aunts and uncles and some of the cousins, is the  
22 county agency's work done, or do they have to keep looking  
23 for those second cousins, third cousins, and I guess even  
24 fourth cousins if you're going to the fifth degree?

25          REPRESENTATIVE MOUL: Well, I think that if they

1 make a valid effort to find everyone and there's just no  
2 one there left to find---

3 REPRESENTATIVE SAMUELSON: Okay.

4 REPRESENTATIVE MOUL: You know, I want them to  
5 look for every possible avenue without you spending a year  
6 to do it. Obviously there has got to be some  
7 reasonableness to this. However, I do want them to find  
8 everybody so that everybody can have a say. You know, I  
9 want second cousin Judy, that if she knows something about  
10 Uncle Joe, that she could certainly chime in.

11 REPRESENTATIVE SAMUELSON: Yeah.

12 And I think you already answered this question  
13 about protecting the safety of the child, that this  
14 legislation doesn't require a placement with any of those  
15 family members. And in fact I'm reading a section that  
16 says the county shall not provide notice if it believes  
17 there is a safety threat to a child. So that's on pages 4  
18 and 5 of this legislation.

19 REPRESENTATIVE MOUL: Correct.

20 REPRESENTATIVE SAMUELSON: So this is just  
21 information not required---

22 REPRESENTATIVE MOUL: And this plan has to be  
23 approved either by the Judge or the county children and  
24 youth agency. It's not like they have the final say. If  
25 they come up with a plan and they say, this is what we'd

1 like to do with this child, it has to be approved; the plan  
2 has to be approved by the professionals.

3 MAJORITY CHAIRMAN HARPER: Thank you.

4 And thank you, Representative Moul. Do you want  
5 to join us up here?

6 REPRESENTATIVE MOUL: I will certainly do so.  
7 Thank you.

8 MAJORITY CHAIRMAN HARPER: I would like to call  
9 Deputy Secretary Beverly Mackereth and the Administrator of  
10 the Office of Children and Families in the Courts, Sandra  
11 Moore. I think you guys are going to divide your time,  
12 right?

13 DEPUTY SECRETARY MACKERETH: Yes.

14 MAJORITY CHAIRMAN HARPER: Okay. Many of us know  
15 Bev Mackereth, who was a former Member of the House and has  
16 vast experience actually in this area. She's now serving  
17 as Deputy Secretary for Children, Youth and Families in the  
18 Department of Public Welfare.

19 Bev, take it away.

20 DEPUTY SECRETARY MACKERETH: Thank you.

21 Good afternoon, Members of the committee. Thank  
22 you to Chairman Harper and Chairwoman Bishop, also Members  
23 of the Children and Youth Committee.

24 I would really like to send a special thank-you  
25 to Representative Moul for your passion on these issues and

1 to your Executive Director, John Scarpato, who has met with  
2 us on many occasions and has really worked very hard to  
3 understand a very, very complicated child welfare system in  
4 Pennsylvania. So John, thank you very much.

5 I appreciate the committee's consideration of  
6 HBs 2499 and 2500. And as you heard, I was a State  
7 Representative, but I think it's really important for you  
8 all to just note very quickly my background.

9 I began right out of college. I was a children  
10 and youth caseworker, and then I became a children and  
11 youth supervisor. I went on to develop a child abuse unit  
12 within our District Attorney's Office. I worked for the  
13 Ridge Administration as the Deputy Director of the  
14 Governor's Community Partnership for Safe Children dealing  
15 with violence committed both by and against youth. When I  
16 went back to York after my 8 years in the House of  
17 Representatives, I was the Executive Director of Human  
18 Services, which we were without a children and youth  
19 director for 18 months, so I served as the Acting  
20 Administrator of Children and Youth and then oversaw the  
21 agency for the 3 years that I was back in York.

22 I think that's important, because my perspective  
23 is not just from the perspective of somebody that is  
24 sitting in Harrisburg trying to work with counties and  
25 figure out what they need. I think I have a better

1 knowledge of what we need to do and the challenges that our  
2 system faces. So I wanted to throw that out to you.

3 I am presenting today with Sandy Moore, who is  
4 the Administrator of the office of Children and Families in  
5 the Courts, and Sandy works -- and she's going to talk a  
6 lot more about it -- in very close partnership with us,  
7 because we could not be successful in protecting children  
8 and dealing with families if we did not work as a team.  
9 Sandy and I work very, very closely with Justice Max Baer,  
10 who, again, had been before you in the past.

11 So let me start and tell you a little bit about  
12 Pennsylvania's child welfare system, because you need a  
13 little bit of background. It is a \$1.9 billion system. I  
14 think it's important for you all to know what you spend.  
15 The money is Federal, State, and local, most of it being  
16 State dollars.

17 We are a hybrid system, so we're 1 of only 13  
18 systems in the country that is State supervised/county  
19 administered, and this is going to get to why I think it is  
20 so important that we pass legislation like this.

21 As a State supervised/county administered system,  
22 we only have the ability to effect practice in counties  
23 that it is legislated. So it must be law. We can provide  
24 all the best practice information out there that exists,  
25 and you know, we're very lucky, because as a State agency,

1 as many of you know, we have access to other States, we  
2 have access to other information about what works, and our  
3 job then is to share that with counties. But I think as  
4 some of you know, because I've heard from some of you about  
5 situations, in all 67 counties in Pennsylvania, the  
6 practice of child welfare can look different and does look  
7 different, and we want to ensure that every child and  
8 family have the same benefits.

9 So as I go through what these bills actually  
10 mean, you may say, well, that's common sense; why isn't  
11 everybody doing that? And the reality is, not everybody  
12 does do it for a variety of reasons, and that's why it's so  
13 important for this committee to hear what we have to say.

14 A couple other things you should be aware of: the  
15 core principles of our system.

16 Our system has gone from being focused on child  
17 safety, and then we've added so many other things because  
18 communities have lost the ability to work with children and  
19 families. I think all of you could attest to that within  
20 your community. But our real core principles are:

21 Safety, first and foremost. Nothing should  
22 impact the safety of a child.

23 Well-being. We look at mental health, physical  
24 health, and educational needs of children.

25 And permanency: ensuring that every child is in

1 the right place if they have to be moved from their family,  
2 but that we get them back to family or have a family-like  
3 setting to grow up in as quickly as possible.

4 So those are our three core principles. The  
5 Office of Children, Youth and Families, our job, again, is  
6 to ensure that that is followed in different counties, but  
7 the only thing we can rely on is what's in law.

8 Today's bills, family finding and family group  
9 conferencing. These are core family engagement strategies,  
10 and historically in child welfare across the nation as well  
11 as in Pennsylvania, the system -- and again, I was there in  
12 1980 and we didn't know what to do. You would walk in the  
13 door, you would get a case, and they would say, go out and  
14 figure out what's going on, and you had no idea what to do.  
15 We removed a lot of children from their families. We  
16 removed a lot for safety reasons, but we also removed a lot  
17 for nonsafety reasons.

18 There are a lot of individual biases of different  
19 workers that play into this, because we are a system with a  
20 very young workforce, middle class -- very middle class --  
21 in many areas very White. So our values may be different,  
22 and we do take those values with us with whatever we do, as  
23 all of you, you know, know.

24 So the system used to look like, you'd go into  
25 the home; you'd see a child and you weren't sure, because,



1 by God, how would a 25-year-old know if a child is going to  
2 be safe; and so just to be sure, because it's really scary  
3 -- Children and Youth have the toughest job out there --  
4 you would remove that child. And when we would remove a  
5 child, frequently we would put them in a foster home,  
6 because we really didn't have time to figure out who are  
7 the family members and who are the right family members.  
8 And so they would sit in a home. And I want you to think,  
9 that sounds good, and I'll tell you what, we have wonderful  
10 foster parents, but no matter who the foster parents are  
11 and how wonderful they are, to that child, it's a stranger,  
12 and you need to be aware of what we've done.

13           And I want you to think about it: If you have a  
14 young child, or any age child, and somebody comes knocking  
15 on the door and they walk in and they say, you know, I'm  
16 sorry; we need to have you go with us, you know, that part  
17 is a lot like TV. The rest of TV doesn't show child  
18 welfare very well, but that part is right. And they take  
19 the child out of that home, they put the child in their car  
20 -- you know, kids aren't supposed to go with strangers; the  
21 kids go with strangers -- and they take them to another  
22 home and they say, you're going to live here. And those  
23 foster parents who just want to bond with that child  
24 frequently say, you know, we're going to be like your mom  
25 and dad; these are like your siblings. Well, what happens

1 to everything that child knew? What happens to that  
2 child's school?

3           So the Federal Government did a good thing, and  
4 they passed a law that said, you know what? This isn't  
5 right. We've removed these children. We've put them in  
6 homes of strangers. And guess what happens when they're  
7 there? They act out, because they don't know why they're  
8 there and they want to go home.

9           And even if they're in a bad situation, which we  
10 never want to return a child to, that child wants to go  
11 home. They want their siblings. They want their  
12 grandparents. They want their neighborhood friends. So  
13 they act out in their foster home, and guess what happens  
14 then? They get moved to another home.

15           And there has been a cycle. When I was in York,  
16 I saw children who had been removed, the worst one was 26  
17 times -- 26 different homes. A failed adoption, and all  
18 they wanted to do was go back home, and eventually we did;  
19 we let him go back home.

20           So this is about going past what the State did in  
21 Act 80 and going past what the Feds have done in Fostering  
22 Connections to Success, and it really says agencies must  
23 begin to identify families right away.

24           Now, how do we do that? We ask. I heard -- and  
25 I hope Sandy wasn't going to use this -- I heard a county

1 administrator the other day say, it's almost like having a  
2 life insurance policy; you don't wait until you need it to  
3 have it. So this doesn't tell us we have to notify them,  
4 but it's really important that we begin to find them. How  
5 do you do that? You say, so who do you have Christmas  
6 with? You engage. You talk to the parents. You talk to  
7 the child.

8           So we begin to identify who are those relatives.  
9 And we are defining "family" very broadly, by the way,  
10 because I'm not from Pennsylvania originally. I don't  
11 think I ever told anybody when I was a State Rep that, but  
12 now I say some of these things. So my family up here is  
13 this wonderful, wonderful group of people from York who I  
14 have bonded with and who have grown up parent-like to my  
15 children, and a lot of people have that. A lot of people  
16 belong to churches. They have neighbors. So who are those  
17 people who your child would consider to be family, and  
18 those are the people we want to identify -- not necessarily  
19 contact yet, but identify.

20           And it's really about engaging the family: Who  
21 do you have Christmas with? What would you do if you're  
22 along the road and your tire blew out? Do you have anybody  
23 you would call? Tell me about that person; who are they?  
24 That's what family finding is.

25           We do have tools also that we have provided to

1 counties. We have something called Accurint. It's a  
2 search engine that will allow them to find people. And  
3 there are other tools out there; it's interesting. And if  
4 anybody is interested, we can give you the name of a guy  
5 who does training all over. The courts have brought him in  
6 repeatedly, and he can find 40 family members within like  
7 10 minutes -- it is amazing -- on some of the cases that,  
8 guess what, for many years we found nobody.

9           Now, are they the placement resource? Maybe not.  
10 That's not what it's for. It's for support. And I think  
11 we also have to understand, we are not -- I told you we are  
12 a \$1.9 billion system. We cannot continue to sustain the  
13 costs that we spend by government really being there and  
14 doing everything for everybody.

15           Remember the days when you used to rely on your  
16 family and your neighbors and your friends for help?  
17 That's really what we need to get back to, because many of  
18 the issues that child welfare gets involved with can be  
19 resolved if the right people come to the table to help.

20           Now, who are the right people? Well, you know,  
21 for years we told them who the right people were. We would  
22 say, we're the Children and Youth people; we need to be at  
23 the table; we need to tell you what to do and you need to  
24 do it. Okay; would that work for you? When I was 25 and  
25 if I knocked on your door and I said, you have young

1 children, don't you, Representative Harris? And I said,  
2 you know what? Your house is a mess and I don't think you  
3 have sufficient food. What are you going to say to me? I  
4 know what you're going to say.

5 MAJORITY CHAIRMAN HARPER: Don't say it.

6 DEPUTY SECRETARY MACKERETH: Representative  
7 Harper said don't say it. But I know what you would say to  
8 me, and guess what? Every other family says the same  
9 thing.

10 And I know -- I've got to say this, too -- you're  
11 probably sitting up there thinking, but we're talking about  
12 children who are at risk, and we are, but almost every---

13 MAJORITY CHAIRMAN HARPER: Well, but what if the  
14 families aren't there, Bev?

15 DEPUTY SECRETARY MACKERETH: Well, now wait, we  
16 are, but we're also talking about many cases that Children  
17 and Youth go out to that there's no abuse and neglect.  
18 There might be some neglect; there's no abuse. So that's  
19 the minority of cases that we deal with, are abuse. The  
20 others are all risk, high-risk or at-risk cases. And I  
21 hate to tell you, but almost every child is at risk these  
22 days, because if they hang out with people that are  
23 involved in bad behaviors, kids are at risk. If they don't  
24 have family at home--- But again, you know, I can tell  
25 you, we'll take truancy, for instance. And boy, he'll

1 probably kill me for this, but our United Way Director took  
2 his child out of school for, I forget what it was, a  
3 vacation, and forgot to turn in his notice. He had  
4 somebody come knock on his door for truancy. Guess what he  
5 said? The same thing Representative Harris would say.

6           So we have to remember, our system is so broad  
7 now that much of what we deal with is at risk. Anybody can  
8 make a referral, and then it's up to us to figure out who  
9 is safe and who is not, and we have assessments and tools  
10 that help us do this and we do not do it in a vacuum.

11           So I think we have to remember, we're not just  
12 talking about physical injury and sexual abuse or even  
13 serious neglect; we're talking about a lot more. Maybe  
14 that will be for another hearing.

15           MAJORITY CHAIRMAN HARPER: Yeah; actually,  
16 Representative Moul has a bill on that, I think, to get rid  
17 of truancy or something like that.

18           DEPUTY SECRETARY MACKERETH: Well, it's actually  
19 not to get rid of; it's just to better define.

20           MAJORITY CHAIRMAN HARPER: Right; that is not as  
21 an automatic trigger.

22           DEPUTY SECRETARY MACKERETH: Right; better define  
23 it.

24           So again, it is incumbent on us to ask a family,  
25 who should be at the table to help you figure out what your

1 need is, and now we're moving into family conferencing.

2           Let's take a mom who works nights. So she has a  
3 babysitter at night, but when she gets done work, she goes  
4 and has a couple of drinks, she comes home, and she can't  
5 get her child up for school. That's a referral to Children  
6 and Youth. Should government, Children and Youth, go out  
7 and knock on their door every day? No. Our bottom line  
8 is, your child has to go to school. That's the law; that  
9 must happen. But for a worker to go out there and pick the  
10 child up -- and we used to do this, by the way, in the  
11 1980s. We would go out; we knock on their door; we pick  
12 the child up and take the child to school. Now what we say  
13 is, Mom, you've got a problem. You have a child who is not  
14 going to school, and by law, they must be there. I  
15 understand you work, I understand you need time to unwind,  
16 but your child has to go to school. That's our bottom  
17 line.

18           So we say, who can help? And we talk to her  
19 about who she has in her life. Well, I got the lady next  
20 door and I got my grandma and I got this one and this one,  
21 but I can't ask one of them to be here 5 days a week.  
22 Okay; so could each one do 1 day a week? And we bring  
23 everybody together, and for many people, this is what we  
24 do. When you have a problem in your family, you talk.  
25 Some people have never had opportunities to sit down as a

1 family and talk, and what we'll do is facilitate  
2 conversations with the family. And they define who's  
3 there, not the professionals, with a bottom line of, in  
4 this case, your child must be in school every day; how are  
5 you going to get there?

