

THE
Protect
OUR
Children
COMMITTEE



A collective vision and voice dedicated to preventing child abuse and the victimization of children

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TO: Senator Patricia Vance
Chair, Pennsylvania Senate Committee on Aging and Youth

Senator Leanna Washington
Democratic Chair, Pennsylvania Senate Committee on Aging and Youth

cc: Members of the Senate Aging and Youth Committee
Estelle Richman, Secretary of the Pennsylvania Department of Public Welfare

FROM: Cathleen Palm, Executive Director

DATE: September 21, 2008

RE: Hearing on the Grand Jury recommendations in the Danieal Kelly child abuse investigation

As the Pennsylvania Senate Committee on Aging and Youth meets Tuesday to examine the recommendations of the Philadelphia Grand Jury convened in the wake of the tragic child abuse death of Danieal Kelly, the Protect Our Children Committee (The POCC) believes it important to offer some initial thoughts on the Grand Jury's recommendations and child welfare in general.

While the hearing will be specific to the abbreviated life and death of Danieal Kelly, it is our hope that the Committee will review the recommendations within a framework of how they can serve to impact the collective community of Pennsylvania children for whom abuse and neglect are a risk or reality. These children live in every community – urban, suburban and rural – of the Commonwealth.

The POCC would also offer several overarching reflections about child welfare including:

- Pennsylvania communities are filled with moms, dads, grandparents, and other caregivers intent on doing their best but sometimes the best of intentions are not sufficient to overcome the real life circumstances these caregivers face – addiction, poverty, family violence, unmet mental health issues, unsafe housing, and misunderstandings about child development. As a Commonwealth, we must commit to more fully examining the antecedents to a child who becomes engaged in the child welfare system and we must be prepared to build upon effective family strengthening and support initiatives. Ultimately we must work to assure that children are safe and their parents are provided opportunities to grow in competence and confidence.
- Engaging a child and family in the child welfare system is never without anxiety, misgivings, or the possibility of additional trauma for the child. We are increasingly reminded that the lives of families are growing more complicated and complex and that our children and youth system is not always fully prepared or able to successfully address the needs of children and families. It is therefore important to engage in careful review so that government and the public better understand when and how the child welfare system has helped, not hindered, families. Better assuring the safety of children and the strength

of families requires that we acknowledge and learn from the mom who overcame an addiction because of child welfare services that gave her a shot not just at sobriety but at her real goal – parenting her child; the thousands of parents who gained the skills to appropriately discipline their child, according to the developmental stage of the child; and the many grandparents and other family members, many with few resources, who step up to the plate when a child is in crisis and needs a home.

Specific to the recommendations of the Danieal Kelly Grand Jury, we are heartened by the call for an Ombudsman. The POCC has prioritized the enactment and appropriate funding of an Ombudsman for Children with a goal of seeing legislation signed into law early in 2009. The POCC is intent on realizing an Ombudsman that accomplishes the following:

- Creates an independent office expected and authorized to receive, review and, where appropriate, investigate complaints specific to the reporting, investigating and treatment of child abuse or neglect as well as the services provided to children in out-of home care;
- Facilitates understanding of and answers to questions about the laws and practices related to protecting children, including to youth and families directly impacted by the child welfare system;
- Triggers county and state level attention to and action on the investigations undertaken by the Ombudsman;
- Produces an annual report documenting the types and trends of calls received, issues resolved by the ombudsman with a particular requirement to identify systemic child welfare challenges impacting the collective community of children as well as make specific recommendations regarding service delivery related to safety, permanency, and well-being of children and their families.

We would differ, however, with the recommendation in the Grand Jury report because they suggested that an Ombudsman should be appointed in each local county children and youth agency versus the creation of a statewide independent Ombudsman.

The Grand Jury's second recommendation seeks amendment of state laws to make county children and youth agencies "more transparent." They suggested that state law should be amended "to permit the maximum openness of records consistent with the protection of a child's privacy."

During the current legislative session, the POCC worked in partnership with the General Assembly to secure enactment of child fatality/near-fatality legislation. This legislation, which has not yet taken effect, infuses a greater degree of transparency into the child welfare system by requiring that the reports issued by local and state authorities when a child dies or nearly dies, due to abuse, become a matter of public record. Additionally, the state is still working to implement the 2006 law that brought Pennsylvania into compliance with the federal Child Abuse Prevention and Treatment Act (CAPTA) including the creation of Citizen Review Panels.

Pennsylvania's progress on child fatality and CAPTA compliance represent important steps in the effort to assure greater accountability, transparency, and public engagement. They are, however, initial, not final steps. We are prepared to work with you to realize additional initiatives that better inform the public about the strengths and challenges inherent in the child welfare system as well as offer assurances about the systems' integrity overall.

We appreciate the opportunity to offer our comments to you and we stand ready and willing to work with the Committee and the full General Assembly to protect Pennsylvania's children and strengthen families. Finally, by way of background attached are the Principles that guide the work of the POCC.

Thank you for your continued leadership on behalf of Pennsylvania's children and families.