



Children's Justice & Advocacy Report

To promote community responsibility so every Pennsylvania child is protected from child abuse, including sexual abuse.

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Another child protection bill headed to Governor Corbett

Earlier today, the PA House of Representatives unanimously approved [Senate Bill 29](#) sending the bill to await action by Governor Corbett.

The legislation, which the Senate Appropriations Committee has projected will cost approximately \$2.1 million to implement, requires a health care provider to "immediately" make a report or cause a report to be made if the health care provider is involved in the delivery or care of an infant or child under the age of one affected by any of the following:

"(1) Illegal substance abuse by the child's mother.

(2) Withdrawal symptoms resulting from prenatal drug exposure.

(3) A Fetal Alcohol Spectrum Disorder."

Senate Bill 29 builds upon current law resulting from [Act 146 of 2006](#) requiring that health care providers make a report to a children and youth service agency when an infant is "born and identified as being affected by illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure."

A health care provider in Senate Bill 29 is defined as "A licensed hospital or health care facility or person who is licensed, certified or otherwise regulated to provide health care services under the laws of this Commonwealth, including a physician, podiatrist, optometrist, psychologist, physical therapist, certified nurse practitioner, registered nurse, nurse midwife, physician's assistant, chiropractor, dentist, pharmacist or an individual accredited or certified to provide behavioral health services."

Upon receiving a report required by Senate Bill 29; the county children and youth agency would then have to perform a safety and/or risk assessment to determine if the child is in need of protective or general protective services.

The county would have to respond "immediately" if the child needs to be taken into protective custody or the need for such an action isn't certain from the report. Children and youth would also have to be in contact with the parents within 24 hours and then see the child within 48 hours of the report. Finally the agency would be responsible for providing or arranging "reasonable services to ensure the child is

provided with proper parental care, control and supervision.”

Senate Bill 29, which will take effect 90 days once signed into law by the Governor, includes language similar to a [recommendation made by the Task Force on Child Protection](#), which indicated they were addressing the issue to ensure state law was “consistent with the assurance and requirements provisions” of the federal Child Abuse Prevention and Treatment Act (CAPTA). The Task Force, however, limited the applicability to newborns.

Under federal CAPTA, [as amended in 2010](#), states are required within their state plan to provide assurances that the state is “enforcing” a state law or operating a “statewide program” related to addressing the “needs of infants.”

Health and Human Services (HHS) officials [provided clarification to states in 2011 stating](#) that “Such notification need not be in the form of a report of suspected child abuse or neglect. It is ultimately the responsibility of CPS staff to assess the level of risk to the child and other children in the family and determine whether the circumstance constitutes child abuse or neglect under State law.

SB 21 to improve mandatory reporting in PA is not a done deal, PA House must still act

The bill to clarify who has a legal duty to report suspected child abuse (aka mandated reporter) was **not** included in the package of bills signed into law by Governor Corbett on December 18th.

[Senate Bill 21](#), which is sponsored by [Senator Kim Ward](#) (R-Westmoreland), enumerates the extensive list of persons who are mandated reporters. In large measure this list is not dramatically altered but rather there are many clarifications, including on how school is defined.

The bill would go beyond current law to include a person – paid or unpaid – who has an “integral part of a regularly scheduled program, activity or service” who has accepted “responsibility for a child.”

The bill retains current law with regard to the basis to report at “reason to suspect,” but makes a significant change requiring that the mandated

reporter first make a report to authorities outside of an institution and then notify a designated person within the institution.

The bill hit a road block over issues of attorney/client privilege and who can essentially write the rules for lawyers. It still requires that the PA House approve it, send it back to the Senate for agreement in any amendments and then it can head to Governor Corbett.

There remains a strong commitment to getting Senate Bill 21 to Governor Corbett’s desk. It remains on the active PA House calendar.

[Representative Kate Harper](#) prepared an amendment to the bill back in November to address confidential communications related to attorney/client privilege. Her amendment (#04762) states:

“Confidential communications made to an attorney are protected so long as they are within the scope of 42 Pa.C.S. §§ 5916 (relating to confidential communications to attorney) and 5928 (relating to confidential communications to attorney), Federal or State common law attorney-client privilege, the attorney work product doctrine or the rules of professional conduct governing attorneys.”

Meanwhile, another amendment to watch was drafted this week by [Representative Todd Stephens](#), who has been the leader on mandatory reporting issues in the PA House.

His amendment (#05204) amends Senate Bill 21 to remove current language about an “attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.”

With that language removed, Stephens adds the following instead:

“(14) Any other person who, in the course of employment, occupation or practice of a profession for, or on behalf of, any organization or entity that has direct contact with children, provides advice or services regarding:

- (i) The supervision, control or safety of children.
- (ii) The assignment or removal of personnel having direct contact with children.
- (iii) Compliance with this chapter.

(15) Any other person who supervises an individual enumerated in this subsection.”