6           It is amazing the plans that they can come up  
7 with. And guess what? They don't always follow them, but  
8 they follow them more than with somebody knocking on their  
9 door saying "You must do this," because they've developed  
10 the plan.

11           One of the parts to this that is so critical is  
12 what's called family private time, and that's saying,  
13 professional, Stan, you already gave your bottom line; you  
14 be out of the room; let them talk and figure it out. You  
15 can either accept or reject the plan. So it gives them the  
16 opportunity as a family to figure it out rather than  
17 government saying "You must do...."

18           Across the nation and even outside this country,  
19 this model has been utilized. And does it work in every  
20 case? Nope. Does it work in more cases than us just  
21 telling people what to do? Yes, it does.

22           So that's really in a nutshell family finding and  
23 family conferencing. It's very common sense but cannot,  
24 nor will it, happen in every situation unless we say that  
25 it has to. And we can enforce it. There are some -- and



1 you will hear from Dauphin today -- they have got some  
2 amazing, amazing numbers that they can share with you.

3           And lastly, I just want to say that there was  
4 18 months that I was acting as Children and Youth  
5 Administrator in York, and for those that know me, you'll  
6 understand this, but I decided I was going to take those  
7 18 months and try these best practices -- family finding,  
8 family conferencing -- and having teaming, so working  
9 together with other professionals; having families at the  
10 table, listening to what they had to say. And in those  
11 18 months I went to my fiscal director and I said, unless  
12 we're getting in trouble, don't tell me what we're  
13 spending; I want to see if this is going to work. And in  
14 those 18 months, we were able to reduce -- safely reduce --  
15 the number of kids who were in out-of-home care,  
16 out-of-family care, by 65 percent with a savings of  
17 \$10 million. Yes.

18           So I think I will end with that and let my  
19 partner take the next part.

20           MAJORITY CHAIRMAN HARPER: All right. We'll let  
21 Sandy Moore give her testimony, and then we'll hear  
22 questions and comments, okay?

23           MS. MOORE: Thanks.

24           MAJORITY CHAIRMAN HARPER: Go ahead, Sandy.

25           MS. MOORE: Good afternoon, Chairwoman Harper,

1 Chairperson Bishop, Committee Members, and staff.

2 I, too, want to echo Bev's thank-you to  
3 Representative Moul and John Scarpato for the amazing work  
4 that they have done and the time they have spent to  
5 understand these issues. So thank you both very, very  
6 much.

7 I am Sandy Moore, and I serve as the  
8 Administrator for the Office of Children and Families in  
9 the Courts. Prior to this, I, too, was a child welfare  
10 worker. I started off as a caseworker, a social worker, in  
11 the State of California. I was a supervisor; I was a  
12 manager. I was the Child Welfare Administrator here in  
13 Dauphin County. I was also the Human Services Director in  
14 Dauphin County before I went to work at the Administrative  
15 Office of Pennsylvania Courts with Justice Baer.

16 But I want to talk about the OCFC. The office  
17 that I supervise is a division of the Administrative Courts  
18 and was established by the Supreme Court in 2005 to oversee  
19 the Federal Dependency Court Improvement Program. Having  
20 already addressed the committee on one occasion with  
21 Supreme Court Justice Max Baer, I would like to thank you  
22 again for this opportunity to talk with you about these  
23 really important bills and important issues.

24 The OCFC supports the work of Pennsylvania Common  
25 Pleas Judges who hear cases of abuse and neglect, child

1 welfare administrators, and others involved in the child  
2 dependency court system. This support is guided through a  
3 Children's Roundtable Initiative, which includes a  
4 three-tiered communications system. It includes local  
5 children's Roundtables convened by the local Judge and  
6 co-facilitated with the Child Welfare Administrator, a  
7 Leadership Roundtable, and a State Roundtable. And the  
8 State Roundtable meets once a year and sets policy and  
9 practice for my office and for our initiative. It is  
10 co-chaired by Justice Baer, Deputy Secretary Mackereth, and  
11 me.

12           In the summer of 2006 at the inaugural meeting --  
13 I actually was still with Dauphin County at that time --  
14 the State Roundtable met and identified a need to shift our  
15 child dependency system from one that tells people what to  
16 do to one that really asks people what it is that they  
17 need; from a system that continues child and family  
18 isolation to one that more actively supports the  
19 involvement of community and family members in the  
20 protection, well-being, and permanence of children.

21           State Roundtable members also discussed the  
22 challenges that are inherent with using an adversarial  
23 court system to resolve family conflict and keep children  
24 safe, agreeing that the adversarial court process, which  
25 works pretty well in criminal proceedings, sort of okay in

1 civil matters, simply doesn't work well when you're dealing  
2 with issues faced by families.

3           Finally, they discussed the historical practice  
4 of providing the same or very similar services to every  
5 child or family that comes before them and the sad reality  
6 that most family service plans and court orders in many  
7 jurisdictions were offering the same services to all  
8 children and families regardless of the need that was  
9 identified. They unanimously agreed that our work with  
10 families had to be individualized to the specific needs of  
11 each child and each family.

12           A colleague recently suggested to me that  
13 "...systems are perfectly designed to get the exact results  
14 they are getting. Getting better results means having a  
15 better design." The traditional child welfare and  
16 adversarial court practice is filled with -- I believe --  
17 filled with caring and dedicated professionals who really  
18 want to help children and families. It's not the people  
19 that are flawed, the design of the system is flawed. The  
20 system relies on people who are strangers to a child and  
21 family -- social workers, attorneys, Judges, regardless of  
22 how good they are at their profession -- to diagnose  
23 problems, debate whether the problem exists, and, if  
24 proven, prescribe solutions. And as I said earlier,  
25 typically it's the same solutions. You'll see parent

1 education, drug and alcohol treatment, mental health, in  
2 almost every family service plan that you pick up in the  
3 State of Pennsylvania that doesn't come out of a family  
4 conference.

5           The design doesn't work well. Indeed, the design  
6 encourages families to be dependent on governmental  
7 systems, discourages individualism, and maintains isolation  
8 and secrecy, which is incredibly dangerous for children.  
9 Children need to have lots of people looking in on them.

10           The traditional child welfare system is designed  
11 to motivate positive change by having professional people  
12 identify what they believe is wrong with children and  
13 families and then telling a child or family what they need  
14 to do to fix what's wrong with them. If you believe that  
15 to be an effective design to motivate change, I offer you  
16 this simple test, very easy to do: Go home tonight, spend  
17 the first 5 minutes once you get home telling your  
18 significant other everything that's wrong with them, spend  
19 the next 5 minutes giving them your very best advice  
20 about---

21           MAJORITY CHAIRMAN HARPER: 5 minutes?

22           MS. MOORE: 5 minutes.

23           MAJORITY CHAIRMAN HARPER: That's all you get.

24           MS. MOORE: No YouTube.

25           ---5 minutes with what's wrong with them. You

1 have spent a lot of years with them; you can do this in  
2 great detail. Then spend the next 5 minutes giving them  
3 your very best advice about what they can do to fix what's  
4 wrong with them and then see how the rest of your evening  
5 goes.

6           You know, we chuckle. It doesn't work with the  
7 people who love us and whom we love. To imagine it would  
8 work with strangers is just sort of silly, and yet, that's  
9 the helping process, the traditional helping process.  
10 Again, not because we're bad people -- we all want to help  
11 -- but because I think the system is flawed, or the design  
12 is flawed.

13           In 2006, that first State Roundtable identified  
14 six practices, some court related, some social-work-  
15 practice related, that they believed could positively  
16 impact the design of our child welfare system and  
17 ultimately increase positive outcomes for children and  
18 families. Family finding and family group decisionmaking,  
19 family group conferencing, family conferencing -- they're  
20 all the same thing -- were two of those practices.

21           Both promote a different design, a design that's  
22 grounded in the belief that children are safest when there  
23 are many eyes, ears, and hearts involved in their lives; a  
24 design where children and families are not isolated, where  
25 problems are openly discussed, and where the larger family

1 helps create and takes ownership of the solutions.

2           Family finding and family group conferencing  
3 widen the circle of involved, committed, extended family  
4 and community members. Family finding identifies and  
5 brings into the planning process the healthiest members of  
6 the child's family, broadly defined, including kin, while  
7 family group conferencing allows those persons an  
8 opportunity to develop their own plan with agency  
9 acceptance and court approval if the court is involved.

10           As Judge Kim Berkeley Clark -- she's a Common  
11 Pleas Court Judge from Allegheny County -- has said, quote,  
12 "Listening to family group conference participants discuss  
13 the worries they have for children, family strengths, and  
14 community assets, and then tapping their collective wisdom  
15 to develop and implement a plan makes sense. Bringing  
16 these 'common sense' plans into the courtroom -- plain and  
17 simple - works!"

18           Those plans "work" for many reasons, but one  
19 critical element is the portion of the planning process  
20 known as private family time. As such, I'd like to take a  
21 moment just to reiterate and underscore an important point  
22 that Justice Baer made when he testified previously in  
23 front of this committee.

24           Key to family finding and key to family group  
25 conferencing working is this notion of "private family

1 time." It's critical and it's included in the House bill,  
2 and I just want to thank John and the Representative for  
3 including that really critical component into the House  
4 bill.

5           Some might suggest that family finding and family  
6 group conferencing aren't right for all families. Some  
7 might even suggest that private family time isn't necessary  
8 or actually that families won't want it. Clearly in  
9 situations where safety cannot be assured, a family group  
10 conference may not be appropriate, and again, your bill  
11 addresses that.

12           On the other points, I can only speak from my own  
13 experience as a former Child Welfare Administrator having  
14 supported literally hundreds of family conferences, my  
15 experience observing family conferences, and the unique  
16 experience I had of being invited into private family time  
17 as a friend in two conferences, one for a friend whose  
18 child was struggling, another for a friend who had terminal  
19 cancer and was dealing with issues of death and dying.  
20 From those vantage points, I have never heard of or  
21 experienced a family refusing family private time. But  
22 even if that were to occur, HB 2500 as written addresses  
23 the issue by requiring the agency to "offer" a family  
24 conference, which, in my mind, implies that a family could  
25 refuse that offering, and also, the House bill allows



1 families to identify who will participate in their private  
2 family time. The family and the child get to identify who  
3 the people are that will stay in that room and privately  
4 discuss their concerns and come up with a strategy to  
5 present to the agency, to the court.

6 Family finding and family group conferencing as  
7 described respectively in HBs 2499 and 2500 advocate an  
8 empowering settlement process for child welfare cases.  
9 Courts are very familiar with settlement processes. Courts  
10 like settlement processes. In the words of one local Trial  
11 Judge, "It's a no brainer!" What Judge wouldn't want  
12 people, the parties coming in, having discussed it and  
13 coming in with a plan that the agency supports and takes  
14 care of the safety of children.

15 So family finding and family group conferencing  
16 have also been core elements to the court improvement work  
17 we've been doing since 2006. It began in 2006 with an  
18 initiative called the Permanency Practice Initiative, which  
19 combined those six elements that were previously  
20 identified, including family finding and family group. As  
21 of today, 35 counties are voluntarily participating in the  
22 Permanency Practice Initiative. Those 35 counties  
23 represent 78 percent of the children who are in out-of-home  
24 care.

25 MAJORITY CHAIRMAN HARPER: In Pennsylvania?

1 MS. MOORE: In Pennsylvania.

2 MAJORITY CHAIRMAN HARPER: 35 counties are  
3 already doing this.

4 MS. MOORE: 35 of the 67 counties are, and that's  
5 just the ones who are involved in the Permanency Practice  
6 Initiative. There are more counties doing family group  
7 conferencing than just those.

8 So family finding and family group conferencing  
9 are not new concepts to Pennsylvania. HBs 2499 and 2500  
10 support the work of the courts, child welfare agencies, and  
11 other folks who are concerned about children. But most  
12 important, the enactment of these two bills would create a  
13 network of safety for children that, done right, will  
14 outlive the agency and the court's involvement with  
15 children.

16 We applaud the committee and the work that you've  
17 done, and I would like to just end with the words of the  
18 President Judge here in Dauphin County: Family finding,  
19 family group conferencing, it "...isn't just what we should  
20 be doing; it's what we should have been doing all along."

21 Thank you.

22 MAJORITY CHAIRMAN HARPER: Okay. I'm going to  
23 first offer the Chair the right to go first.

24 Do you want to ask your question again that you  
25 had asked earlier of these two witnesses who might be in a

1 better position to answer it?

2           MINORITY CHAIRWOMAN BISHOP: I guess, again, I do  
3 think that we definitely need family conferencing. But in  
4 an effort to know how it should be done, we need your  
5 expertise, too. So with this bill and having heard this,  
6 let me give you a family experience that has happened.

7           There was one person in the family who had a  
8 daughter that just no one could control. They tried  
9 everything; it did not work. She got together with DHS --  
10 and she was young herself, the mother was. She got  
11 together with DHS, and they did call a family conferencing.  
12 A year and a half later -- and they finally removed her  
13 from the home because family conferencing just did not work  
14 for her. A year and a half later, possibly a year and a  
15 half later, she gave birth to a child. And she was not  
16 pregnant when she was in the services of the home and DHS,  
17 but the moment she was taken from the home, something  
18 happened and we don't know what.

19           So family conferencing didn't work for her, and  
20 they placed her; that did not work for her either. So I  
21 believe that there is something in addition to what these  
22 bills show that is also needed, and possibly a conference  
23 one day where all of us could sit down with parents and  
24 with Legislators and with Deputy Secretaries and others who  
25 make those decisions and really find out what is the real

1 reason why we cannot fully help the children who are out  
2 there, some in danger, some not in danger. I don't think  
3 we have all the answers as Legislators, though we are  
4 trying, and I don't think you have all of the answers as  
5 Secretary and working with the State, but you're trying.  
6 And I don't think the kids have all of the answers. It's a  
7 bigger problem than what we are really trying to address.

8           So having said that, I think the only question I  
9 would like to ask in reference to the bills, do the bills  
10 serve the purpose of doing what needs to be done for the  
11 children, and will these bills provide a safety net for  
12 them?

13           DEPUTY SECRETARY MACKERETH: Okay; I'll start,  
14 and if Sandy wants to add.

15           It provides -- I would tell you that it provides  
16 more of a safety net than children who don't have a  
17 conference, and the reason is because there are more people  
18 -- more eyes, more ears.

19           To believe that a system, a governmental system  
20 of child welfare and workers -- again, the toughest job I  
21 have ever done, and I was in one of these seats before --  
22 can protect all children, it's just not possible, because  
23 you only see in that short period of time what you see.  
24 You only know what people are willing to tell you. And it  
25 can't be, it would be almost like saying, you're the

1 police; make sure nobody gets killed in your city, because  
2 they may know where the bad areas are, but can they predict  
3 what's going to happen? They can't. Children and Youth  
4 can't either. They do the best they can with what they  
5 have.

6           Family conferencing, and this is the part about  
7 it that I like best, to be honest with you, is so many more  
8 people, their network, who understand this is the problem.  
9 Now, I think it's important for you also to remember that  
10 if there's a safety issue, we don't just leave the child  
11 there and have a conference and say, oh, everybody, it's  
12 okay, and walk away. That's not what I'm saying. We look  
13 for a safe placement, what we believe to be a safe  
14 placement for that child. And then the family has  
15 opportunity to see, to know -- and not just the family, the  
16 school, the church, whoever else that we can bring into it.  
17 Child abuse is a community issue, and if you really want to  
18 protect children, we need to ask communities to step up and  
19 everybody, because otherwise, we will never get there.

20           MS. MOORE: And my experience is that communities  
21 do step up. And quite honestly, churches and civil groups  
22 and, you know, coaches and teachers, they want to be  
23 involved in helping care for and make sure children are  
24 safe. But in the current system as it is designed, there  
25 is no real mechanism for them to come to the table and be

1 part of those solutions. Family conferencing opens that  
2 door and allows those voices in in a really powerful way  
3 that's not finger-pointing but saying, I'm going to come  
4 alongside you, family, I'm going to come alongside you,  
5 child, and be part of the solution, and that's really the  
6 difference.

