

## Children's Justice & Advocacy Report

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

### In the February 24<sup>th</sup> edition:

1. [Judiciary offers insight on "offensive" emails, uptick and oversight of foster care plus what's next for juvenile lifers](#)
2. [U.S. Senate Finance Committee spotlights Family First Act in studying opioid "epidemic"](#)
3. [March 29th Roundtable to address opioid epidemic's impact on PA infants and children](#)
4. [Recognizing the link between human abuse and animal abuse](#)
5. [Funding for Children's Advocacy Centers gets political, remains difficult to track](#)
6. [Remembering Scalia's dissent in a case essential to advancing child testimony options](#)

### Judiciary offers insight on "offensive" emails, foster care, and juvenile lifers

Tuesday a bipartisan subcommittee in the Pennsylvania House of Representatives began to sort through whether Attorney General Kathleen Kane should face Articles of Impeachment; while at the same time members of the state's unified judicial system

pitched their case to the General Assembly for their share of the Commonwealth Budget. Members of the judiciary were not only making the case for a budget, but working overtime to restore confidence given the events of the last year.

Pennsylvania Supreme Court Justices [Max Baer](#) and [Debra McCloskey Todd](#) appeared before the Appropriations Committee of the PA Senate and House of Representatives.<sup>1</sup>

Todd opened her comments before the Senate Appropriations Committee stating that she and Baer were "proud to represent the 1,027 jurist across the Commonwealth." Citing the number seemed to be an intentional way to reinforce that more than a thousand jurists serve at a time that a small number are under the microscope.

Todd said the mission of the judiciary is to deliver "fair, timely and accessible justice to all Pennsylvanians" and said that the hearing would aid in the judiciary gaining a "healthy assessment of others' views" about how it was accomplishing that mission.

[Senator Rob Teplitz \(D-Dauphin\)](#) quickly got down to that "healthy assessment" stating, "I don't mean any disrespect but I do feel obligated to ask what the leadership of the court is doing to address both the substance of the offensive emails as well as the ex-parte

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<sup>1</sup> <http://www.pasenategop.com/budget-hearings-summary/>

## U.S. Senate Finance Committee spotlights Family First Act in studying opioid “epidemic”

The United States Senate Committee on Finance joined the growing list of Congressional Committees examining the human and fiscal toll heroin and prescription opioid abuse is inflicting.

Of great interest has been the cost to Medicare and Medicaid.

Tuesday’s Senate Finance Committee hearing had members hearing from experts who could speak to the epidemic’s impact on those individuals at the dawn and twilight of life.

Dr. Nancy Young, Ph.D. from Child and Family Futures (CCF) was tapped to provide some lens into child welfare. While the hearing also drew attention to bipartisan legislation sponsored by Pennsylvania Senator Pat Toomey.

[Finance Committee Chairman Orrin Hatch \(R-Utah\)](#) described Toomey’s bill as a vehicle to allow “Medicare Part D prescription drug plans to work with at-risk beneficiaries to identify one physician to prescribe opioids and one pharmacy to fill all the opioid prescriptions.”<sup>2</sup> He continued, “Having opioids prescribed by one physician instead of multiple doctors will result in better patient care and reduced abuse. It will also make it more likely that a beneficiary with a problem gets the help they need.”

Senator Bob Casey has joined with Toomey on the Medicare bill.

Hatch used his opening remarks to set the stage for his fierce and personal commitment to addressing the epidemic’s impact on the child welfare system.

<sup>2</sup><http://www.finance.senate.gov/chairmans-news/hatch-statement-at-finance-committee-hearing-examining-the-opioid-epidemic>

“The current opioid epidemic is just the latest manifestation of an ongoing problem in child welfare. Whether it be the crack cocaine epidemic of the 1980’s, the methamphetamine epidemic that has plagued many rural areas, or the current opioid crisis, we have seen time and again that the child welfare system is ill-equipped to deal with families struggling with substance abuse.”

In December, Hatch announced that he and [Ranking Member Senator Ron Wyden \(D-Oregon\)](#) have “reached an agreement on legislation that we called the Family First Act, which will increase the availability of prevention services to allow children at risk of going to foster care to remain safely at home and to reduce the reliance on group homes for children under the foster system.”<sup>1</sup> Back in December Hatch noted, “As we all know, entering the foster care system can be particularly traumatic for a child” later stipulating, “Our bill would give States greater flexibility, with the goal of keeping children with family members.”

Tuesday Hatch underscored his concerns about children being “raised by the state in foster care.” He stipulated these children

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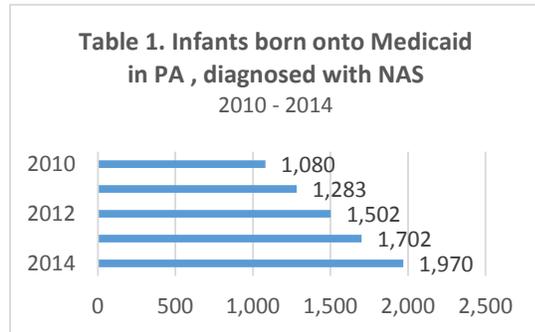
## March 29<sup>th</sup> Roundtable to address opioid epidemic’s impact on PA infants and children

When the Senate Finance Committee sought to dig deeper to better understand the direct impact the opioid epidemic is having on child welfare, they invited Dr. Nancy Young from Children and Family Futures, Inc.