Stephens is key to getting this bill over the finish line. Similar to the earlier bills signed by Governor Corbett, including those reworking the definition of child abuse and who can be a perpetrator, the current version of Senate Bill 21 has an effective date of December 31, 2014.

So in some ways there is not an immediate urgency, but delaying it also invites a disjointed approach to acclimating and training on what are inter-connected issues (e.g., defining, reporting, investigating).

Trends for ChildLine – PA’s state child abuse reporting hotline

Pennsylvania receives reports of suspected child abuse via a 24-hour hotline known as ChildLine. The hotline is operated by the Department of Public Welfare (DPW). Persons legally required by Pennsylvania law – known as mandated reporters – as well as any person concerned about the safety of a child utilize ChildLine to make a report of suspected child abuse. The state hotline is staffed by specially trained workers and is reached by calling 1-800-932-0313.

Trained ChildLine staff screen calls – based on how state law defines child abuse – to determine whether the report will be forwarded to a county children and youth agency for a child abuse investigation.

ChildLine staff may determine that the report does not involve suspected child abuse, but still requires a response by a county children and youth agency. This is known as a general protective services (GPS) referral or differential response to reports generally viewed as neglect or when a child’s injuries do not appear to meet the statutory definition of child abuse. GPS assessments by county agencies are intended to determine if the family is in need of assistance

and help facilitate connection to any such services.

The hotline also responds to calls that are known as law enforcement only (LEO) reports. LEO calls involve reports of an alleged crime against a child that may require criminal investigation, but the person suspected of this crime is not a perpetrator under the [Child Protective Services Law](#) (CPSL).

As of January 2014, a perpetrator includes only the child’s parent, the paramour of the child’s parent, a person responsible for the welfare of the child, or an individual residing in the same home as the child. Governor Tom Corbett, however, signed Senate Bill 23 into law on December 18th that will broaden the definition of perpetrator beginning on December 31, 2014.

In 2013, ChildLine answered nearly 17 percent more calls (20,216 calls) as compared to 2010. Between 2012 and 2013, the increase in calls answered was 3,543 or approximately a 2.5 percent increase. [See Table 1](#) included later in this edition.

Meanwhile, referrals for GPS increased by nearly 8 percent (2,825 more referrals) between 2010 and 2012 and calls that triggered a child abuse investigation increased by 852 (approximately 3 percent). Finally, LEO reports filed with ChildLine increased by more than 43 percent.

Calls to the hotline extend beyond reports of suspected child abuse, GPS referrals or LEO reports. ChildLine caseworkers also answer calls related to a status check on a pending child abuse background clearance, general calls about qualifying for or accessing services (e.g., food or housing), requests from other states about whether a person under investigation in that state is included in Pennsylvania’s child abuse central registry as well as many other non child abuse related inquiries.

In 2012, approximately 50 percent of the calls to ChildLine involved a situation other than a report that was later investigated as suspected child abuse, resulted in a GPS referral or was referred to law enforcement for a possible criminal investigation of a non-perpetrator:

- 19 percent being sent to a children and youth agency for a child protective services (CPS) investigation;
- 28 percent being referred to the county children and youth agency for a GPS assessment; and
- 3 percent shared with law enforcement for possible criminal investigations involving non-perpetrators.

ChildFirst resolution approved

This week the Pennsylvania House of Representatives approved [House Resolution 537](#).

[Representative Glen Grell](#) and Judiciary Chairman Ron Marsico sponsored the resolution.

Before introducing the resolution last year, the lawmakers encouraged others to [join them writing](#), “It is ChildFirst PA’s mission to have well trained professionals in place who understand how to communicate in an age and developmentally appropriate manner. This program provides forensic interview training programs in cases of child abuse and assists participants and interviewers in defending their interviews and work product in court. ChildFirst PA is specifically designed for investigative teams of law enforcement officers, social workers, prosecutors, child protective attorneys, and mandated reporters of abuse who must provide investigating professionals with essential information. To help better protect our children, ChildFirst PA brings the field into the classroom to enhance the education of front-line child abuse professionals.”

Before winning the House’s approval, the resolution was amended extensively in the House Judiciary Committee.

Removed was language laced with the “ongoing commitment” of the legislature “to protect the rights and needs of children” and similar language. Also gone was language whereby the House was acknowledging that “each county is required by the Child Protective Services Law to form and operate a multidisciplinary investigative team.” Remaining was recognition of ChildFirst “for its forensic interviewer child abuse training program and commitment to training members of multi-disciplinary investigative teams.”

This “invaluable training” and the ChildFirst faculty were recognized by the House but stripped away was language that the House would “do its part in support of the training” and that it be designated as a “recognized forensic training program and MDIT.”

Clock is ticking on federal spending as \$1.1 trillion omnibus unveiled

Earlier today the U.S. House of Representatives approved H.J. Res. 106 putting a short-term Continuing Resolution (CR) in place through January 18th. That CR gives Congress a few days to have the \$1.1 trillion Consolidated Appropriations Act wind its way through both chambers in order to land on President Obama’s desk before next week.