7           So will it work for every single child? I wish  
8 there was something that would work for every single child  
9 and every family. Will it be better than what we have?  
10 Absolutely, and I, in everything that I believe in, believe  
11 that.

12           MAJORITY CHAIRMAN HARPER: Okay. We have a few  
13 more questions. I think maybe one thing that would bear a  
14 little discussion on -- I don't know which one of you would  
15 be in a better position to do that -- I mean, obviously  
16 part of the problem here is that the agencies deal with  
17 children who are the victims of simple neglect or even  
18 truancy all the way up to extremely serious things that  
19 might involve incest or sexual abuse---

20           MS. MOORE: Absolutely.

21           MAJORITY CHAIRMAN HARPER: ---or other, you know,  
22 very serious things that we've all read about in the paper  
23 to our horror, okay? So I think the key here is the plan.  
24 So could somebody talk about how the plan is developed,  
25 approved, and, you know, how it differs from a family?

1           I mean, I'm looking at the family group  
2 conferences at least once a year. Well, that might work  
3 for some people but it's sure not going to work for others,  
4 I can tell you that.

5           MS. MOORE: Right. What I like about the  
6 legislation is it says at least once a year, but it also  
7 says at major decision points. So it actually, you know,  
8 and I would consider some of those major decision points if  
9 it's a court-involved case, as you're bringing the case  
10 back in front of the court. I believe there are some folks  
11 who are going to come after us who are going to talk very  
12 specifically about what family conferencing is and the  
13 details of all of that.

14           But the plan is key, and the support of the  
15 family and the preparation of the family for this process  
16 is key. What I can tell you is that my experience, and I  
17 was at Dauphin County when we did hundreds and hundreds and  
18 hundreds of these conferences, I never once had a family  
19 come away without being able to create a plan that our  
20 agency representative was able to support. Now, sometimes  
21 the agency representative had to say, that's not quite it;  
22 you've got to go back in the room and talk some more  
23 because you didn't quite capture everything that takes care  
24 of the safety for children. But by the time it got through  
25 the agency, I don't think, and I'm not certain if they're

1 going to talk about it, but at least while I was there, we  
2 never had a family group conference plan that went before a  
3 Judge and a Judge refused to order it, because it was so---

4 MAJORITY CHAIRMAN HARPER: The department  
5 endorsed it.

6 MS. MOORE: The department endorsed it and it was  
7 so well covered of any concern that the court had.

8 But I think what's more important is, you know,  
9 our hope is that at some point in time, we're going to step  
10 out of the lives of these children and families. You know,  
11 you don't want the agency and the court there forever.  
12 That's not government's role. But what family conferencing  
13 does is because it removes the caseworker out of that  
14 private time, it gives families the opportunity to realize  
15 they can do planning themselves and be successful. So when  
16 we step out of their lives, there's a whole network of  
17 people who know how to plan for a child and can come  
18 together themselves without needing government to step back  
19 into their lives.

20 DEPUTY SECRETARY MACKERETH: And I also think,  
21 just very quickly, safety is paramount.

22 MAJORITY CHAIRMAN HARPER: Right.

23 DEPUTY SECRETARY MACKERETH: We never compromise  
24 safety. So I want to take that off the table, because a  
25 lot of people worry about that, if it will compromise



1 safety. The bill does give the opportunity not to do that.  
2 Safety is first.

3 MAJORITY CHAIRMAN HARPER: All right.

4 Representative Samuelson.

5 REPRESENTATIVE SAMUELSON: Thank you.

6 I wanted to just ask a question about how this  
7 works in practical terms with, if you are asked to notify  
8 30, 40, 50 relatives -- I think I misspoke earlier. I  
9 think the furthest out this could go with five degrees of  
10 consanguinity would be a second cousin. So I guess my  
11 question would be, first, do you prioritize the closest  
12 relatives -- the grandparents, the aunts, the uncles? If  
13 notification is provided to 30 or 40 people and several  
14 people want to participate in the family conference, do the  
15 folks who are closest have the most say in that family  
16 conference?

17 DEPUTY SECRETARY MACKERETH: Not necessarily. It  
18 depends on the commitment and it depends on what the  
19 purpose is. So you really need to, again, these are  
20 individualized. The way it works today is everybody's  
21 family group or everybody's plan says almost the same  
22 thing. They have to have a job, which is impractical.  
23 They have to have a legal source of income. They have to  
24 go to parenting classes, which, by the way, don't work. I  
25 mean, we spent a lot of money on something that doesn't

1 work. They have to have drug and alcohol. They have to  
2 have mental health. Across the Commonwealth, it has to  
3 pull family service plans. They all say that.

4           So first you look at what is the purpose. What  
5 is the decision that has to be made? Is the decision that  
6 they need something, such as the situation I mentioned  
7 where their mom is not able to get up in the morning to get  
8 the child off to school. Certainly you're going to want to  
9 look for people closer. Or are we talking about a family  
10 finding where you have a child who is going to be removed  
11 from the home because of safety issues, and that family  
12 probably will never be a resource again.

13           So we have to individualize and look at what is  
14 the need? what is the purpose? Anybody that wants to, you  
15 know, in a child's life, an uncle who might live in  
16 Virginia, and if you live in PA, if that uncle wants to at  
17 least keep in contact and send letters, or at least that  
18 child could know that uncle, that's all we would be asking,  
19 is do you want to be involved? do you want to be a  
20 resource? just in case, again, remember the life insurance  
21 piece. In case mom and dad just can't handle this, should  
22 we begin to get a relationship going so that this is a  
23 place the child might be able to go someday?

24           So we look at what the purpose is, and then we  
25 look at what can people bring to the table? What are they

1 interested in, if they just want to know their relative.

2           Actually, it's interesting, one of the stories I  
3 learned when I was going through family finding training  
4 was that a lot of this happened because there was a United  
5 States Senator who found out that his niece, I guess, had  
6 been in foster care for years and nobody had told him. And  
7 a lot of the reason for that, just so you're aware, is that  
8 everybody, you hear that the apple doesn't fall far from  
9 the tree? A lot of times when people see my daughter they  
10 say that because she looks somewhat like me. Well, people  
11 also say that about, okay, here's a family; why would I  
12 contact the grandparents, because if they raised this  
13 child, well, they must not be able to raise a child very  
14 good because look at all the problems. Well, I will ask  
15 you, and I will not ask you to raise your hands, but how  
16 many in here have a family member who has drug and alcohol  
17 issues? I want you to think about it. How many of you  
18 have somebody who has mental health issues in your family?  
19 How many of you have somebody who has been in prison? Does  
20 that make it so we should rule you out as a resource for a  
21 niece or a grandchild who needs you?

22           So again, we'll use people for whatever they're  
23 interested in being part of and able to do.

24           MS. MOORE: And I would add, even though you had  
25 those other people who had those struggles, you probably

1 could also raise your hand and say, we've got people in our  
2 family who did a really great job raising their children  
3 and could help raise another child. We all have those  
4 people.

5 REPRESENTATIVE SAMUELSON: And a quick follow-up.

6 That conference, I thought I heard earlier that  
7 sometimes it involves folks who aren't direct family  
8 members, like a friend.

9 MS. MOORE: Yes. Church.

10 REPRESENTATIVE SAMUELSON: Or a neighbor.

11 DEPUTY SECRETARY MACKERETH: Whoever the parents  
12 or the family and the child want.

13 REPRESENTATIVE SAMUELSON: Okay.

14 DEPUTY SECRETARY MACKERETH: They pick.

15 REPRESENTATIVE SAMUELSON: I was going to ask how  
16 those folks are invited. The family can pick other  
17 persons.

18 MS. MOORE: The family identifies them. In  
19 Dauphin, very often -- I'm assuming it's still the same --  
20 the pastor was very often involved. And the conference, it  
21 will talk about it starts with a tradition that the family  
22 has, and in a lot of conferences we had in Dauphin, the  
23 pastor was there. It started with a prayer and ended with  
24 a prayer, and that was part of the family's process.

25 DEPUTY SECRETARY MACKERETH: It's what the family

1 wants as opposed to the professionals.

2 MAJORITY CHAIRMAN HARPER: All right.

3 I'm going to let Representative Moul ask another  
4 question, but I actually want to ask you to address this:  
5 In many intact families, there are struggles, say, between  
6 a young mother and the grandmother over my child or your  
7 child or my grandchild or whatever. I mean, even in intact  
8 families there are struggles like that where, let's say,  
9 the mother doesn't want the grandmother to be involved. Do  
10 you have that, and what happens then? Sometimes the  
11 grandmother is maybe the better person to be involved.

12 MS. MOORE: Yeah; absolutely we have that,  
13 Representative. And actually one of the most fascinating  
14 conferences that I went to, and I'm a complete believer in  
15 this process, but at that conference I was worried a little  
16 bit, and it was a family that was going through a horrible,  
17 horrible divorce, and the father and the mother had pitted  
18 this teenage young girl, who had her own child, was in  
19 foster care, and basically were turning to this 16-year-old  
20 saying, so who do you love more and who do you want to come  
21 live with? What a horrible thing to lay on a 16-year-old's  
22 shoulder.

23 But when these people arrived at the conference,  
24 they walked in the room and you could cut the tension with  
25 a knife. I mean, it was pretty -- dad's family sat on this

1 side, mom's family sat on this side. What you really core  
2 to this process is having a facilitator who's a really good  
3 facilitator in helping to prepare families, coming up with  
4 what the purpose of the meeting is.

5 And I have to tell you, that family had private  
6 family time. Now, the pastor and his wife stayed in for  
7 family private time, but when we went -- what happens in  
8 private family time is the professional nonfamily members  
9 step out and sort of wait for the family to come up with  
10 their plan, and then we're invited back in and the family  
11 presents it. We either accept it or ask them to work some  
12 more on it. We had to invite that family to go back into  
13 family private time three times, because the first time we  
14 came out they had two completely different plans. Dad's  
15 side had one plan, mom's side had one plan. Then we asked  
16 them to go back in; we came back the second time. Mom's  
17 and dad's families then had gotten together and had a plan,  
18 but the kid had a separate plan. And we said, this still  
19 isn't a family plan, and we sent them back in, and they  
20 came up with a plan. That plan was presented to the court,  
21 and I have to tell you, the hearing officer, it was the  
22 first one in Dauphin County where the hearing officer sort  
23 of scratched his head and said, you know, part of this plan  
24 is the 16-year-old has got to go to church on Sunday with  
25 the family. I'm not certain I can order that a 16-year-old

1 has got to go to church. So the family, instead of the  
2 caseworker, the family stood up and said, part of the  
3 problem in our family is she gets into trouble when there's  
4 not an adult supervising her. On Sunday, everybody goes to  
5 church. The only way she's going to have adult supervision  
6 is if she comes to church with us. So he turned to the  
7 16-year-old and said, are you okay with that? And she said  
8 yeah, and he said so ordered. So that's the creativity  
9 that can happen, because that family knew that kid couldn't  
10 be by herself. The caseworker may or may not have figured  
11 that out.

12 MAORITY CHAIRMAN HARPER: Okay.

13 Representative Moul.

14 REPRESENTATIVE MOUL: Thank you, Madam Chair.

15 I'll be brief. I know we're running behind.

16 I heard you say that there are other counties  
17 that have already taken the initiative to implement these  
18 other than York and Adams and the ones I know about. Have  
19 they all been relatively successful doing this that you  
20 know of? Do you know of any failures in doing this?

21 DEPUTY SECRETARY MACKERETH: There's always going  
22 to be an individual failure. There always will be.

23 REPRESENTATIVE MOUL: I mean overall.

24 DEPUTY SECRETARY MACKERETH: Overall? No.

25 MS. MOORE: No. I think every Administrator,

1 every Judge who would come from those 35 -- now, 4 of those  
2 counties just started, so they aren't -- so 31.

3 REPRESENTATIVE MOUL: Okay. So we rule those  
4 out.

5 MS. MOORE: So rule those out. But actually in  
6 those counties, some of them are doing parts of these  
7 practices. But from Philadelphia to Allegheny to Beaver,  
8 Butler, I was just talking with the Administrator from  
9 Snyder County yesterday in a meeting that we were in and  
10 they initially were using family conferencing at the front  
11 as they got referrals. She announced yesterday in this  
12 meeting that they were expanding family conferencing to be  
13 using it for every court hearing and every family service  
14 plan that they were going to be developing, and as kids  
15 were aging out of the system for after-care services and  
16 coming back into communities.

17 DEPUTY SECRETARY MACKERETH: Many of them are  
18 doing it with populations. Under the PPI, what happens is  
19 they have to pick a population to be involved in the  
20 Roundtable process.

21 MAJORITY CHAIRMAN HARPER: The project they have  
22 to use specifically.

23 DEPUTY SECRETARY MACKERETH: Yes. So in York we  
24 said every new case coming in would have family finding,  
25 family group conferencing. Others pick like 1 to 5.



1 MAJORITY CHAIRMAN HARPER: Ages.

2 DEPUTY SECRETARY MACKERETH: Ages. Some pick  
3 teenagers. So you have a variety. You had to start  
4 somewhere, and again, that's why there's that 5-year period  
5 of time where we can move into this.

6 This is really what the work should look like as  
7 opposed to what the work is today.

8 MAJORITY CHAIRMAN HARPER: Right.

9 DEPUTY SECRETARY MACKERETH: The work today is  
10 getting a lot of professionals doing a lot of things. This  
11 is a flip in the way the work would be. So that's the  
12 ultimate goal, is to say, family, what do you want, and  
13 make sure that we help to help them to achieve that goal.  
14 So it's a very, very different concept.

15 So again, those counties all are doing it, but it  
16 could be for smaller populations. And it is successful.

17 REPRESENTATIVE MOUL: But where they have  
18 implemented it, generally speaking, it's acceptable.

19 DEPUTY SECRETARY MACKERETH: It's successful all  
20 across the country.

21 MS. MOORE: Right.

22 REPRESENTATIVE MOUL: That's kind of what I was  
23 hoping you would say.

24 MS. MOORE: Right; right.

25 DEPUTY SECRETARY MACKERETH: We wouldn't be here

1 if we didn't---

2 REPRESENTATIVE MOUL: You said something that,  
3 you know, to me, this had no play in why I wrote this; it  
4 just is a bonus. You saved how much money off the back end  
5 of this by frontloading this plan?

6 DEPUTY SECRETARY MACKERETH: With family finding  
7 and family, we use family group decisionmaking---

8 REPRESENTATIVE MOUL: Okay.

9 DEPUTY SECRETARY MACKERETH: ---and we built in  
10 some checks and balances, and in the 18 months we were able  
11 to reduce care -- again, there were a lot of kids who were  
12 sitting there that should not have been -- by 65 percent,  
13 and we saved \$10 million.

14 REPRESENTATIVE MOUL: Wow, that's a bonus. Thank  
15 you.

16 MAJORITY CHAIRMAN HARPER: Thank you very much  
17 for your testimony.

18 DEPUTY SECRETARY MACKERETH: Thank you.

19 MAJORITY CHAIRMAN HARPER: And we're going to  
20 hear next from Dauphin County, who has been doing this. So  
21 we have a panel who is going to come up and talk to us  
22 about their experience in Dauphin County.

23 The three of you are going to divide the time  
24 among yourselves, and you're going to do it efficiently  
25 since we are running late. But we're getting a lot of good

1 information. So we have -- let's see -- Angela Palmer,  
2 Eva Domalski, and Amy Carr. Who's going first?

3 MS. PALMER: I am.

4 MAJORITY CHAIRMAN HARPER: Okay.

5 Angela Palmer---

6 MS. PALMER: Yes.

7 MAJORITY CHAIRMAN HARPER: ---you have the floor.

8 MS. PALMER: Thank you very much.

9 Good afternoon, Committee Chair and Members. We  
10 are delighted and honored to be here today to further your  
11 knowledge base about family group decisionmaking and to  
12 share our passion about this practice.

