

**Overview of Pennsylvania's
Child Welfare System**

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pennsylvania

DEPARTMENT OF PUBLIC WELFARE

Good morning, Chairman Mensch, Chairwoman Washington, Chairwoman Vance, Chairwoman Kitchen and committee members and staff. I am Beverly Mackereth, Acting Secretary for the Department of Public Welfare (Department). I am pleased to be here today to provide an overview of Pennsylvania's child welfare system.

The primary focus of Pennsylvania's child welfare system is the safety, permanency, and well-being of the children we serve. We operate from the assumption that children belong with their own families and should receive necessary services in the community rather than being placed outside of their homes. Although placement away from their families should be the last resort, if it is necessary, children should be placed in the most appropriate setting to meet their needs, preferably, a location that promotes reunification with the family where, and as soon as, possible.

The Child Welfare System in Pennsylvania is state supervised and county administered with both agencies having key roles in the protection of children. There are 11 other states with similar child welfare systems. The Department is responsible for assuring the availability and provision of public child welfare services, providing oversight and technical assistance to each county agency, and establishing and enforcing policies and regulations that support the achievement of child welfare goals and outcomes. Additionally, the Department is responsible for the licensure of public and private child welfare agencies and the investigation of complaints received regarding these agencies.

The purpose of children and youth social services is to provide for the care, protection, safety, and mental and physical development of children within the child welfare and juvenile justice system in our Commonwealth. The Federal Adoption and Safe Families Act establishes three primary tenets related to the delivery of child welfare services which ensure that child safety is of paramount concern, that efforts are made to provide permanency for children in a timely manner, and that a child's well-being needs

are addressed. With these tenets in mind, emphasis is placed on preserving the unity of the family whenever possible and separating the child from his or her parents only when necessary for the child's welfare, health or safety, or in the interest of public safety. When the unity of the family cannot be maintained an alternative permanent family is vital to the health and development of children.

Each county's children and youth social service agency is responsible for administering a program of children and youth social services to children and their families. The county children and youth social service program includes services designed to:

- ❖ Protect children from abuse and neglect and enable children to remain safely in their own homes and communities;
- ❖ Prevent dependency and delinquency of children and help them overcome problems that result in dependency and delinquency;
- ❖ Provide permanency and stability for children in their homes or in placement and preserve relationships and connections for children with their families and communities;
- ❖ Enhance the family's capacity to provide for their children's educational, physical, and behavioral health needs;
- ❖ Provide balanced attention to the protection of the community, the imposition of accountability for offenses, and the development of competencies to enable youth to become responsible and productive members of the community.

The county children and youth agency is responsible for investigating suspected child abuse and neglect, assessing the need for general protective services, and providing services to children and families to prevent further harm to children. The Child Protective Services Law (CPSL) (23 Pa. C.S., Chapter 63) provides the parameters for

investigation of reports of suspected child abuse, as well as reports of children in need of General Protective Services.

Child abuse is defined as an act or omission by a perpetrator to a child under the age of 18 which causes non-accidental serious physical injury, serious mental injury, sexual abuse or exploitation, serious physical neglect or imminent risk of serious physical injury or sexual abuse or exploitation. A perpetrator of child abuse under the CPSL is defined as a parent, paramour of a child's parent, person responsible for a child's welfare, or an individual residing in the same home as the child. The county agency is required to refer certain types of suspected child abuse to law enforcement officials which result in a joint investigation by the county agency and law enforcement officials. Situations outside the scope of the CPSL are handled as criminal matters by law enforcement officials.

As the county agency begins the investigation, it must first determine if the child is, or children are, safe. If the agency is unable to determine if the child is, or children are, safe, based upon the information received, then a caseworker must see the child or children immediately. If the agency can determine that the child is, or children are, safe, then the child or children must be seen within 24 hours. The investigation is typically completed within 30 days. If the investigation cannot be completed within 30 days, the county agency must document the reasons and complete the investigation within 60 days.

