

MEMO



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To: PCCYFS Public Policy Committee
From: Alex Rahn, Wanner Associates
Date: November 15, 2011
Subject: Report for November 2011 Public Policy Meeting

Table of Contents

- **General Update**
 - Marcellus Bills Begin to Move
 - House Children and Youth Committee Overview of Child Welfare Services in Pennsylvania
- **Legislative Activity**
 - [Hlk281642947](#) [Hlk274301470](#) Proposed Changes to Act 30
 - Tracked Legislation
- **Upcoming meetings of Interest & Session Schedule**
 - Informational meeting on a safety plan for dependent children
 - 2011 SENATE SESSION SCHEDULE
 - 2011 HOUSE SESSION SCHEDULE

General Update

Government Affairs Update

Marcellus Bills Begin to Move

What once was thought to be both too heavy a lift, and a no-brainer, is now getting closer to reality. House Republicans introduced and advanced [HB 1950](#), which embodies much of the Corbett proposal to impose fees and regulations on Marcellus Shale drilling. The bill is in response to Sen. Joe Scarnati's plan, [SB 1100](#), which is getting legs in the Senate. These competing plans, which likely will cross in the Rotunda in November, handle the issues differently. A third proposal, authored by Reps. Gene DiGirolamo and Tom Murt, is favored by the House Democrats and provider groups, because it provides for General Fund funding, to go to a variety of state programs. HB 1950 is on the House calendar, where it is expected to see a long list of amendments posted, likely including DiGirolamo's. Senate Democrats also introduced a plan, which calls for an Extraction Tax, though the very use of the term "tax" makes consideration of it unlikely.

House Children and Youth Committee Overview of Child Welfare Services in Pennsylvania

10:30 a.m., 11/14/11

The committee held an informational hearing on Child Welfare Services in Pennsylvania. Chairman Louise Bishop (D-Philadelphia) spoke to the recent child sex abuse scandal at Penn State, telling the committee that "child abuse is destructive, it's deliberate, it isolates children and terrorizes their very soul...it induces fear in a child and intimidation, it limits a child's freedom to restrict behavior." Chairman Bishop stated,

"now we have turned our attention to the horrifying aftermath of Penn State University's alleged child abuse scandal...I feel that it is my responsibility to raise the question before this committee because I feel that if there is anyone that can bring a stop to this, it begins here." She stated it is the responsibility of the legislators to step in and find out what went wrong with the law, and explore how to fix it. She added that she feels "we have an obligation today, to move that Penn State University's doors be closed, and not a single dollar of state funding is given to them until we find out who, what, when, and where." Chairman Bishop shared with the committee the fact that she had been abused at the age of twelve and shared her personal experiences with counseling victims of abuse, relaying the ongoing struggles and torture of those who had been abused.

Chairman Dennis O'Brien (R-Philadelphia) stated there will be a hearing on the issues raised by Chairman Bishop, on December 5. "We have a responsibility as a society to own this issue and to recognize where there is a problem and come forward and report that," he said.

Anne Marie Ambrose, Commissioner for the Philadelphia Department of Human Services (DHS), testified that "one of the main messages that I would like to get across is that the children and youth agency can't be what it needs to be without the partnership and collaboration of the family court...if that partnership isn't strong, nobody is going to be as good as they need to be for these vulnerable and challenging cases that we see on a day to day basis." Ambrose gave the committee a detailed explanation, through the use of a PowerPoint handout, of the Philadelphia DHS intake process, the manner in which allegations of abuse are investigated, what actions are taken, and what services are offered to families through the Philadelphia DHS.

Judge Kevin Dougherty, from the Philadelphia Court of Common Pleas, Family Division, told the committee that the family court in Philadelphia had previously had a poor reputation, but he has worked hard to turn that reputation around and it is now amongst the best in the state. Judge Dougherty explained that the court had previously been heavily separated into two parts: one dealing with delinquency, the other with dependency. He said the divisions did not take the time to coordinate or share information with each other, which led to a gap in the system that failed to properly provide the care and support services needed by the children brought before the court. Judge Dougherty told the committee that the Family Court in Philadelphia now works in an integrated manner in order to provide the best care possible and to avoid needless and harmful adjudication of minors.

Judge Dougherty explained that the family court in Philadelphia now works closely with the Philadelphia DHS and the school districts forming a "tripod" foundation for the improvement of child services. He noted that in his courthouse, there is a school district help desk as well as social workers available to explain available resources outside the scope of the court, for the convenience of the families who find themselves in family court, with the intent being to best serve the families as a whole. Judge Dougherty also pointed out the importance of properly placing minors, with the ideal being a family placement followed by permanent adoption, and told the committee that through systemic changes in the way adoptions were being handled, Philadelphia family court was able to increase the rate of adoption by 88 percent.

Chairman O'Brien commented that zero tolerance policies that allow school districts to expel students should be reexamined and commended both Judge Dougherty and Ambrose for their hard work and dedication to aiding and protecting children. He stated that their innovation in child services "is really going to change the world."

Chairman Bishop stated that she was delighted at the collaborative effort of DHS and family court, and questioned what percentage of children that come before either DHS or the family court have been sexually abused and how that situation was handled. Judge Dougherty stated mechanisms are in place to remove sexual predators from the street, including Act 21 and the Adam Walsh Act. Ambrose explained the rates of sexual abuse for girls in the juvenile justice system are incredibly high, with rates as high as 70 percent. Ambrose added that "this Penn State case... gives us an incredible opportunity to do a public awareness campaign for children, for parents, about good touch, bad touch, about mandated reporters, about looking at the law and seeing who's not protected...child welfare is a community responsibility."