13 My name is Angela Palmer. I am the Supervisor of  
14 the School Outreach Unit at Dauphin County Children and  
15 Youth.

16 MS. DOMALSKI: My name is Eva Domalski. I am a  
17 Family Finding Program Specialist at Dauphin County  
18 Children and Youth. I actually started in intake, have  
19 done a lot of coordination and facilitation of family group  
20 conferences, and now have moved into the family finding.

21 MS. CARR: Hello. My name is Amy Carr. I'm from  
22 JusticeWorks YouthCare. I'm a private provider who offers  
23 family group decisionmaking, coordination, and facilitation  
24 for Juvenile Probation and Children and Youth Services. We  
25 offer family group decisionmaking to over 10 counties

1 within Pennsylvania.

2           Family group decisionmaking is a very unique  
3 practice that places the family as the primary  
4 decisionmakers. It is strength based, and it empowers the  
5 family to take control not only of their present situation  
6 but also to make a plan for their future. This practice  
7 allows the family to pull together their natural resources  
8 to create a plan that will work best for them. And I  
9 really, truly love offering this to the families that I  
10 work with, as it is very exciting to see them grow and  
11 transform throughout the process and to gain strength and  
12 confidence along the way.

13           MS. PALMER: So I'm going to talk to you a little  
14 bit about the referral process, what it looks like and how  
15 the families are selected for family group decisionmaking.

16           The referral process is, in selecting families,  
17 there are no limits. Many families are open to having  
18 family group conferences. The practice benefits families  
19 in many different circumstances and throughout the various  
20 stages of their involvement with the formal agency.

21           In the intake process, a family group conference  
22 is offered to the family to help them to develop a plan so  
23 that they don't have to become long-term involved with the  
24 agency.

25           In our protective in-home-care cases, a family

1 group conference is offered to the family so that they can  
2 develop a plan as to how they are going to move forward  
3 throughout their time working with the worker in-home, to  
4 develop that plan to address the concerns of both the  
5 family and the agency to ensure for the safety and  
6 well-being of the children.

7           In permanency, a family group conference is  
8 offered to work on reunification of that child into the  
9 home, back in their home of natural origin. No matter what  
10 stage or what case or what level the family is in the  
11 agency, a family group conference is offered to the family.  
12 This is a tool that's used to engage and empower families  
13 to be decisionmakers and planners for themselves. Because  
14 in reality, families are the experts. They know  
15 themselves, they know their history, and they love their  
16 children.

17           This is a way for our system to do business  
18 differently. This should be a normal way of doing  
19 business. We should be empowering families, because again,  
20 we are not there long term, we're there short term. Family  
21 group decisionmaking encourages teaming across the  
22 agencies, all categoricals, and informal supports, formal  
23 supports, coming together and talking about what they are  
24 doing with this family so that everybody is on the same  
25 page -- again, with the goal of moving this family forward.

1           Some of the categorical agencies that are making  
2 family group referrals are juvenile probation, adult  
3 probation, mental health/mental retardation, adult aging,  
4 drug and alcohol, and also something called self-referrals,  
5 where families can come to the county themselves and ask to  
6 have a family group conference.

7           There are also many reasons why they should have  
8 a conference. It could be because a child is about to age  
9 out of care. It could be a truancy issue -- a child is not  
10 going to school -- to address why that child's not going to  
11 school and to put supports in place. It could be drug and  
12 alcohol, preventing placement, and also, again, the child  
13 coming back home.

14           MS. CARR: Now, I know a lot of you have been  
15 listening so far today and were asking some questions about  
16 what the family group decisionmaking meeting, how it's  
17 organized, how it's constructed, and I would like to talk  
18 to you a little bit about that now.

19           Once a provider, like myself, receives a  
20 referral, the coordinator will meet with the referral  
21 source, whether that's Juvenile Probation or the Office of  
22 Children and Youth, to discuss the case, discuss some  
23 family dynamics. The provider, in collaboration with the  
24 family, will create bottom-line goals, and the bottom-line  
25 goals become then the focus of this conference. That is

1 the actual goals the family will be creating their plan  
2 around.

3           Throughout the coordination process, the  
4 coordinator will contact every person invited to the  
5 conference, and that's to ensure that every participant  
6 knows what those bottom line goals are and are prepared to  
7 have a productive and successful conference. So everyone  
8 coming in knows exactly what their purpose is in coming to  
9 the meeting and what they're there to accomplish that day.

10           The coordinator uses methods and tools, such as  
11 timelines, genograms, family finding, throughout the  
12 coordination process to help the family in widening the  
13 circle. Meaning of "widening the circle": making sure that  
14 everybody who has a vested interest in that family is  
15 identified, whether that's family, family supports, or any  
16 extended network of that family to make sure that we are  
17 maximizing the support for that family at the conference.

18           MS. DOMALSKI: So I want to take a second and  
19 talk a little bit about the family finding in this process.

20           So as was mentioned, family finding is really a  
21 way of widening the circle. Family finding really helps  
22 the agency focus on not just asking a parent "who do you  
23 think can help you" and maybe "who are you getting along  
24 with today"; it's really asking that question of "who on  
25 this planet are you related to," and that usually makes

1 that number increase dramatically, if they're not thinking  
2 about personal relationships or kind of what's going on in  
3 their families currently.

4           We then talk to them about not just who are you  
5 biologically related to but who are the supports in your  
6 family, and as you've heard from different people today,  
7 supports in your family but also in your community: Are  
8 there coaches that your children are interacting with? Are  
9 there counselors? Are there teachers that they're really  
10 connecting with? You know, who are some of the other  
11 people that we can pull in to really support you -- your  
12 neighbors, anybody, your church. And we really look at  
13 getting as many people involved as possible, and then we  
14 kind of narrow that list down.

15           So as was mentioned earlier, it's very simple to  
16 find 40 family members or kin or people that are interested  
17 in helping this family, but then we really do narrow down  
18 to, okay, so who's really going to help? Who's going to be  
19 a positive support for this family? Who's going to step up  
20 and either have contact or actually physically help out  
21 with the placement of that child?

22           So the process of family finding kind of helps in  
23 the coordination of the family group conference and really  
24 getting a large group together and just figuring out how to  
25 connect that child or keep that child connected to their



1 family and to their community while they're going through  
2 this situation.

3           So family finding was introduced, at least to our  
4 county, in very late of 2007 by Kevin Campbell, who was the  
5 founder of family finding, and his motto is very much that  
6 children deserve to know their family, they deserve to know  
7 where they are from, maybe why they look the way that they  
8 look, why they have different mannerisms the way that they  
9 do, and really being connected to that family. And  
10 hopefully being safe in that family. If they're not safe  
11 in that family, still being able to know who they are and  
12 where they're from.

13           So we have really integrated family finding into  
14 every portion of our agency. We've tried to not only do it  
15 on the front end but also with a lot of our children that  
16 have been in care for a long time.

17           So I want to share a quick story with you just of  
18 a young man that I encountered last summer that really  
19 describes the importance of, I think, why family finding is  
20 needed in every part of our State.

21           So this young man, his name's Isaiah. I met him,  
22 like I said, last summer. He was 11 years old at the time,  
23 and I had conducted a training at our agency and asked  
24 different workers and supervisors to bring cases to the  
25 training to really do some family finding at the training

1 and have some active work on that.

2           The supervisor brought this case because she  
3 herself as a caseworker 10 years prior had placed this  
4 young man with his I believe six siblings, and she was  
5 currently still supervising this young man. So this really  
6 weighed very hard on her heart. It was kind of like the  
7 one kid that you remember that really didn't get that nice  
8 ending that you really want in our system.

9           So she brought him to our training, and we talked  
10 a lot about the case and kind of what his history was, and  
11 she explained that the past 3 years, so from age 8, almost  
12 9, to now, the current status, he had been in a residential  
13 treatment facility. He was being restrained two to three  
14 times daily because of his behaviors and his outbursts. In  
15 the past 6 months, he had tried to commit suicide twice,  
16 and the prognosis for his case was that in the next  
17 6 months, he's going to succeed. He was getting better  
18 every time and was making a more firm plan, and he was  
19 going to succeed with suicide.

20           So we did a lot of work that day to even just go  
21 through the file and even just look at our history with  
22 this family and see if there's anyone that we could  
23 contact. We ended up finding a phone number of an aunt,  
24 and we realized that the phone number was still current.  
25 So the supervisor and I sat down, we put her on speaker

1 phone, and we called her, and when we called her and let  
2 her know why we were calling, she just started weeping.  
3 She really was considered the mom of these children. She  
4 kind of took over the care of her sister's children and  
5 through the years has found each one of them except for  
6 this little guy, Isaiah. So either they've come to visit  
7 her or they're in constant contact or some actually live  
8 with her, except for this little guy. So she just started  
9 weeping because she finally found him; she knew where he  
10 was.

11           So we started talking to her a little bit about  
12 his situation and that he was really in a rough spot and  
13 that we didn't know how this was going to end. We didn't  
14 know if he would even want to talk to her, if he had any  
15 interest of being connected. But at this point, we were  
16 stuck. I mean, he has been in care for 10 years. He's,  
17 you know, really spiraling out of control, and there was no  
18 end in sight at this point.

19           She got off the phone with us and immediately  
20 called his placement to talk to him. This was a Friday  
21 afternoon. By Monday morning, we had received a referral  
22 or a notice from this placement that he had not been  
23 restrained, not one time, the entire weekend and that he  
24 actually began smiling and that he hadn't been smiling for  
25 a very long time.

1           So within a week, she actually bought a train  
2 ticket and went down to visit him. She actually brought  
3 his older brother along, who now is in college and has been  
4 a really great support for him. And he, in the last  
5 8 months, has actually transitioned to a foster home, a  
6 family setting, which was never in the cards for him  
7 before. I mean, we just figured that he would, you know,  
8 age out in the residential treatment facility and possibly  
9 end up in jail afterwards, because there was just no hope  
10 for this little guy.

11           He is now in a family setting, and we're actually  
12 looking to reunify him with his father's family. So  
13 through family finding, we've really done a lot of work to  
14 engage his father's family and figure out if there's anyone  
15 that can really deal with some of his behaviors but also  
16 know, with his experience and with his history, how to  
17 prepare them to have him reenter their home.

18           So that was just a story I wanted to share with  
19 you. We have so many more stories, but it's really  
20 something that has touched my heart. It has been such a  
21 privilege to see these things happen and really transform  
22 so many lives.

23           MS. CARR: Well, I know a lot of you have also  
24 been asking, how is the family identified to come to a  
25 conference? I know you may find, you said from the fifth

1 degree, 30, 40 family members. Well, that's a very good  
2 question, because what we do is we sit down and we meet  
3 with the family during our coordination stage and we ask  
4 the family, who do they want to have at the table? So  
5 again, it's not biological family. Again, it's the  
6 supports in their life. It's who they see that are going  
7 to be there for them as a positive support and they want to  
8 have at the table for them to help them in creating a plan  
9 for their future. So sometimes it's biological and just  
10 family supports, sometimes it's only family supports. It  
11 depends what family you're dealing with and how that family  
12 dynamic looks.

13           And after all the supports in the family's life  
14 have been identified, contacted, and explained the process,  
15 a date has been set for this family conference to come  
16 together. The coordinator will work with the family to  
17 identify a location. It's very important that the location  
18 is a neutral location for all parties coming to the  
19 meeting. The invitations are sent out, the coordinator  
20 will book the facilitator, the space, arrange for catering,  
21 and then also start the coordination and the discussions  
22 for holding a follow-up meeting.

23           The important aspect, though, of family group,  
24 one of the important aspects, is the neutrality that a  
25 coordinator and a facilitator brings to the meeting. The

1 provider, like myself, we're a neutral party. We're not on  
2 the family side; we're not on the agency side. We're there  
3 as a vehicle to help the family drive their family meeting  
4 through this process. We ensure that the family's meeting  
5 is held in a neutral location, so you're not coming in on  
6 anyone's turf. You're not coming in to have your family  
7 meeting at the agency. You're not going to a family's  
8 home. It's really somewhere where everyone feels the same  
9 emotional feeling to coming in.

10           And what is also nice is the facilitator, who is  
11 going to help the family through this process, has very  
12 limited information about the family to ensure that they  
13 remain neutral, and this ensures that families are driving  
14 their meeting and it's not being driven by service  
15 providers.

16           Now, the average length of coordination, the time  
17 to prep the families to make sure that they're ready to go  
18 to this conference, is about 30 hours. It takes a lot of  
19 time to meet and talk with all the family members to make  
20 sure that they're prepared to have a strength-based,  
21 positive meeting. And they're often scheduled within  
22 30 days of receiving the referral.

23           In cases, though, that involve sexual abuse or  
24 domestic violence, then you will see that conferences will  
25 take longer, and that's because the coordinator needs to

1 ensure that all safety measures are taken and put into  
2 place before having any kinds of conferences that involve  
3 sexual abuse or domestic violence.

4           We've had many cases with domestic violence that  
5 have proved to be very successful. However, again, it's  
6 the amount of time and the preparation in that coordination  
7 to ensure that safety.

8           Family group conferences. Once the family gets  
9 their meeting, the average length is about 4 hours. We do  
10 do rapid safety conferencing, which talks about the bill  
11 that's being passed, 2500 -- bill 2500? Is that how I  
12 refer to it? HB 2500, and we do rapid safety conferencing,  
13 and that's when safety concerns are imminent and they are  
14 looking at immediate removal.

15           We do those referrals in about 24 to 48 hours.  
16 And it may not have all the extended family members, but it  
17 has key players to come together and to identify, okay, we  
18 have a serious safety concern right now; what needs to be  
19 done within the family to either address this and how are  
20 we going to go forward in a positive way and a safe way for  
21 the children?

22           Those conferences are held, again, within 24 to  
23 48 hours. We will have a follow-up conference, though,  
24 that will include all the additional extended family  
25 members, because that will give us some more time to make

1 sure that there's a safety plan put in effect immediately  
2 to address that concern and then bring together the  
3 extended family supports to continue that safety net for  
4 that child.

5 Now, there are times where during family group  
6 decisionmaking conferences some key players cannot be  
7 present, whether it's due to distance, timing, whatever it  
8 could be. So we ask and work very hard to still have those  
9 key family supports at the meeting, even though they may  
10 not be there in person. So we have webcammed families in  
11 or phone conferenced them in or had them write a letter to  
12 include their support as well as their information sharing,  
13 and that has become a very important part, because families  
14 feel guilty. It's hard to get sometimes 30 people together  
15 for a conference at the same day and time, but it still  
16 allows the family to know that they're supported. Even  
17 though that person could not be there at the first  
18 conference, they're there then at the follow-up conference.

19 And I wanted to, I'm not sure how many of you  
20 have actually -- how many of you have been to a family  
21 group conference? Okay; good. So I'd like to explain to  
22 you what it's going to look like.

23 When you are a family member going to the  
24 conference itself, we start off, the family arrives at a  
25 neutral location, and they start off by doing a family



1 ritual, whatever is tradition to their family. Some may  
2 have none. It's an optional part of the meeting, but again,  
3 like Sandy had said, we start off oftentimes with prayers  
4 or poems. Then we go into the information sharing part,  
5 and that's where everyone will do introductions and how  
6 they're connected to the family. We will discuss  
7 guidelines, guidelines that we ask everyone to follow,  
8 expectations throughout the meeting to ensure that it is  
9 strength based and remains to be a positive meeting. We  
10 will discuss the purpose of why we're there today, roles,  
11 strengths of the family, concerns for the family, reviewing  
12 of the bottom-line goals -- again, what this whole meeting  
13 is about -- as well as resources.