In her testimony Tuesday, Young reminded senators that our country is not unfamiliar with drug related “epidemics.” Still she stressed, “The increase of opioid misuse has been described by long-time child welfare professionals as having the worst effects on

child welfare systems that they have seen.” She said the current situation differs from prior experiences in two “major” ways: “first that young people are dying in astonishing rates and many states report that infants are coming into protective custody at alarming rates.”

More than 7,500 infants were born onto Medicaid and diagnosed with Neonatal Abstinence Syndrome (NAS) in Pennsylvania between 2010 and 2014 (*Table 1*).<sup>3</sup>



Beyond infants diagnosed with NAS, Pennsylvania’s submission to the federal Adoption and Foster Care Analysis and Reporting System (AFCARS) provides some

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### Recognizing the link between human abuse and animal abuse

Over the last year the Center for Children’s Justice (C4CJ), the Humane Society of the United States (HSUS), and the Pennsylvania Coalition Against Domestic Violence (PCADV) have joined together to raise awareness about the link between abuse against humans and animals. This collaboration has resulted in the Minor Judiciary Education Board including a joint training about the link within its continuing education for magisterial district judges.

<sup>3</sup> This document identifies the number of infants born onto Medicaid that were diagnosed with Neonatal Abstinence Syndrome (NAS) in Pennsylvania between calendar years 2010 and 2014. The data was obtained through a Right to Know (RTK) request filed with the Pennsylvania

This collaboration arrived as the Federal Bureau of Investigation (FBI) reworked the Uniform Crime Report (UCR) system adding Animal Cruelty to the National Incident Based Reporting System (NIBRS) as a Group A offence and as a Crime Against Society. NIBRS was implemented by the FBI in 1989 to provide more comprehensive incident specific crime details. Historically animal cruelty crimes were reported by law enforcement to the FBI through a catch all “other” category. This practice made it difficult to track the scope and types of crimes against animals, who was perpetrating such

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### Funding for Children’s Advocacy Centers gets political, remains difficult to track

The PA House and Senate Appropriations Committees are hard at work dissecting (and disagreeing about) the proposed 2016-2017 budget put forth by Governor Tom Wolf earlier this month. Wolf unveiled another ambitious budget even as he and policy makers have yet to reach agreement on the current fiscal year (2015-2016) spending plan.

More than ever the process of budgeting in Pennsylvania is both complicated and quite political. The debates are accompanied by lots of finger pointing and too rarely is there objective let’s follow the facts and the dollars to meaningfully set priorities.

Consider a debate that unfolded On February 10<sup>th</sup> in the Pennsylvania House of Representatives where Republicans tried to win support for House Bill 1802 framed as “funding restoration for children’s advocacy centers (CACs).” This debate, while reflecting

Department of Human Services (DHS) in September 2015. PA DHS supplied the data on January 15, 2016. PA DHS supplied the data about the number of infants born onto Medicaid and having the diagnosis code of 779.5 (Neonatal withdrawal symptoms from maternal use of drugs of addiction).

passionate words on behalf of abused children, missed the mark.

First, it is important to underscore that the significant child protection reforms enacted between 2013 and 2015 (virtually unanimously in both chambers) speaks to the fact that both Democrats and Republicans are committed to preventing abuse and effectively intervening when a child is victimized. That shouldn't be lost in the current political divide over the budget.

Now back to February 10<sup>th</sup>. Republicans were trying to undo a December veto executed by Wolf related to the 2015-2016 budget. Redlined was a \$1 million appropriation for CACs.

This veto led House Judiciary Committee Chairman Ron Marsico to pen a guest opinion (*Why did Gov. Wolf veto critical funding for kids?*).<sup>4</sup> In it Marsico wrote about the state budget overall and then he turned with laser focus to CACs. He wrote that he believed it “to be completely unconscionable for the governor to completely neglect” the CACs  
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### Remembering Scalia's dissent in a case essential to advancing child testimony options

Tuesday, United States Senate Republican leader Mitch McConnell (R-Kentucky) vowed the vacancy created on the Supreme Court of the United States (SCOTUS) with the death of Justice Antonin Scalia “should not be filled by this lame duck President.”<sup>5</sup>

The politics and rhetoric surrounding the next steps on getting SCOTUS to a full complement invites a reflection of how often the court decides cases critically important to protecting children.

The Center for Children's Justice traces its roots to 2003 when it waged a statewide public education campaign and mobilized diverse stakeholders to ensure that victimized children are provided with options when testifying in court.

We were intent on ensuring Pennsylvania amended the Constitution of the Commonwealth. State voters overwhelmingly supported two amendments setting the stage then for the Pennsylvania General Assembly enacting a law to set forth the process by which a child could be granted an option to offer testimony by means other than face-to-face (e.g., closed-circuit television).

In 2003, Pennsylvania voters approved giving children testimony options intended to  
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<sup>4</sup>[http://www.pennlive.com/opinion/2016/02/why\\_did\\_gov\\_wolf\\_veto\\_critical.html](http://www.pennlive.com/opinion/2016/02/why_did_gov_wolf_veto_critical.html)

<sup>5</sup> <http://www.c-span.org/video/?405143-1/senate-republicans-legislative-agenda>