General Protective Service assessments are conducted for those incidents that do not rise to the level of child abuse as defined above. The majority of reports that come to the attention of the county agency involve non-serious injury or neglect. These cases are treated by the agency as General Protective Service cases and can include inadequate shelter, truancy, inappropriate discipline, hygiene issues, abandonment, lack

of appropriate supervision, or other problems that threaten a child's opportunity for healthy growth and development.

When a report alleging the need for General Protective Services is received, the children and youth agency conducts an assessment to determine if the child or children are safe and whether or not the family is in need of services. If the safety of the children in the home cannot be determined, the county agency immediately sees the child. Otherwise, the agency prioritizes the response time based on the risk to the children.

Regardless of the type of report, within 60 days, the caseworker completes an assessment to determine if the family will be accepted for services, referred to a community agency for services, or close the case. During the assessment period, the caseworker visits the family's home as often as necessary, including unannounced visits to complete the assessment and to assure the safety of the children. The children and youth agency identifies factors associated with the alleged incident and other factors that may have an impact on family functioning. The agency not only investigates the alleged incident, but also assesses the family's need for services.

Services are provided through the county agency or community agencies. The costs for services are either provided free of charge or based on the family's ability to pay. Services may include counseling, classes to strengthen parenting skills, self-help groups and emergency medical services. Services will be provided or arranged to ensure the safety of the children during the assessment period. The children and youth agency may petition the court if the agency determines that services are in the best interest of the children and have been refused by the parent.

Regardless of the type of investigation, the child's safety is assessed and ensured. Safety is the condition of being free from immediate physical or emotional harm and is assessed at every contact. The caseworker systematically evaluates the conditions in which a child resides in order to determine whether or not it is safe for the

child to remain in those current conditions. A written safety plan is developed with the family identifying the immediate steps that must be undertaken in order for a child to remain safe in the current living situation (in home or out of home) and including a method for monitoring compliance with the plan.

The county agency assesses any present or impending danger to the child or children through 14 specifically identified safety threats. Then the county agency determines if there are protective capacities within the family to mitigate these threats, through use of a safety assessment tool. The county children and youth agency also conducts a risk assessment to determine if the child is at future risk of maltreatment. The risk assessment model assesses 15 core factors associated with risk of future harm. Some of the 15 factors include child vulnerability, severity of abuse or neglect, family cooperation, prior abuse/neglect, family violence, substance abuse and other situational stressors. We recently completed an evaluation which determined that the safety and risk assessment processes can be consolidated. A stakeholder workgroup has been convened and assistance from national experts has been requested to guide this consolidation. Consolidating these two processes will lead to better identification of factors that impact child safety and will decrease the administrative burden to caseworkers.

Where safety of the child is a concern, the children and youth agency works with families and provides them counseling, education and other supportive services to increase safety and decrease risk factors. When services are needed, cases can be handled in two ways depending upon the safety of and risk to the child. Where the threat to safety and risk of abuse is greater, the cases are opened by the children and youth agency and a family service plan is developed. The family service plan identifies goals, services, and actions for the family. Where there are no safety threats or the risk

of abuse is low, the case may be closed and the family may be referred to services within the community.

Safety and risks are also assessed at other times during the life of the case including, every six months at the family service plan review, 30 days before a planned reunification of a child with the family, within two weeks of a child's unplanned return home and within 30 days of case closure. Safety and risks are also assessed when the child's environment changes regardless of the required time frame.

If the child's safety cannot be maintained in the home, the local children and youth agency can petition the court for placement of the child. In those instances when it is necessary to remove the child from the home, efforts are made to place the child with relatives or persons the child knows. When these resources are not available, the child may be placed in other placement settings.

Services are provided to children and families who have either been accepted for service by the county children and youth agency or the court orders services. In most cases, the county agency determines who will be accepted for service based on its evaluation of the family's needs. Some families are self-referred, but most are referred by neighbors, relatives, schools and other agencies.

Services are provided to parents or other caregivers and children to enable the children to safely remain in their own home. Some of these services include protective supervision, counseling, parenting education and other skills training.