14           After the information sharing part, the family  
15 will break and they will share a meal together, and the  
16 coordinator will have a meal prepared for the family or  
17 catered for the family to their liking. So sometimes we  
18 have kids who will say, geez, you know, I've been in foster  
19 care and I really think about my Aunt Mary's potato salad,  
20 because that's what they thought about when they were  
21 within the family. That felt like home to them. So we ask  
22 the family members at times to bring a meal or a dish to  
23 the family meeting to make it very personal. If that's not  
24 the case, then we do arrange for favorite foods of the  
25 family to bring them together. And oftentimes it has been

1       awhile since they've shared a meal.

2               After a meal, they will go into the very most  
3       important part of the family conference, and that's the  
4       private family time. That's the time where just the family  
5       remains in the room, family and family supports. Any  
6       service providers, paid professionals, leave the room so  
7       that the family has really uninterrupted, uninfluenced time  
8       to create a good plan that will fit their needs and that  
9       they are comfortable with.

10              And private time, this is what really truly sets  
11      this process apart from any other process, because it's  
12      family driven. It puts the planning into the hands of the  
13      family, and the family members become the experts to  
14      determine what's best for their needs, and the agency  
15      becomes more the role of consultant who will share  
16      concerns, resources, and information. This practice  
17      functions under the belief that families really know what's  
18      best for themselves, more than we ever will.

19              And it's really quite refreshing to see families  
20      come together, and as a worker and working with agency  
21      staff at the meeting, they come out 4 hours later and go,  
22      oh my gosh, I never knew, I've been working with this  
23      family for 5 years and never knew all that information that  
24      I found out at this family group meeting in 4 hours.

25              So bringing the families together in this private

1 family time allows them to create a plan that is more  
2 creatively and effectively meeting their needs. And  
3 oftentimes you'll find families are more strict on  
4 themselves than the agency is on them, and they're more  
5 detailed in their plan.

6 Private family time increases the family's  
7 ownership by having the family and extended resources take  
8 over the decisionmaking and bringing accountability back to  
9 the family. It allows a safe environment to discuss and  
10 resolve any issues that exist within the family dynamic  
11 that might have otherwise hindered them in going forward to  
12 working together for a successful future. This process  
13 ensures a plan will be specifically fitting the needs of  
14 the family, and the family is more likely to follow a plan  
15 that they have created over the agency.

16 Once they've created their family plan, the next  
17 step in the conference is to invite the caseworker and  
18 professionals back into the room. The plan will be  
19 reviewed and presented. If at that time there are any  
20 additional questions or anything else more specific needed,  
21 the caseworker or probation officer will ask at that time.  
22 If the caseworker needs anything more specific or feels  
23 that it needs to be addressed more, perhaps the family will  
24 go back into private family time and come back out with  
25 those specifics.

1           Once the plan has been accepted, then the family,  
2 we normally take a family photo of them afterwards so  
3 they'll have a remembrance of this process, and then we'll  
4 conclude the meeting and also start the scheduling for a  
5 follow-up meeting. And the follow-up meeting is very  
6 important to make sure that we are monitoring the plan.

7           What the family plan includes -- and I believe  
8 one of you had asked what the family plan actually looks  
9 like -- the family plan includes detailed and measurable  
10 steps the family is in agreement to taking. It addresses  
11 the bottom lines identified at the conference. In  
12 addition, it states steps on how these -- it will state  
13 ways these steps will be taken and who is responsible for  
14 taking these steps and what a backup plan is in case their  
15 first plan doesn't go exactly the way that they had thought  
16 it would.

17           It includes a family volunteer who will be  
18 willing to help and monitor that plan. Now, it's very  
19 important to have a monitor, because the family is not  
20 going to always be involved with an agency. In fact,  
21 that's the goal, to decrease agency involvement. So it's  
22 having the family members really step up and say, I'm going  
23 to be the one that will help you monitor; I'm going to be  
24 the one that will make sure that people are following  
25 through on what they need to do. And that may not mean a

1 monitor for every different goal, but it's really putting  
2 it back into the family's hands. And the service providers  
3 and community resources may also be included in their  
4 family plan as supports to help address some of the family  
5 goals, but it's really all family driven.

6           After the family group decisionmaking meeting is  
7 held, each participant will receive a copy in the mail of  
8 everything discussed that day in about 5 to 7 business  
9 days. We usually hold a follow-up meeting in about 4 to  
10 6 weeks following that initial conference to ensure the  
11 longevity of the plan, the effectiveness of the plan, and  
12 it gives the family the opportunity to make minor changes,  
13 if needed, and to note all the progress that they have  
14 made.

15           Any family group participant can request a  
16 follow-up meeting at any time. If Aunt Sally says to me,  
17 Amy, we had this conference last Tuesday; no one is doing  
18 what they said they're going to do, we need to come back  
19 together immediately. We cannot wait 4 to 6 weeks. We're  
20 going to get right back together and say, where's the  
21 breakdown? What can we do to modify changes? Family, what  
22 are you willing to do to get this to a place where you are  
23 showing some more progress?

24           They can call that follow-up meeting at any time.  
25 And most of the families that we're involved with that go

1 to conference have two follow-up meetings -- again, to  
2 ensure longevity, and to make sure their plan is working  
3 for them.

4 Angela is going to talk to you about some of the  
5 cooperation by the families and the compliance with the  
6 service plans.

7 MS. PALMER: Yes; how family group conference  
8 plans are incorporated with family service plans.

9 Again, going back to the fact that family group  
10 conferencing is a voluntary practice. This is something  
11 that the workers engage the families into doing so that  
12 they can become the decisionmakers and the planners for  
13 themselves.

14 When it is utilized by families, it gives them  
15 ownership in the plan. I think it was Sandy that spoke to  
16 the system used to tell families what they're going to do,  
17 how they're going to do it, when they're going to do it.  
18 This is an opportunity for the family to identify what  
19 needs to be done to ensure for the safety of their children  
20 and develop that plan with action steps in that plan that  
21 they themselves are going to take to reach the ultimate  
22 goal, which, again, is safety of that child.

23 In that ownership, when things don't go, when  
24 things don't work, they have to look within themselves,  
25 within that family unit, as to why it didn't work. It

1 doesn't mean they failed, not at all; it just means that  
2 they have to come back to the table, look at that plan  
3 again, and tweak it and then continue to move forward with  
4 their family.

5           This practice fosters independence from  
6 government agencies. Again, giving them the power to come  
7 together during that family private time, remembering that  
8 most of the families that we work with in child welfare,  
9 they don't know about planning. They live in the second  
10 that they're living in. Asking them what's going to happen  
11 the next day is like asking them what is the next number  
12 that's going to be picked in the lottery. They don't know.  
13 But this provides them the tool to come together, to talk  
14 as a family, and to develop that plan, and hopefully moving  
15 them forward to doing that independent of any government  
16 agency.

17           Some of the reactions that we have from families  
18 to family group decisionmaking. Do they all, every single  
19 one of them, have a conference? Absolutely not. Do they  
20 all have a conference right at the time we present it to  
21 them? Absolutely not. It is a conversation. It is a  
22 normal way of doing business. It is engaging and  
23 encouraging that family to become independent and to  
24 eventually sit down and address the concerns with their  
25 support network to move forward.

1           Measuring a successful conference. There are  
2 many ways to measure a conference. The family creating and  
3 following their plan to improve current issues in the home;  
4 that's one way of measuring it. Are they doing their  
5 normal everyday business differently than what they were  
6 doing before they became involved with the categorical  
7 agencies?

8           Increasing family supports and involvement long  
9 term; reconnecting them with families. Do they have  
10 another support person that they can call to? Do they have  
11 an action plan as to what they're going to do when things  
12 start getting heated in their family again?

13           Children fostering and strengthening family  
14 connections. Again, we can't say that enough about  
15 fostering those connections, about family finding and  
16 making those connections for kids.

17           Children being returned home from---

18           MAJORITY CHAIRMAN HARPER: I hate to do this to  
19 you, Angela, but you're going to have to speed up and be a  
20 little more efficient today.

21           MS. PALMER: Okay.

22           MAJORITY CHAIRMAN HARPER: Because we've got  
23 other testifies who have been waiting a long time, and we  
24 don't want to cut them off for lack of time. Okay?

25           MS. PALMER: I do apologize.



1 MAJORITY CHAIRMAN HARPER: That's okay.

2 You've given us the written testimony, so we can  
3 all follow along where you are---

4 MS. PALMER: Okay.

5 MAJORITY CHAIRMAN HARPER: ---but we just need  
6 you to conclude, give us your high points, and then we'll  
7 have to move on to some other testifier.

8 MS. PALMER: Okay. Again, I do apologize.

9 We'll move into the outcomes portion now.

10 MS. CARR: I'm going to quickly go over some of  
11 the outcomes from JusticeWorks YouthCare.

12 I want you to remember that the State average is  
13 44 percent -- 44 percent of successful, completed  
14 conferences over each county. That's what the -- at this  
15 point, JusticeWorks has, since the inception of family  
16 group in our agency in 2009, has served over 220 families.  
17 One hundred fifty of them have gone to conference, and  
18 we're looking at a 70 percent success and completion rate  
19 of these conferences.

20 Timelines. We have 5 percent of them are rapid  
21 safety conferences. Twenty-three percent of these  
22 conferences have happened with less than 30 days.  
23 Forty-eight percent have happened between 31 to 60 days,  
24 and then 15 percent were more than 60 days. Fifteen of  
25 those percents that have gone more than 60 days are because

1 of domestic violence or sexual abuse. Out of those  
2 220 families, most of those referrals, the reasons, and the  
3 most common, were for reunification, preservation, and for  
4 children aging out of care.

5 MS. PALMER: In Dauphin County, it is our normal  
6 practice to track data and use the outcomes to inform the  
7 evolution.

8 In 2012, we have had 308 referrals for family  
9 group conferencing, of which 194 have actually gone to  
10 conference. Now, there is a difference in that number, and  
11 that difference could be that some of them are still in the  
12 coordination process and the reality that not every single  
13 referral that is made actually goes to a conference.

14 We have avoided placements by using family group  
15 conferencing by 39, so that's a total of 39 placements that  
16 have been avoided due to family group conferencing, and  
17 then due to family finding, we have avoided 87 placements.  
18 That results, from October 31, 2008, to August 31, 2012,  
19 our placement numbers have gone down in Dauphin County  
20 33.7 percent.

21 As I'm sure you'll all agree with numbers that  
22 high, success cannot be refuted with regard to family group  
23 conferencing and family finding. We hope that today you  
24 have learned the importance and value of empowering  
25 families to not only have a plan for the present but to

1 also have a plan for the future. Mere words cannot  
2 describe the transformation a family goes through when they  
3 realize they possess the power within themselves to be an  
4 agent for change.

5 So instead of us sitting here trying to find the  
6 words to describe the indescribable, we invite you to  
7 observe a conference and see this transformation for  
8 yourselves. It is truly priceless.

9 Thank you so much for your time and attention.

10 MAJORITY CHAIRMAN HARPER: Thank you. Thank you  
11 very much.

12 I'm going to ask for questions, and then we'll be  
13 taking a break.

14 Chairman, do you have a question?

15 MINORITY CHAIRWOMAN BISHOP: Thank you very much.  
16 Your information has been very informative.

17 What happens to that small number which is less  
18 than the successful one? What do we do with those that are  
19 not able to be placed? How do we handle those?

20 I think you said about 37 percent of them or  
21 18 percent of them were not placed. The largest amount are  
22 placed in the conferences.

23 MS. PALMER: Are you referring to those who  
24 are---

25 MINORITY CHAIRWOMAN BISHOP: What happens to that

1 percentage that are not conferenced or not placed after the  
2 conference?

3 MS. PALMER: The referrals that are made where it  
4 does not go to conference -- is that what you're referring  
5 to?

6 MINORITY CHAIRWOMAN BISHOP: Yes.

7 MS. PALMER: We continue to engage that family.  
8 It just means that at that time that that referral was  
9 made, that family was not ready to have a conference.

10 We just continue to have -- there are various  
11 different meetings we can have to lead up to a conference,  
12 getting them to widen their circle, to identify resources.  
13 We just continue the process of engaging and empowering  
14 that family.

15 If it is a situation where their safety is at  
16 risk, then we don't wait for the family to have a  
17 conference to make those decisions; we just move forward to  
18 ensure for the safety of those kids.

19 MINORITY CHAIRWOMAN BISHOP: And the last  
20 question was, are there times when you cannot get family  
21 members involved enough to have a conference? And if the  
22 answer is no, what do you do in a case like that?

23 MS. PALMER: Absolutely there are times when we  
24 just, despite our engagements, we just can't get that  
25 family to come to the table because there are years and

1 years and layers and layers of stuff that has gone on. So  
2 we don't allow that to stop the conference from happening,  
3 because that's maybe perhaps one or two individuals. We go  
4 ahead and encourage that family to move forward with their  
5 conference, all the while still engaging the other family  
6 members, keeping them near so that in the future when they  
7 conference again, building those relationships, perhaps  
8 that person can come to the table then.

9 MAJORITY CHAIRMAN HARPER: Thanks.

10 Representative Moul.

11 REPRESENTATIVE MOUL: Thank you, Madam Chair.

12 And thank you guys for what you do.

13 Just very quickly: Amy, your organization is a  
14 subcontractor?

15 MS. CARR: Correct; yes. JusticeWorks YouthCare,  
16 and we contract directly with Children and Youth to provide  
17 a variety of services, one of them being family group  
18 decisionmaking.

19 REPRESENTATIVE MOUL: How many counties do you  
20 serve with your family group decisionmaking?

21 MS. CARR: Over 10.

22 REPRESENTATIVE MOUL: Really? And growing.

23 MS. CARR: And growing.

24 REPRESENTATIVE MOUL: Okay.

25 I don't know that this panel is the right panel

1 to ask this question: Do you know of a study that anyone  
2 has done that looks at the percentage of good outcomes of  
3 children that went through foster care, placement in  
4 foster, versus placed back with some kind of family care?  
5 Has anybody ever done that study?

6 I see Bev back there saying yes, we have. That  
7 question just popped in my mind. It would also add more  
8 credence to, this is definitely the direction we need to go  
9 if those kids generally turn out to be more successful.

10 MS. CARR: I don't have that.

11 REPRESENTATIVE MOUL: One would tend to think so.  
12 I just don't know if there has ever been a study done.

13 There has. Thank you.

14 MAJORITY CHAIRMAN HARPER: All right. Deputy  
15 Secretary Mackereth, if you could get somebody to provide  
16 the committee -- if you have something on that, an article  
17 or, you know, a little white paper on any national studies,  
18 I think that would be helpful for the committee to have.

19 REPRESENTATIVE MOUL: If you would just get it to  
20 John, I would really appreciate that.

21 Thank you. I appreciate it.

22 MAJORITY CHAIRMAN HARPER: Thanks.

23 Representative Samuelson.

24 REPRESENTATIVE SAMUELSON: Thanks.

25 I appreciate the goal of this legislation to

1 encourage more family conferences, and I think I heard you  
2 say that in Dauphin County about two-thirds, actually, of  
3 the cases go to family conferences. This one bill,  
4 HB 2500, has a requirement that within 5 years, the county  
5 agency shall offer all children and families the  
6 opportunity to engage in family conferencing. Is that  
7 workable, that every single family would be offered that in  
8 either Dauphin or the 10 counties that you work with?

9 MS. PALMER: Is it possible? Absolutely it is,  
10 because it is our hope that this will just become a normal  
11 way of doing business: engaging families, empowering  
12 families, to be decisionmakers and planners for themselves.

13 MAJORITY CHAIRMAN HARPER: So the follow-up is,  
14 the ones who don't make it, you offered them the  
15 opportunity but they're just not ready.

16 MS. PALMER: Right.

17 MS. CARR: And if you don't mind me adding to  
18 that, I absolutely feel that it can be offered to all the  
19 families. And oftentimes I think the best time to offer  
20 is at the intake process, when they're just coming into the  
21 agency, to stack that family resource and network so that  
22 they can go forward without having to have further  
23 involvement. But some families are ready for this process  
24 in different stages, and it is different stages of the

1 agency involvement, but it is absolutely possible. And a  
2 lot of counties are already doing that.