Rep. Rick Saccone (R-Allegheny) wanted to know how many children are currently waiting for adoption, after the adoption process was amended to address shortcomings. Judge Dougherty explained that the backlog was able to be cleared through the changes made in how adoptions were handled. Rep. Saccone also wanted to know if any

faith based groups are involved in the mentoring programs offered through the Philadelphia DHS that Ambrose discussed. Ambrose responded that they are an informal part of the mentoring program, noting that many of the individuals involved in the mentoring programs were recruited from faith-based organizations.

Rep. Dan Moul (R-Adams) questioned how important "family finding" and family/relative placement has been in child welfare services. Judge Dougherty exclaimed that it is incredibly important. Ambrose added that family search has substantially contributed to the increased reunification rate of families, remarking that giving a family a voice leads to better results. Rep. Moul then asked if this is something Judge Dougherty and Ambrose recommend for the entire state. Judge Dougherty responded that he would, and stressed the importance of continued family interaction even if a child cannot be placed with family. Ambrose echoed Judge Dougherty's support for the recommendation but added that flexibility is needed for the counties to decide what worked best.

Charles Songer, Executive Director of the Pennsylvania Children and Youth Administrators Association, told the committee that throughout the various counties in Pennsylvania, the issues concerning child welfare and safety are the same and that only the volume of those issues and the resources available to address them varies. Songer concluded his testimony stating that he "would just like to assure you that whatever resources that counties do have they will bring to bear on child protection issues, the problem being how they are prioritizing...they will do everything they possibly can to assure child safety."

Beverly Mackereth, Deputy Secretary of Children, Youth and Families from the Department of Public Welfare, testified "the primary focus of Pennsylvania's child welfare system is on the safety, permanency and well being of the children we serve. We operate under the assumption that children belong with their own families and should receive necessary services in the community rather than being placed outside of their home and away from their families." Mackereth explained, however, that no child would ever be left in an abusive, unsafe, house hold for the sole purpose of preserving a family.

Mackereth stated, "we do have oversight responsibility over all 67 counties, we provide technical assistance to counties, we enforce policy and regulation, we license public and private child welfare agencies and we have oversight over child line, which is the central registry to report child abuse." She explained that the Department of Public Welfare has worked hard to ensure counties have the tools to fulfill their role as advocates and protectors of the wellbeing of their children.

Bernadette Bianchi, Executive Director of the Pennsylvania Council of Children Youth and Family Services, explained the council provides a wide range of services that reflect current needs and current issues in the needs of families and children. Bianchi testified that "private agencies do not determine which children are in need of services, nor do they control how long a child receives services; the final authority for such decisions rest with the county or court, adding that we take our lead from the county agencies and act as their agent in our work with children and families."

Legislative Activity

Proposed Changes to Act 30

Per PCCYFS's request, Senator Chuck McIlhinney (R) from Bucks County and Senator Bob Mensch (R) from Montgomery County have introduce [SB 929](#) legislation to amend Act 30 for this current session, which was introduced in Senate Aging & Youth Committee. Representative Tom Murt has introduced companion legislation, [HB 1553](#) which was referred to House Children & Youth. PCCYFS is finalizing changes with stakeholders, but please contact your [legislator](#) or the following committee members to ask for a fall information hearing in the respective committees:

SENATE AGING & YOUTH

Officers

[Ward, Kim L.](#), Chair

Orie, Jane Clare, Vice Chair
Washington, LeAnna M., Minority Chair
Scarnati, Joseph B., III, ex-officio

Majority
Alloway, Richard L., II
Argall, David G.
Baker, Lisa
Vogel, Elder A., Jr.

Minority
Schwank, Judith L.
Stack, Michael J.
Yudichak, John T.

HOUSE CHILDREN & YOUTH

Majority (Room 312 MC)

O'Brien, Dennis M., Chair
Moul, Dan, Vice Chair
Murt, Thomas P., Secretary

Minority (Room 326 MC)

Bishop, Louise Williams, Democratic Chair
Johnson, Kenyatta J., Democratic Vice Chair
Brownlee, Michelle F., Democratic Secretary

Aument, Ryan P.
Brown, Rosemary M.
Christiana, Jim
Emrick, Joe
Gabler, Matt
Harris, C. Adam
Keller, Fred
Lawrence, John A.
Maloney, David M., Sr.
Rock, Todd
Saccone, Rick
Tallman, Will

Brown, Vanessa Lowery
Cruz, Angel
Harkins, Patrick J.
Mullery, Gerald J.
Samuelson, Steve
Waters, Ronald G.
Williams, Jewell

Tracked Legislation (Attached)

Bill numbers link to full bill, and all copies of all bills of interest can be accessed via the Internet at:
<http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm>

Upcoming meetings of Interest & Session Schedule

House Children and Youth (INFORMATIONAL)

MONDAY - 11/21/11

10:30 a.m., Room 60, East Wing

Informational meeting on a safety plan for dependent children

2011 SENATE SESSION SCHEDULE

November 14, 15, 16

December 5, 6, 7, 12, 13, 14

2011 HOUSE SESSION SCHEDULE

November 14, 15, 16, 21, 22, and 23

December 5, 6, 7, 12, 13, and 14