Service planning must occur for each family accepted for service by the county agency. Families and service providers should be engaged in the assessment of the family's strengths and needs and the development of the family service plan. A family service plan must be completed within 60 days of a family being accepted for services by the county agency. The family service plan is a written document that identifies the reasons the family was accepted for services and outlines the objectives and actions

which need to be completed in order to reduce risk to the health and safety of the child. A family service plan must be reviewed and revised every 6 months. A family continues to receive services as long as the family, agency or the court feels there is significant risk to the health and safety of the child.

Permanency planning begins as soon as a child is removed from his or her home and enters out-of-home placement. An amendment to the family service plan must be completed for each child placed in out-of-home care. This amendment is called the child's permanency plan. This plan reflects the findings of permanency hearings but is developed in conjunction with the child, the child's family and service providers. The child's permanency plan focuses on objectives, actions and services not identified in the family service plan or are specific to the child achieving permanency. Like the family service plan, the child's permanency plan must be reviewed and revised every 6 months.

When the court transfers custody of a child to a county children and youth agency, the agency must locate the least restrictive and most family-like setting that meets the needs of the child. The county agency must first look for relatives of the child. Relatives may be approved as foster parents for a child. If appropriate relatives cannot be located, the child may be placed in a non-relative foster home. In some instances, the special needs or behavioral health of a child may require a more restrictive setting. Community residential, group home, or residential placements are identified for such cases.

The Juvenile Act, (42 Pa.C.S, Chapter 63) provides the legal framework for children and youth agencies, juvenile probation offices and the courts when children cannot safely stay in their own homes due to dependency, or if the child is in need of supervision, care, and rehabilitation due to delinquency. A dependent child can be defined, in general terms, as a child who is under the age of 18, is without proper parent care or control, is in need of supervision, or is under the age of 10, and has committed a

delinquent act. A child who is adjudicated dependent may request to remain under the jurisdiction of the court until the age of 21 as long as the child is completing secondary education or an equivalent credential, post secondary or vocational education, working at least 80 hours per month, participating in a program to eliminate barriers to employment, or is incapable of engaging in these activities due to a medical or behavioral health condition.

The children and youth agency is required to petition the court for dependency of a child when the following circumstances exist:

- ❖ The child is without proper parental care or control, basic needs, legally required education, other care necessary for the child's physical, mental or emotional health, or morals;
- ❖ The behavior or actions of the child's parent or other caregiver places the health, safety and welfare of the child at risk;
- ❖ The child has been placed for care or adoption in violation of the law;
- ❖ The child is without parents or has been abandoned by the parents, guardian or other custodian;
- ❖ The child is born to a parent whose parental rights with regard to another child have been involuntarily terminated by the court within three years prior to the child's birth and the parent presents a risk to the child's health, safety and welfare;
- ❖ The child, of compulsory school age, is habitually and without justification, truant from school; or
- ❖ The child has committed an act or acts of habitual disobedience of the parent or other caregiver and is ungovernable and in need of care, treatment and supervision.

Currently, the Department is engaged in a number of initiatives which complement one another to encourage best practices in the Commonwealth's child welfare system. All of these practices are aligned with our goals to: increase safety, reduce reliance on out-of-home care, improve permanency, and reduce re-entry. These best practices will result in positive outcomes for children, their families, the counties and the Department - including fewer children in out-of-home placements, more children in permanent homes, and more placements that are nurturing, family-like homes.

I would like to close by recognizing the diligent work of the Task Force on Child Protection. This group of dedicated and caring experts spent over a year gathering information regarding the investigation and prosecution of child abuse cases in our Commonwealth. Their efforts culminated with the issuance of a report that contained a variety of recommendations that they believe will lead to systems improvement and better outcomes for the children and families we serve. The Department remains committed to working with members of the General Assembly to identify strategies and next steps that will better equip our communities to protect their children, and enhance the Commonwealth's response to the children we serve.