



**Pennsylvania Attorney General Josh Shapiro**

Testimony submitted to the House Children and Youth Committee on House Bill 1311

June 19, 2018

Chairwoman Watson, Chairman Conklin, and members of the House Children and Youth Committee, I am Josh Shapiro, Attorney General for the Commonwealth of Pennsylvania. Thank you for inviting me to provide my thoughts on House Bill 1311.

One of my most important duties as Attorney General is to ensure that our Commonwealth's children are protected. I'm incredibly proud of my office's long, accomplished history of actions to protect children. In my first year in office, our Child Predator Unit arrested 93 dangerous child predators, including a police chief, a pediatrician, a university professor, a National Guard officer, a deputy coroner, and the former warden of a county jail. Our work on the Jerry Sandusky investigation helped take a serial child sex abuser out of the community and show clearly that we will hold our institutional leaders to a higher standard when it comes to protecting children. And every day, our Office of Public Engagement is in schools and communities across the Commonwealth teaching children and parents how to protect themselves from online predators.

I am also a strong advocate for Pennsylvania's Children's Advocacy Centers (CACs). As Chairman of the Montgomery County Board of Commissioners, I supported the opening of the first CAC in Montgomery County. CACs are vital to helping law enforcement and child protection workers support victims and help them achieve safety and justice against those who have harmed them.

The legislation being discussed today would establish a Children's Advocate within the Office of Attorney General to receive and investigate complaints related to child welfare services, including complaints regarding the mismanagement of administrative agencies.

While I know this legislation is well intended, I believe its unintended consequences would outweigh its benefits. This legislation would not empower my office to take action on investigations conducted by the Children's Advocate; instead, it would create additional layers of bureaucracy, which could frustrate victims' ability to seek justice. This legislation also does not provide funding to my office to support the Children's Advocate or any attendant staff; this lack of funding would require me to divert scarce resources from other areas of our work.

To the first point, this legislation gives no authority to the Office of Attorney General to prosecute any wrongdoing discovered during the course of an investigation. While the Children's Advocate would have broad investigatory powers, any criminal wrongdoing discovered during those investigations would have to be reported to the local district attorney, while any professional disciplinary matters would have to be referred to the agency with relevant oversight authority.

These investigatory powers would not be unique to the Children's Advocate or the Office of Attorney General—they would be duplicative. Whatever agency the Children's Advocate would report these issues to would also, necessarily, have original investigatory jurisdiction. I believe, upon receiving a referral from the Children's Advocate, those agencies would engage in their own independent investigation to verify the findings of the Children's Advocate. This redundancy could cause delays in the overall investigatory process, with little added benefit to the investigation or the victims.

I anticipate that the volume of complaints that would be received by the Children's Advocate would require significant resources to thoroughly review and handle them. The bill would allow for complaints to be submitted to the Children's Advocate by any individual or organization. For comparison, Pennsylvania's ChildLine receives over 150,000 thousand calls each year. According to the Pennsylvania Department of Human Services, in 2016 there were 44,359 reports of child abuse. Of those, 4,549 were substantiated. These record highs were fueled in part by the recent changes to Pennsylvania's mandated reporting laws, and are expected to be the new normal for the Commonwealth.

It is an unfortunate and heartbreaking reality that cases of child abuse and neglect continue to rise in Pennsylvania. But this trend only points to an increased burden on the Children's Advocate as time goes on. Put simply, even if the number of complaints made to the Children's Advocate were a mere fraction of the totals noted above, any one person holding that position would be overwhelmed.

If House Bill 1311 is enacted, the Office of Attorney General would need to hire several new staff—along with funding the Children's Advocate position itself—to carry out the legislative mission. Without any new appropriations, my office need to reduce our efforts in other important areas of our work in order to adequately staff the Children's Advocate and support its work.

Children are our greatest resource and must be cared for. Again, I appreciate the good intentions behind this bill, and I am encouraged by your willingness to address such an important and difficult issue. Our shared commitment to protecting children is why I appreciate your continued support of my office's Child Predator Section, and why I am requesting additional funding for that unit in the budget currently being finalized to continue its important work. But establishing the Children's Advocate would create additional, unnecessary layers of bureaucracy and reduce my office's available resources by requiring me to reallocate funding from other important areas of our work to adequately staff and support the Children's Advocate.

Thank you Chairwoman Watson, Chairman Conklin, and all members of the committee for holding this hearing. I appreciate your hard work to protect children across the Commonwealth.