3 REPRESENTATIVE SAMUELSON: And the other question  
4 is with the other bill, HB 2499. I think you said that not  
5 all the family conferences involve the entire extended  
6 family, don't involve 30, 40 people.

7 MS. CARR: Correct.

8 REPRESENTATIVE SAMUELSON: Any concern with this  
9 legislation which says the county agencies shall provide  
10 notice to all relatives within 5 degrees? So if I'm  
11 reading that correctly, the county would be responsible for  
12 notifying everybody out to the level of second cousin. Is  
13 that going to be workable? Is that what's currently done?

14 MS. DOMALSKI: I think it is. I think it's as  
15 much as we know. There's no computer system or any kind of  
16 system at this point where we can put your name in and find  
17 every person that you're related to. So as much as we know  
18 those people, they're invited and they're kind of brought  
19 into the situation.

20 And then there is a process through family  
21 finding of kind of the narrowing down of just, you're part  
22 of the family and, you know, you're kind of distantly  
23 related, you come to Thanksgiving, and people that actually  
24 want to really help the family and actively participate in  
25 that.



1           REPRESENTATIVE SAMUELSON:  If this bill requires  
2 everybody to be notified, who would then decide which  
3 family members are in and which family members are out?  Or  
4 is everybody who is invited invited to be part of that  
5 family conference?

6           MS. DOMALSKI:  That's a process that happens with  
7 the family.  A lot of times the people that are notified  
8 are the ones that are brought to the conference, and then  
9 you kind of see who shows up and who really wants to be an  
10 active part of that.  But all of this goes back to the  
11 family.  And even how earlier we had talked about the  
12 family being safe if you pick a family member to involve in  
13 placement, it all goes back on the family.

14           So a lot of times, in my experience, family is  
15 very honest and family will say, this person cannot come  
16 because of their history, or this is what they've done, or  
17 this is---  So really involving the family in the  
18 coordination process of, are these people safe, are these  
19 people going to be positive for your meeting, is really  
20 important and is key.

21           MS. CARR:  And it really comes back to the  
22 nucleus family who's making those decisions of who they  
23 would like to have at their conference.  It's great to have  
24 those extended family members so they can say, you know  
25 what?  I forgot about them; you know, I didn't even think

1 of them. And it's surprising, because you'll meet with a  
2 family, the parents, and they'll say, these are all the  
3 people that we have; that's it; that's our only supports.  
4 And then you talk to the children, and then you talk to the  
5 aunt, and you'll see that you're uncovering and you're  
6 widening the circle to find out there really is a great  
7 deal of more supports. And what may be a support to the  
8 parents is different than who is a support to the child.  
9 So it's really widening that circle and making sure  
10 everyone has been identified -- whether they're invited to  
11 the conference, but everyone is identified. And what  
12 you're looking at is the biological. We're also extending  
13 that out to nonbiological.

14 REPRESENTATIVE SAMUELSON: Everyone is notified  
15 but not everyone is invited? Is that what you're saying?

16 MS. CARR: Not everyone -- for the family group  
17 decisionmaking process? Not everybody has to be invited  
18 within a family.

19 REPRESENTATIVE SAMUELSON: Okay.

20 MAJORITY CHAIRMAN HARPER: Great. And it's also  
21 for placement, right?

22 The Act 80, which already exists, you know, which  
23 recently passed, has the "shall provide notice" language.  
24 But the point at which you "shall provide notice" is, I  
25 think, when you're going to do placement.

1 MS. DOMALSKI: At imminent risk or at the time of  
2 placement.

3 MAJORITY CHAIRMAN HARPER: Right; right. So if  
4 you're not going to do a placement, you're going to try to  
5 support them, you actually don't need to do that.

6 MS. DOMALSKI: Right. We still use the  
7 principles and we still use the tools that we have in order  
8 to engage family even before placement is ever on the  
9 table. It's preventative.

10 MAJORITY CHAIRMAN HARPER: All right. Thank you  
11 very much, ladies. We appreciate your coming.

12 MS. DOMALSKI: Thank you.

13 MAJORITY CHAIRMAN HARPER: We're a little behind  
14 schedule. That always happens when we get deeply involved  
15 in the testimony that our witnesses are providing to us.

16 So I'm not going to take a break. Now, if you  
17 have to take a break, run out and come back, okay?

18 So I would like to move this along and ask  
19 Charles Songer to come up, the Executive Director of the  
20 Pennsylvania Children and Youth Administrators Association  
21 and on behalf of the County Commissioners, to testify.

22 Mr. Songer, you can take down Amy's nametag  
23 there. If you can, that would be helpful.

24 And I appreciate your waiting so long. It's an  
25 important topic. We're trying to cover a lot of ground.

1 And so we'd like to hear -- we would be particularly  
2 interested in hearing from you to see whether, is this  
3 doable? Should we make it statewide? Is it going to  
4 happen? That kind of thing.

5 So go ahead; you've got the floor.

6 MR. SONGER: Okay. Thank you very much.

7 You have my written testimony, so I'm not going  
8 to get into all of the nuts and bolts. Suffice to say that  
9 like Bev, we go back pretty far. I'm entering my 40th year  
10 in the child protective services system in Pennsylvania at  
11 a variety of levels.

12 The issues really that I'm hearing from our  
13 members are not that these aren't all great ideas; they  
14 are, and they're practices that many of the counties are  
15 already doing. The issues have more to do with some  
16 definitional concerns in terms of the requirements.

17 We were just talking about the 2500 requirement  
18 that all families be offered the family conferencing and  
19 all families receive children and youth services. Well,  
20 there's a very broad range of services, and being required  
21 to offer this to everybody that comes to the agency door  
22 could be problematic in terms of time. We would prefer  
23 that it be for families, the requirement for families that  
24 are accepted for service, not those that are still under  
25 intake and investigation.

1           And the same is true in terms of the concern with  
2 the family finding. Certainly there will be times when we  
3 are dealing with a family at the intake level or certainly  
4 in general protective services where extended family, kin,  
5 or the other folks that are included in the definition  
6 might be appropriate and the family will want to bring them  
7 into the process. But the requirement that it be utilized  
8 across the board for everybody coming in for agency  
9 services is something that we would like to work with you  
10 on in terms of refining that a little bit.

11           We certainly have no issue with the idea of  
12 family conferencing or family finding. It is critical that  
13 we utilize any and all family resources to resolve a  
14 problem where we can get that kind of engagement and  
15 interest by the family and extended family to resolve  
16 whatever the presenting problems are as well as the  
17 underlying problems, because very few of the things that we  
18 deal with are simple.

19           For every complicated problem there's a simple  
20 answer: That's wrong, and we need to drill down a lot more  
21 than that. And other family members and community resource  
22 people can be very valuable there. We would just like to  
23 see it refined a little bit in terms of, at what point in  
24 the agency's involvement do we offer this particular  
25 service?

1           The other caveat that I would want to point out  
2 is in terms of the sheer number of families that the county  
3 agency typically deals with in a year. Ninety percent of  
4 them never go to court. And in my experience, which goes  
5 back to when the Juvenile Court Act came into being and  
6 then the Child Protective Services Law, the idea was to  
7 divert as many families from the court as we possibly could  
8 provided that safety was met.

9           So there is that part as well that perhaps some  
10 minor refinements in the way the definitions are applied or  
11 the requirements are applied here vis-à-vis the court  
12 versus county-agency-only involvement and decisionmaking  
13 would be appropriate.

14           I don't want to get into an extended discussion  
15 out to the fifth degree of consanguinity or affinity. I  
16 know about Act 80, and some of the comments by the  
17 testifiers before me makes me a little more comfortable  
18 with that process, because there are families where you  
19 could end up with quite a crowd of people engaged in this,  
20 some of which would be helpful, some of which perhaps not.  
21 And the parents of the subject child should have some say,  
22 not total but some say in the process of who's sitting  
23 around the table and who isn't.

24           And with that, I will stop and be happy to  
25 entertain any questions.

1 MAJORITY CHAIRMAN HARPER: Okay. I have the  
2 first question.

3 MR. SONGER: Yes, ma'am?

4 MAJORITY CHAIRMAN HARPER: You make me a little  
5 nervous when you say that you think that these concepts  
6 should only be applied for children who are being  
7 considered for placement.

8 MR. SONGER: No, I said---

9 MAJORITY CHAIRMAN HARPER: It seems to me that  
10 the tenor of the testimony today has been that if you apply  
11 these concepts across the board, you're going to avoid  
12 placement.

13 MR. SONGER: Okay.

14 MAJORITY CHAIRMAN HARPER: So you wait too long,  
15 I think, if you're only looking at those children who you  
16 think are going to have to be placed.

17 MR. SONGER: Okay. If I said "placement," I  
18 misspoke.

19 MAJORITY CHAIRMAN HARPER: Been accepted for  
20 service.

21 MR. SONGER: Be accepted for service.

22 MAJORITY CHAIRMAN HARPER: But your written  
23 testimony seems to equate that with either adjudication or  
24 placement. So I guess I'm trying to figure out when you

1 think you might feel comfortable applying these concepts  
2 and when not.

3 MR. SONGER: I think when a family is accepted  
4 for service, there is a defined issue that meets the  
5 criteria in either the Juvenile Court Act or the Child  
6 Protective Services Law that the family is agreeing to work  
7 on, and if the standards for accepting for service vary a  
8 little bit from county to county, sometimes there are  
9 issues that a family will come in and want to have  
10 addressed that may not specifically meet one of the  
11 categories of dependency or abuse.

12 But I think if the agency and the family have  
13 agreed to work together on an issue, then certainly these  
14 services should be offered and applied. Those cases may or  
15 may not ever end up to the degree of safety concern where  
16 the child is at risk or imminent risk of placement.

17 MAJORITY CHAIRMAN HARPER: Right. It seems to me  
18 we have a philosophical issue here.

19 MR. SONGER: Okay.

20 MAJORITY CHAIRMAN HARPER: Is "accepted for  
21 service" a term of art?

22 MR. SONGER: Perhaps.

23 MAJORITY CHAIRMAN HARPER: Well, I'm trying to  
24 figure out how we would define that, you know?

25 MR. SONGER: Yeah.



1 MAJORITY CHAIRMAN HARPER: Our Executive Director  
2 says there is such a term in the Child Protective Services  
3 Law.

4 MR. SCARPATO: I don't have the language at my  
5 fingertips, but it is defined in the Child Protective  
6 Services Law.

7 MR. SONGER: Right.

8 MAJORITY CHAIRMAN HARPER: I'm going to ask the  
9 Executive Director to hand that out to the committee and  
10 also to provide you with a copy of that so that maybe you  
11 can help us understand where in the continuum of services  
12 you think this type of a service would be appropriate.

13 MR. SONGER: Okay.

14 MAJORITY CHAIRMAN HARPER: Because the big  
15 problem with legislation is always making the sausage.

16 MR. SONGER: Sure; sure.

17 MAJORITY CHAIRMAN HARPER: What do you put in?  
18 What do you leave out? What do you put in the casing?  
19 What do you not, you know?

20 MR. SONGER: Right.

21 MAJORITY CHAIRMAN HARPER: So that would be  
22 helpful for us if we could get a better feel for that.

23 MR. SONGER: Okay. And one additional attempt  
24 I'll make is when a family comes to the agency or is  
25 referred to the agency, we go through an investigation and

1 evaluation process, and at the end of that process we  
2 determine with the family whether or not there is an issue  
3 that the agency must get involved with or that the family  
4 might want us to become involved with. If neither of those  
5 apply, the intake and evaluation are closed and that's the  
6 end of the story.

7 MAJORITY CHAIRMAN HARPER: Okay.

8 MR. SONGER: If there is an agreement with the  
9 family on an issue or the issue in the family is such that  
10 we might have to file a petition if the family refuses to  
11 cooperate, then that family would be accepted for service  
12 and we would move forward.

13 So it's when we get past the point of determining  
14 that there is an issue, that the family wants our  
15 assistance with or that we feel compelled under the law to  
16 offer assistance, that's when we accept them for service  
17 and that's when I would suggest that we get into the family  
18 finding and some form of family conferencing. And that's  
19 the only other caveat that I have, and that is, we wouldn't  
20 want to prescribe a particular treatment modality.

21 MAJORITY CHAIRMAN HARPER: All right.

22 Now, the bill as written says, "...shall offer  
23 all children and families who are receiving children and  
24 youth social services an opportunity...."

25 MR. SONGER: Right.

1 MAJORITY CHAIRMAN HARPER: And that is broader  
2 than what you're saying it should be.

3 MR. SONGER: Yes.

4 MAJORITY CHAIRMAN HARPER: That's the language.

5 MR. SONGER: That would include the intake and  
6 assessment group, which we would like to tweak so that that  
7 is not part of the package.

8 MAJORITY CHAIRMAN HARPER: Okay.

9 Questions? Anybody? Louise?

10 MINORITY CHAIRWOMAN BISHOP: I guess this is not  
11 the time, but I have to put my two cents in.

12 I don't know how we could make that service  
13 available to some and not make it available to all. So try  
14 to explain that to me so that I can be supportive of the  
15 legislation.

16 MR. SONGER: Okay. My comment would be that  
17 while we're assessing the need for service with a family is  
18 not necessarily the time to get into family finding and  
19 family conferencing. It would be once we decide that there  
20 is an issue that needs to be resolved, that we would  
21 utilize those tools in 2499 and 2500.

22 MAJORITY CHAIRMAN HARPER: Anybody else?

23 Representative Moul.

24 REPRESENTATIVE MOUL: Thank you, Madam Chair.

25 Just so I'm clear, what you're trying to say is

1 that we need to draw a line in the sand as to, this is when  
2 it applies and you don't apply it until we reach this  
3 point---

4 MR. SONGER: Yes, sir.

5 REPRESENTATIVE MOUL: ---i.e., anybody can  
6 complain.

7 MR. SONGER: And they do.

8 REPRESENTATIVE MOUL: Anybody can pick up the  
9 phone and call Children and Youth and say, I think my  
10 neighbor is abusing his child.

11 MR. SONGER: Right.

12 REPRESENTATIVE MOUL: Until we go out, Children  
13 and Youth goes out and discovers that there is a need to  
14 get involved, this does not apply. But once they say yes,  
15 this is valid, now it does.

16 MR. SONGER: Yes.

17 REPRESENTATIVE MOUL: That's what you're getting  
18 after here.

19 MR. SONGER: That's what I'm trying to say. I  
20 apologize if it's---

21 REPRESENTATIVE MOUL: Okay. Just so I'm clear on  
22 it.

23 MAJORITY CHAIRMAN HARPER: And I think the other  
24 issue is, intake and assessment are both services.

25 MR. SONGER: Yes.

1 MAJORITY CHAIRMAN HARPER: So if the neighbor  
2 calls and you go out and take a look to see if you need to  
3 do an intake and assessment, you believe that the way the  
4 language of this bill is written would already require you  
5 to offer them these services.

6 MR. SONGER: Yes.

7 MAJORITY CHAIRMAN HARPER: We're only offering,  
8 actually.

9 MR. SONGER: Yes, except for the family finding.

10 MAJORITY CHAIRMAN HARPER: Okay. But that  
11 actually is already the law, so beyond the purview of this  
12 committee on some of it. The fifth degree of consanguinity  
13 is in the new law.

14 MR. SONGER: Oh, yes. But again, it's when we  
15 apply -- how we define "agency services" and when we cross  
16 the line that Representative Moul was talking about.

17 MAJORITY CHAIRMAN HARPER: Got it. Okay.  
18 Representative Samuelson.

19 REPRESENTATIVE SAMUELSON: Yes; a follow-up.

20 Just some numbers here. How many cases are there  
21 across Pennsylvania that go through the intake process, and  
22 then about what percentage actually go through the point  
23 where you decide services are needed?