The omnibus spending measure, which weaves together 12 federal spending bills, resulted from hard work and is built upon the budget deal brokered last month between Senate Budget Chairwoman Patty Murray and House Budget Chairman Paul Ryan.

There was bipartisan agreement then to minimize the ill-conceived across-the-board cuts required by sequestration. The December budget deal and now the omnibus do not undo damage already inflicted or eliminate sequestration, but another \$63 billion – over two years – is now back in play for critical American spending priorities, including an emphasis on the early care and learning of American’s youngest children.

Within the omnibus, Congress pushes back against the President who zeroed out funding for children’s advocacy centers within the Victims of Child Abuse Act funding line. Instead Congress has opted to retain the \$19 million as well as retain funding for Court Appointed Special Advocates (CASA). For a little more insight into appropriations within the Administration for Children and Families [see Table 2](#) later in this edition.

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The Center, which recently emerged from a 10 year informal statewide coalition known as the Protect Our Children Committee, is dedicated to assuring that inter-disciplinary stakeholders, including those on the front lines of protecting Pennsylvania's children, have access to timely and reliable policy and practice information and updates.

The Center has extensive expertise at connecting agents of change to information providing historical context about the evolution of child protection policies and practice; while also providing a current and valuable tool so that stakeholders can inform and affect decision-making.

Add value to the work you do each day for our children and help the Center give root to change by becoming an inaugural subscriber of the Children's Justice & Advocacy Report. You can do so by completing the included subscription form. Beginning January 15th, receipt of the publication will require a subscription.

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Table 1: ChildLine trends

YEAR	Total Calls Received	Total Calls Answered	Child Protective Services (CPS)	General Protective Services (GPS)	Law Enforcement Only (LEO)	CPS, GPS + LEO	# Calls Abandoned Deflected ¹	% of Calls Abandoned Deflected
2013	148,204	142,084	N/A	N/A	N/A	N/A	6,120	4.06 ²
2012	145,794	138,541	26,664	39,328	4,703	70,695	7,253	4.95
2011	140,348	128,111	26,215	38,780	3,885	68,880	12,237	8.72
2010	133,660	121,868	25,812	36,503	3,288	65,603	11,792	8.82
2009	123,094	117,203	25,792	33,293	2,948	62,033	5,891	4.79
2008	121,369	117,305	24,064	28,063	2,602	54,729	4,064	3.35
2007	121,657	110,766	22,673	22,443	1,708	46,824	10,801	8.95
2006	105,737	98,514	25,088	18,414	909	44,411	7,223	6.83

Table 2: Consolidated Appropriations Act of 2014 projected appropriations

Administration for Children, Youth and Families (figures in thousands of dollars)	FY 2013	Senate FY 2014	Omnibus
Abandoned Infants Assistance	11,530	11,530	11,063
Adoption Assistance	2,368,680	2,463,000	2,463,000
Adoption Incentive	39,268	39,268	37,943
Adoption Opportunities	39,100	44,100	40,622
Child Abuse Discretionary Activities	25,693	25,693	28,744
Child Abuse State Grants	26,379	26,379	25,310
Child Care and Development Block Grant	2,323,656	2,500,000	2,360,000
Child Welfare Services	280,088	280,088	268,735
Child Welfare Training/Innovative Approaches to Foster Care	26,039	26,039	24,984
Community Based Child Abuse Prevention	41,444	41,444	39,764
Community Services	730,687	731,857	728,880
Consolidated Runaway, Homeless Youth Program	97,160	99,355	97,000
Domestic Violence Hotline	3,191	4,500	4,500
Family Violence/Battered Women's Shelters	129,288	135,000	133,521
Foster Care	4,285,540	4,279,000	4,279,000
Head Start	7,986,040	9,621,070	8,598,095
Independent Living	140,000	140,000	140,000
Independent Living Training Vouchers	45,084	45,084	43,257
Kinship Guardianship	123,000	124,000	124,000
Low-Income Home Energy Assistance		3,614,729	3,424,549
Prevention Grants to Reduce Abuse of Runaway Youth	17,865	17,865	17,141
Promoting Safe and Stable Families	345,000	345,000	345,000
Social Services and Income Maintenance Research		9,000	0
Social Services Block Grant	1,700,000	1,700,000	1,700,00

¹ A call is abandoned when the caller hangs up before they reach a caseworker, a deflected call occurs when a call is unable to be placed in the queue as all caseworkers are engaged in a call and all wait/hold slots are already filled as well. Up to 3 callers can be placed in the queue and will remain there until a caseworker picks up the call or 30 minutes have passed and the call is then terminated.

² February's rate of abandoned and deflected calls exceeded 8 percent and in May the rate exceeded 6 percent. There appears to be a correlation between the times with the highest rate of A/D calls and times the hotline is operating with reduced staff (e.g., between January and May the hotline was operating with 5 vacancies due to 2 retirements, 2 workers leaving to work in a county assistance office and 1 transitioning to a supervisory position).