24 MR. SONGER: I don't know that we actually have  
25 that data anywhere, which is a whole nother issue. But in

1 my experience, when I was working at the county, if we got  
2 100 referrals of all kinds in a given month, 50 or 60 of  
3 those might be accepted for service, 5 or 10 might actually  
4 be serious enough to end up in court if there was a safety  
5 issue that required placement or if we and the family  
6 couldn't resolve the safety issue and we filed a petition,  
7 so roughly those areas. And perhaps the current county  
8 staff here could offer better numbers, but that's the kind  
9 of figure that I recall from my years in the county.

10 REPRESENTATIVE SAMUELSON: Yeah; if we have a  
11 requirement that all cases be offered this service, we  
12 should have an idea of how many cases we're talking about  
13 in all those 67 counties.

14 MAJORITY CHAIRMAN HARPER: Well, it's all  
15 families who are receiving children and youth social  
16 services. That's the operative language that we're  
17 worrying over, because intake is a service.

18 MR. SONGER: Yes, ma'am. Right.

19 MAJORITY CHAIRMAN HARPER: All right. So that's  
20 what we have to crack down on.

21 REPRESENTATIVE SAMUELSON: So if we define it so  
22 that intake is not considered a service for the purposes of  
23 this bill, we still should have an idea of how many cases  
24 we're talking about---

25 MAJORITY CHAIRMAN HARPER: Right.

1           REPRESENTATIVE SAMUELSON: ---and whether all the  
2 counties could---

3           MAJORITY CHAIRMAN HARPER: I think we can get  
4 that from the Department of Public Welfare.

5           REPRESENTATIVE SAMUELSON: Okay.

6           MAJORITY CHAIRMAN HARPER: We can't? We don't  
7 know; okay.

8           Well, but the other issue is, on the other issue  
9 there's someplace between intake and a petition filed in  
10 court where these services might be very, very useful.

11          MR. SONGER: Yes, and that's---

12          MAJORITY CHAIRMAN HARPER: And then we have got  
13 to figure out where that line is.

14          MR. SONGER: Yeah. And I think the line would be  
15 at the point where the county and the family agrees to be  
16 accepted for service.

17          MAJORITY CHAIRMAN HARPER: For service.

18          MR. SONGER: Yes.

19          MAJORITY CHAIRMAN HARPER: So that's one  
20 solution.

21          MR. SONGER: Yes.

22          MAJORITY CHAIRMAN HARPER: Let's take a look at  
23 what that means in that context of the Child Protective  
24 Law, and if that works, then we'll have to have an  
25 amendment to the bill.

1 MR. SONGER: Okay.

2 MAJORITY CHAIRMAN HARPER: All right? Great.

3 Thank you for helping us there.

4 Anybody else? Nope.

5 Thank you for coming. I hate to give you the  
6 bum's rush, but we are still behind time here.

7 So if Kelli Thompson is here, we'll take Kelli  
8 next. She's the Government Relations Director for  
9 Pennsylvania Partnerships for Children.

10 Committee Members, you do have written testimony  
11 on this one.

12 MS. THOMPSON: Yes.

13 Hi. Thank you for having me this afternoon.

14 I just want to say that I'm here today for  
15 Todd Lloyd, who is our Child Welfare Policy Director, who  
16 is very sorry he couldn't be here. He's actually home with  
17 pneumonia. He was so committed to being here today he  
18 actually came into the office and we sent him home.

19 MAJORITY CHAIRMAN HARPER: And now you all have  
20 pneumonia.

21 MS. THOMPSON: Probably. And I will leave the  
22 hearing right after this so that I don't infect---

23 MAJORITY CHAIRMAN HARPER: Don't shake hands on  
24 the way out.

25 MS. THOMPSON: No, no, no, absolutely not;



1 absolutely not.

2 I know we're behind, but I will just provide you  
3 with some quick background on PPC, and I will jump right  
4 into our specific recommendations into the legislation. I  
5 think you can just imagine Pennsylvania Partnerships for  
6 Children joining the choir in all of the positive reasons  
7 of why these two pieces of legislation under consideration  
8 today are very important to our child welfare system. So  
9 just imagine me, you know, being a cheerleader or  
10 something.

11 Pennsylvania Partnerships for Children is a  
12 statewide, nonprofit, independent child advocacy  
13 organization. We use research and data to bring forth  
14 public policy recommendations, both here and with our  
15 congressional delegation in Washington, DC.

16 As I just said, PPC supports the expansion of  
17 family conferencing and family finding as strategies to  
18 engage all families routinely in the child welfare system,  
19 and we actually had the opportunity to engage with  
20 Representative Moul and John last fall in the development  
21 of this legislation, and we were very appreciative to be a  
22 part of that process. Many of our suggestions were  
23 incorporated into HB 2499 and HB 2500, but we still have  
24 some very specific concerns with certain provisions which I  
25 am going to try to address here today for you.

1           Congressional approval of the Federal Fostering  
2           Connections to Success and Increasing Adoptions Act in 2008  
3           really spurred family finding efforts across the country  
4           with the new requirement that relatives be notified within  
5           30 days of children entering foster care. We have talked a  
6           lot about Act 80 today, a couple of times. That was the  
7           State implementation this summer of this Federal Fostering  
8           Connections law.

9           However, there are important distinctions between  
10          the practice of family finding and requirements around  
11          notification, and this leads me to PPC's first concern with  
12          HB 2499. There's a significant difference between using  
13          family finding practices to search for and identify  
14          relatives and kin and then actually taking the subsequent  
15          steps to notify such people that they have family members  
16          involved with the child welfare agency.

17          The Federal law clearly establishes a right for  
18          extended relatives to be notified when children enter  
19          foster care, but HB 2499 goes much further than the Federal  
20          notification requirement requiring the identification and  
21          automatic notification of relatives and kin when a child is  
22          accepted for children and youth social services. This  
23          makes me think that this is part of the discussion that we  
24          just had with Mr. Songer earlier. This is a critical  
25          distinction, because most children served by the child

1 welfare system never enter foster care. That's a really  
2 important fact that bears recognition this afternoon.

3 Many of the challenges families are facing, such  
4 as inadequate food or housing, are resolved while children  
5 remain safely in their homes. In these cases, it is  
6 important for parents or caregivers to help decide which  
7 extended family members they want to involve in the  
8 services they receive.

9 PPC strongly recommends the House Children and  
10 Youth Committee not expand notification to include  
11 instances where children are only being served in their  
12 homes. Requiring agencies to identify relatives and kin is  
13 always important, but notifying them when a child or family  
14 is accepted for services, which could involve counseling or  
15 other treatment services, is simply too broad a requirement  
16 and, in our assessment, usurps power unnecessarily from the  
17 parents or the caregivers.

18 When children enter foster care, the context is  
19 absolutely fundamentally different. In these instances,  
20 it's important to notify relatives and kin as soon as  
21 possible, as they are the preferred means to ensure the  
22 most least restrictive or intrusive foster-care setting for  
23 the child. Developing a list of extended family members  
24 who could serve as potential kinship foster-care parents is  
25 an important reason to identify relatives and kin through

1 family finding activities prior to the children actually  
2 needing foster-care placement.

3 PPC would actually recommend that notification  
4 when children enter foster care be expanded to both  
5 relatives and kin, because in Pennsylvania we have a broad  
6 definition of "kin" to include neighbors, close family  
7 friends, maybe members of church, et cetera.

8 Related to HB 2500, there has been a lot of  
9 discussion today about family conferencing and more  
10 specifically on a specific practice of family conferencing  
11 that we have referred to as "family group decisionmaking"  
12 or "family group conferencing." But there are multiple  
13 models of family conferencing and variations of practice  
14 within models. All of them use a group conference where  
15 extended family are able to come together at the invitation  
16 of the parents, caregivers, or children to inform the  
17 development of service plans. Some models even look to the  
18 parents or caregivers to invite the professionals they want  
19 to involve. The concept of allowing parents and caregivers  
20 to invite participation is why I cautioned against  
21 automatically notifying kin outside of situations involving  
22 foster care.

23 PPC has concerns about prescribing the use of a  
24 specific model of family conferencing through statute.  
25 Models of practice can change over time, and local agencies

1 do need flexibility in tailoring interventions to best meet  
2 the needs of the families they serve. HB 2500 makes a  
3 specific requirement for private family discussion during  
4 the conference that allows families to meet independent  
5 from professionals. Not all models require this private  
6 family discussion. PPC would actually recommend that  
7 private family discussion be offered to all families as  
8 part of the conference but not necessarily required.

9 To PPC's knowledge, the only model that requires  
10 the use of private family discussion is family group  
11 decisionmaking. And family group decisionmaking is a model  
12 made available to families by most children and youth  
13 agencies, but other models are being used, and we think  
14 that bears recognition, that there are other models in  
15 practice. These other models could be adapted to include  
16 private family discussion, we think, if the family is  
17 provided with that option. Again, we recommend that  
18 counties offer private family discussion just so the  
19 statutory language doesn't inadvertently require one  
20 specific practice over another.

21 Regardless of the model, an important aspect of  
22 family conferencing is broadening the group of individuals  
23 who are invited to the table to help families resolve the  
24 issues that have led to their involvement with the child  
25 welfare system. It's important that families not be

1 limited in who they invite to their conference unless there  
2 is a safety concern.

3           With that said, it's equally as important that  
4 the child and their immediate caregiver are able to decide  
5 who is invited to the family conference. HB 2500 defines  
6 "family" as including relatives, and relatives are defined  
7 as "adults." So it is important to know that these  
8 definitions may inadvertently limit the involvement of  
9 siblings under age 21 from participating in a family  
10 conference and grant the authority to extended relatives to  
11 help decide who can be invited to the family conference.  
12 The only people who should have the authority to decide who  
13 can be invited to the conference are the child and their  
14 immediate caregivers. The use of the term "family" on page  
15 4, line 3, should be amended, in our recommendation, to  
16 limit this decisionmaking role.

17           As it relates to actually participating in the  
18 conference, we want to point out that siblings can be a  
19 vital source of support for a child receiving child welfare  
20 services and should not be excluded if they have the  
21 maturity to help inform the family service plan. So PPC  
22 actually recommends inserting language to allow a sibling  
23 of the child who is under age 21 to participate in the  
24 family conference if appropriate for the sibling's age and  
25 maturity. We actually provided proposed legislative

1 language to Chairwoman Harper, to John, and to  
2 Representative Moul with that language this summer that we  
3 think would easily resolve that issue.

4           We would also recommend that the committee  
5 consider a clear timeline for county agencies to implement  
6 the family conferencing requirements in HB 2500. While  
7 counties will need some time and flexibility to prepare to  
8 implement the statutory language, it's important to impose  
9 a deadline so that if there was some sort of phase-in, that  
10 we know that counties are making adequate annual progress  
11 by phasing in the offer of family conferencing to all  
12 children and families they serve. This was a part of our  
13 earlier recommendation to you just to reflect that this  
14 would be a big practice change for many counties, to offer  
15 it to all children.

16           MAJORITY CHAIRMAN HARPER: And when do you  
17 propose to do it?

18           MS. THOMPSON: We thought within 5 years, but  
19 maybe what we thought is that there could be a specific  
20 goal, like year 1, 15 percent; year 2, 30 percent, so that  
21 they're making consistent progress or something within  
22 5 years.

23           MAJORITY CHAIRMAN HARPER: You could deal with  
24 that? Okay.

25           MS. THOMPSON: Okay. That's good.

1           So those are our specific recommendations. I  
2 would just like to thank you for offering us the  
3 opportunity to testify today. If I can't answer any of  
4 your questions, Todd asked me to let you know that we will  
5 come back and we will provide you with written answers, and  
6 we're happy to come talk to you each individually to share  
7 PPC's perspective.

8           Thank you.

9           MAJORITY CHAIRMAN HARPER: Actually, your  
10 testimony was fine, and, you know, your written testimony  
11 is nice and specific. And Representative Moul may want to  
12 talk to you now or talk to you later about amendments to  
13 the bills.

14          MS. THOMPSON: Okay.

15          MAJORITY CHAIRMAN HARPER: What do you think,  
16 Representative?

17          REPRESENTATIVE MOUL: Thank you, Madam Chair.  
18 We can get together later on and work through  
19 these.

20          MS. THOMPSON: That's fine.

21          REPRESENTATIVE MOUL: I just do have a question.  
22 I would like to kind of get this off my mind now.

23          MS. THOMPSON: Yes?

24          REPRESENTATIVE MOUL: Why would you recommend not  
25 allowing the family to have the private time?



1 MS. THOMPSON: It's not that we're saying that we  
2 don't want them to have it; we do want them to have it. We  
3 just worry about -- we're concerned about requiring them to  
4 have it through statute.

5 So if you make the offer of a family conference,  
6 which HB 2500 does, they have to offer a family conference  
7 that has private family time, okay? What if the family  
8 doesn't want private family time? Our point is that there  
9 are other family conferencing models other than family  
10 group decisionmaking that maybe the family could be more  
11 comfortable, and it still has the elements of family  
12 conferencing that are outlined in your bill but maybe just  
13 not the private family time. It would still benefit them.

14 REPRESENTATIVE MOUL: How about if we write it so  
15 that we say, we will offer you private family time but you  
16 don't have to accept it and can have the professionals in  
17 the room. Is that what you're looking for?

18 MS. THOMPSON: I mean, I would like to sit back  
19 and actually like read a proposal and sit down with Todd  
20 and discuss it before I would actually commit to saying  
21 something like, that is something that we would support.

22 REPRESENTATIVE MOUL: Actually, let's get  
23 together and we'll work on it over the next couple of  
24 weeks.

25 MS. THOMPSON: Sounds good.

1 REPRESENTATIVE MOUL: Thank you.

2 MAJORITY CHAIRMAN HARPER: For the rest of the  
3 room, Section 1306-B says, "The family conference shall  
4 include a private discussion...", and actually our  
5 testifiers earlier talked about how valuable that  
6 experience is and how they really value it.

7 MS. THOMPSON: Absolutely, and we don't disagree.

8 MAJORITY CHAIRMAN HARPER: It just may be a  
9 "shall" or "may" situation or something else. The only  
10 thing we're worried about is, going back to Deputy  
11 Secretary Bev Mackereth's testimony, we really do need to  
12 make, if we're going to do this, we need a sea change in  
13 attitudes at the county level, and some counties need to be  
14 strongly directed to get them to go someplace. So it may  
15 be a "shall" or "may" or there may be some other  
16 recommendation, but we understand what you're saying.

17 MS. THOMPSON: Yes.

18 MAJORITY CHAIRMAN HARPER: You also value the  
19 private time.

20 MS. THOMPSON: Absolutely; absolutely.

21 MAJORITY CHAIRMAN HARPER: You're just saying  
22 you're not sure it should be mandated.

23 MS. THOMPSON: Right; right.

24 MAJORITY CHAIRMAN HARPER: Okay. Got it.

25 Anybody else?

1 All right; we're good. Thank you very much.

2 And I think we have one more testifier. This  
3 will be Ilene Leventhal from the Pennsylvania Bar  
4 Association, who has been waiting patiently, or at least  
5 doing her work on her Blackberry in the back of the room  
6 for a long time.

7 Ilene is the Associate Counsel of the Allegheny  
8 County of Conflict Counsel and Dependency Division. Did I  
9 get that right?

10 MS. LEVENTHAL: Pretty much. I work as a  
11 guardian ad litem at Allegheny County.

12 MAJORITY CHAIRMAN HARPER: Okay. And what's a  
13 guardian ad litem, for those of us who don't know Latin,  
14 which doesn't include me. I actually had 4 years of it in  
15 high school, believe it or not.

16 MS. LEVENTHAL: Guardian at Law, and we represent  
17 children in the dependency system.

18 MAJORITY CHAIRMAN HARPER: You're the child's  
19 lawyer.

20 MS. LEVENTHAL: I'm the child's lawyer. That's  
21 exactly correct.

22 And the good thing about going last is that some  
23 of the things I had to say were already said, and I also  
24 have some new things to say now that I have listened to the  
25 testimony before you.

1           But thank you so much for hearing me today, and  
2 I'd like to say I'm also here representing the Pennsylvania  
3 Bar Association. I'm a member of the Children's Rights  
4 Committee. And while the Pennsylvania Bar Association does  
5 not have an official position on the bills right now, we  
6 have reviewed and discussed the bills, and we appreciate  
7 this.

8           MAJORITY CHAIRMAN HARPER: We absolutely  
9 appreciate the Pennsylvania Bar being willing to send you  
10 to come and provide input. It's very helpful to have  
11 practicing lawyers help us on some of these issues.

12           MS. LEVENTHAL: I'm very honored to be here as  
13 well.

14           Just to let you know, the Children's Rights  
15 Committee of the Pennsylvania Bar Association is comprised  
16 of approximately 80 members. The members are guardian  
17 ad litem like myself, as well as solicitors for different  
18 county children and youth agencies, Judges, county court  
19 staff members, and other attorneys who are just interested  
20 in children's rights.

21           And like many or all of the presenters here  
22 today, we absolutely recognize the benefits of both family  
23 finding and family conferencing or family group  
24 decisionmaking practices. Our concerns relate, as some of  
25 the previous testifiers, to the scope of the bills and the

1 changes of the requirements and the scope of requirements  
2 that these bills add.

3 In terms of HB 2499 regarding family finding, it  
4 has already been discussed, Act 80, and what Act 80  
5 provides for and the further distance that HB 2499 goes by  
6 applying HB 2499 to all children accepted for services by  
7 county children and youth agencies. But also, it includes  
8 an extension of scope by requiring it be done annually. So  
9 I'm going to talk about those two requirements separately.

10 In agreement with the previous two testifiers, we  
11 question the inclusion of family finding being offered to  
12 all families that are accepted for services. And one  
13 reason that hasn't been mentioned -- most of the reasons  
14 have already been mentioned that we question that, but one  
15 reason is that there are families who come to the county  
16 agency, and they do this voluntarily, and they come to the  
17 agency and seek services, and sometimes those are  
18 time-limited services. It could just be utilities being  
19 shut off or lack of food in the house, or it could be more  
20 serious. And they may have voluntarily placed their child  
21 with a family member or with a friend or with a teacher or  
22 babysitter for the time being, but they have come to the  
23 agency voluntarily.

24 Now, HB 2499 mandates family finding, whereas  
25 HB 2500 says family conferencing "shall" be offered. And

1 the question in terms of the mandate here is, will that  
2 turn some families away from the agency who might otherwise  
3 have decided to come and voluntarily seek services? They  
4 might not want to do that if they know their family is  
5 going to find out that they had to.

6 An example of this is that I might tell my doctor  
7 something that I wouldn't tell my mother, and I think  
8 that's something that should be considered, because it  
9 certainly wouldn't benefit anybody to daunt a parent away  
10 and have them not seek services when they might have been  
11 brave enough to do so without the family finding.

12 The other question we have about the change in  
13 scope is about the value of an annual effort of family  
14 finding in every ongoing case. Sometimes a child may be in  
15 the county agency and the court supervision for a period of  
16 years or even a number of months, but their permanency goal  
17 may have become quite clear at that time. For example, a  
18 child may have been placed with a paternal aunt, and that  
19 paternal aunt may be ready, willing, and able to adopt the  
20 child, and the adoption proceedings may have begun in the  
21 court.

22 While that adoption work is pending, a renewed  
23 search can bring in maternal relatives that weren't  
24 previously found, and at that point it's more likely that  
25 it would provide confusing to the family and shake up what

1 might have been clear-cut permanence if then you're  
2 welcoming in new family members who might want to vie for  
3 or fight a decision that was well in the works at that  
4 time.

5           And finally, one thing that we think should be  
6 included in the bill that isn't included is, in cases  
7 involving older youth, we do think that the older youth  
8 should be allowed to play a role in determining whether or  
9 not family finding should proceed. If a child is 16,  
10 17 years old and in an independent living program, has had  
11 very bad memories perhaps of his family and his youth, he  
12 may prefer to stay on the track he already is on, and he  
13 may be doing well on that track and not desire opening old  
14 wounds or opening the family back up to involvement in his  
15 life.

16           I'll turn to HB 2500 now. Again, our committee  
17 members absolutely agree that family group conferencing is  
18 an excellent practice, and it should be widely available to  
19 families throughout the Commonwealth. It concerns us,  
20 however, that safety threats constitute the only exception  
21 to the bill's requirement to offer a family conference to  
22 every family, again, on an annual basis.

23           We do encourage the committee to consider a  
24 child's-best-interest exception. Again, I can offer an  
25 adoption scenario for why we think a child's-best-interest

1 exception is important. If a child's birth parents have  
2 already engaged in conduct that warrants a termination of  
3 parental rights, and a child is living with a pre-adoptive  
4 family and that termination of parental rights proceeding  
5 is already before the court, it wouldn't seem to serve the  
6 child's needs to then offer family conferencing to the  
7 birth parents, and even to the family if the child is old  
8 enough to participate in it, and bring about a discussion  
9 with the child who is right now preparing to be adopted and  
10 preparing to adapt to a new family and allow himself to be  
11 a part of a new family to then get to a conference with his  
12 or her birth family. We think that that could cause a lot  
13 of confusion in the child's life and create a situation  
14 that could trouble the child in his adaptation to the new  
15 family environment. So we do think that a best-interests-  
16 of-the-child exception would be warranted, certainly in  
17 cases where a case is already to the point that the child  
18 may be adopted into another family.

19           And this is not in my written testimony, but I  
20 did want to address an early question about how we know  
21 we're getting the right family members at the table. And I  
22 agree that certainly there is no way to legislate, you  
23 know, a standard of a good parent per se or a standard of  
24 why Uncle Billy won't be a good parent but Aunt Betty  
25 might. But I do think that there are certain things that



1 should be considered and might be able to be included in  
2 the bill.

3           For instance, an issue of awareness and  
4 allowance. If a family member such as a grandparent or an  
5 aunt is close enough that they were aware of conditions in  
6 the home and the family and failed to do anything about it  
7 until court involvement, failed to step in at that time  
8 where they became aware to protect the child from what was  
9 going on in the home, I think that could be something that  
10 would be considered a poor choice to become the child's  
11 future home or parent.

12           A second thing is, as you may have picked up from  
13 the title of my office, it's the Office of Conflict  
14 Counsel. It's a weird title. We exist to take on conflict  
15 cases. The main child advocacy group in Pittsburgh,  
16 Allegheny County where I work, is KidsVoice, who I'm sure  
17 you're more familiar with their name than the Office of  
18 Conflict Counsel.

19           Our office was created 2 years ago to take on  
20 cases that KidsVoice can't handle because of conflict of  
21 interest. So KidsVoice represented a child who is now the  
22 mother of a dependent child, and what that speaks to is the  
23 oftentimes layers and generations of dysfunction in a  
24 family. And I think it's important to know that there are  
25 certainly, certainly times where even those families have,

1 when you get to the second level of consanguinity or  
2 somebody at their place of worship or a coach or teacher,  
3 there may still be resources. But there are certainly  
4 families that, unfortunately, they have been through many  
5 generations of dysfunction and they would not be able to be  
6 healthy, supportive resources in this setting that's  
7 discussed. And something perhaps like an exception for a  
8 person who they themselves have had a case open in the  
9 Dependency Court, or some exception that looks at whether  
10 or not the parent has a proven record of being able to  
11 parent I think would speak to your question of how it can  
12 be determined if a person is a good---

13 MAJORITY CHAIRMAN HARPER: As a disqualifier?

14 MS. LEVENTHAL: As a disqualifier---

15 MAJORITY CHAIRMAN HARPER: Is that what you're  
16 saying?

17 MS. LEVENTHAL: As a disqualifier or at least as  
18 something to be considered. Perhaps that person can take  
19 part in a family group conference. It's typically, a  
20 person with a history in dependency would not be seen as  
21 fit for placement, and the concern is that if all efforts  
22 are looking at family and family group decisionmaking, that  
23 that line will become blurred, and if all of the efforts  
24 are into developing resources into the family, what  
25 happens?

1           For instance, I have had a case that has, quite  
2 frankly, languished in care because they are happy to  
3 participate in family group decisionmaking. They have a  
4 family group decisionmaking plan. They've had a  
5 conference. They've had two, three, four conferences, but  
6 the plan just never -- it's not being followed. So they  
7 come back and they have another conference, and they come  
8 back and they have another conference, but the family is  
9 unable to keep to the plan. And the children are now in  
10 foster care, but they are being denied, in my opinion as a  
11 guardian ad litem, being denied permanence while the family  
12 tries to figure out how to stick to their plan.

13           And so with that, I'll take any questions.

14           MAJORITY CHAIRMAN HARPER: Representative Moul.

15           REPRESENTATIVE MOUL: Thank you, Madam Chair.

16           This is quite a difficult subject to tackle,  
17 isn't it?

18           MS. LEVENTHAL: It's very difficult.

19           REPRESENTATIVE MOUL: Because every single  
20 situation is different. So when I hear you talking about  
21 what's in the best interests of the child, and maybe the  
22 family is so dysfunctional that they can't, if you remember  
23 all the -- and I assume you were here right from the very  
24 beginning.

25           MS. LEVENTHAL: That's right.

1           REPRESENTATIVE MOUL: I kind of made this same  
2 speech when I started: Every child is different, every  
3 family is different, and if they can't work through it,  
4 that's why -- and I pointed over my shoulders because I was  
5 sitting in your seat at that moment -- that's why we have  
6 those professionals that are sitting behind you, to help  
7 them along. And I believe the language in 2500 covers  
8 this, because it does say the family shall be responsible  
9 for determining which resources to utilize to address the  
10 concerns of safety and permanency.

11           MS. LEVENTHAL: That's right.

12           REPRESENTATIVE MOUL: If they feel that  
13 permanency somewhere else is the best, that's when those  
14 professionals behind you step in. So I don't think we want  
15 to try and legislate what they've got to use their  
16 professional judgment for.

17           MS. LEVENTHAL: Well, I agree, but again, I would  
18 perhaps seek language that even if it's a referral back to  
19 the language in ASFA or a referral back to language that  
20 sets some time limit, I think that family group  
21 decisionmaking, again, is a very, very important tool. But  
22 I do think that we should continue to keep in mind  
23 concurrent planning or some planning for what happens  
24 2 years down the line if a child has not been returned home  
25 yet. And I don't know that you even want to legislate a

1 time limit. I don't know that it needs to be that  
2 specific.

3 And again, I want to reiterate that this part is  
4 off of my written record and it is my own concern as a  
5 guardian ad litem and not the Bar Association's official  
6 opinion, but I do think that even if there is some form of  
7 time limit that sets a ball of concurrent planning in  
8 motion, that might be an important tool.

9 REPRESENTATIVE MOUL: I'll certainly give that  
10 consideration, and we'll try to work with that. But boy,  
11 setting absolute drop-dead dates and things like this, wow,  
12 that's not a mountain that I'm sure I want to climb. But I  
13 appreciate your thoughts on it.

14 MS. LEVENTHAL: And I understand that.

15 MAJORITY CHAIRMAN HARPER: Actually, I think  
16 you're on the same page. Look at this language,  
17 Representative: "Family conferencing shall be offered  
18 until the child and the family's involvement with the  
19 county agency is terminated." If it becomes obvious that  
20 the child should be placed, your point is maybe family  
21 conferencing may or may not be appropriate if it's a  
22 placement that might lead to an adoption instead.

23 MS. LEVENTHAL: Well, and I think oftentimes a  
24 child is placed and the plan is still reunification and the  
25 child can still come home. I don't think placement should

1 at all be the---

2 MAJORITY CHAIRMAN HARPER: But if the plan  
3 changes or something.

4 MS. LEVENTHAL: Perhaps triggered by a goal  
5 change, and that's why we thought about the best interests  
6 being the trigger. But certainly it could be triggered  
7 also by a goal change to adoption. If that goal gets  
8 changed, then maybe that should be---

9 REPRESENTATIVE MOUL: Defined?

10 MS. LEVENTHAL: Yeah.

11 MAJORITY CHAIRMAN HARPER: Okay. I actually  
12 don't think you're as far apart as you think you are, okay?

13 MS. LEVENTHAL: I wouldn't think so. I mean,  
14 obviously I know that this was all written with the child's  
15 best interest at the forefront, so I wouldn't think we  
16 would be far apart.

17 MAJORITY CHAIRMAN HARPER: We Legislators are  
18 caught between the need to make sure that the county  
19 agencies follow a philosophy that we select for  
20 Pennsylvania and the need to take care of the individual  
21 children who are obviously the beneficiaries of the  
22 legislation. So we had testimony earlier today where we  
23 were told if we don't, you know, basically direct it,  
24 they're not going to do it.

25 MS. LEVENTHAL: Right.

1 MAJORITY CHAIRMAN HARPER: Because it is a big  
2 change, a big sea change.

3 Now, you're obviously offering us a good  
4 perspective from the other side in the trenches of the  
5 situations that won't be resolved by this, and we need to  
6 watch out for them, too, and put a little escape hatch in  
7 for those situations, you know.

8 MS. LEVENTHAL: I think that's great.

9 MAJORITY CHAIRMAN HARPER: We would invite you or  
10 the Bar to offer us some language, you know, that we might  
11 consider as an amendment. How about that?

12 REPRESENTATIVE MOUL: Perfect. After all, this  
13 is all about the kids. We want to do the right thing---

14 MAJORITY CHAIRMAN HARPER: We want to do it  
15 right.

16 REPRESENTATIVE MOUL: ---and make sure that this  
17 is the best piece of legislation that it can possibly be  
18 before that big house up there votes on it.

19 MS. LEVENTHAL: Right. Well, absolutely we will  
20 be more than willing to do that.

21 MAJORITY CHAIRMAN HARPER: All right. Don't go  
22 away. I think Representative Samuelson, do you have  
23 something?

24 REPRESENTATIVE SAMUELSON: Yes. You talked about  
25 the older kids being involved, and I guess HB 2500 has

1 language on page 4, line 4, right now that says, "The  
2 county agency shall allow the child to participate in the  
3 family conference in a manner appropriate to the child's  
4 age and maturity." I'm just wondering if you have  
5 suggestions on how we could be more specific to cover your  
6 concerns about the older teenager who might have some---

7 MS. LEVENTHAL: Well, my concerns about the older  
8 -- I think that language is actually perfect, and I think  
9 it should be added to 2499. My concern was that the family  
10 finding bill doesn't allow for the child to opt out of it  
11 basically, that perhaps an older child might decide, might  
12 want family finding to stop. But I do think that I have  
13 absolutely no issues with the language in 2500.

14 MAJORITY CHAIRMAN HARPER: Anybody else?

15 Well, thank you very much, Ilene.

16 MS. LEVENTHAL: Thank you very much.

17 MAJORITY CHAIRMAN HARPER: I appreciate you and  
18 all of the other testifiers today. This was a very  
19 valuable hearing. We really do think we're making  
20 progress. Slow and steady is how you get the best bill out  
21 of a committee and onto the floor. So I really do  
22 appreciate everybody coming.

23 And I do appreciate my Committee Members hanging  
24 in. I know you all have other commitments that you have  
25 here or back in your district.



1                   So thank you very much, and we're adjourned.

2

3                   (The hearing concluded at 3:50 p.m.)

1           I hereby certify that the foregoing proceedings  
2 are a true and accurate transcription produced from audio  
3 on the said proceedings and that this is a correct  
4 transcript of the same.

5  
6  
7           Debra B. Miller

8           Committee Hearing Coordinator/

9           Legislative Reporter

10          Notary Public

11  
12          Nedra Applegate

13          Transcriptionist