



## 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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### Congressional Committee flexes oversight on CAPTA Plans of Safe Care provision

The United States House of Representatives' [Education and the Workforce Committee](#) announced Friday it will step up oversight of a key federal child protection law – the Child Abuse Prevention and Treatment Act (CAPTA).<sup>1</sup>

[Education and Workforce Chairman John Kline \(R-MN\)](#) wrote to Department of Health

<sup>1</sup><http://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=400097>

and Human Services (HHS) Secretary Sylvia Burwell that he is “deeply concerned that the

Department may not be properly enforcing” CAPTA.

The Chairman - joined by [Congressman Todd Rokita \(R-IN\)](#) in his capacity as Chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education – is increasing Congressional oversight in response to a Reuters’ investigative report ([Helpless and Hooked: the most vulnerable victims of America’s opioid epidemic](#)).

Through this investigation, Reuters identified infants and young children “whose mothers used opioids during pregnancy and who later died preventable deaths.”

Reuters also addressed the degree to which states are non-compliant with the CAPTA **Keep reading, become a CJAR subscriber!** <http://www.c4cj.org/subscribe.php>

### Congress puts forth important child protection vision in CAPTA, but resources and vision don't match up

CAPTA was last reauthorized by Congress in 2010.<sup>2</sup>

CAPTA provides a solid foundation and cross-systems vision for how children should be protected from child abuse and neglect.

<sup>2</sup> PL 111-320 retrieved at <https://www.congress.gov/111/plaws/publ320/PLAW-111publ320.pdf>

Still this powerful road map for child protection along with its mandates have long existed without any acknowledgement that the vision and the resources are dramatically out of sync.

The Education and Workforce oversight letter issued last week was silent about how little funding Congress appropriates for child protection through CAPTA (less than \$100 million annually through several grant programs).

Consider that PA receives approximately \$2 million in CAPTA funds annually. CAPTA  
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### **CAPTA State Plan provisions get altered by Congress and then HHS eliminates the regulations**

When Congress reauthorized CAPTA in 2010 it removed the requirement that states submit a distinct CAPTA plan every five years.

Under current law, states instead must submit a state plan to HHS with the plan remaining in effect “for the duration of the State’s participation under this section” and that it should be “periodically reviewed and revised as necessary by the State.” States are expected to provide HHS with any notice of “substantive changes” in state laws or regulations impact child abuse and neglect or if there is any “significant changes” in how a state is spending its CAPTA funds.

CAPTA requires the submitted plan “contain a description of the activities that the State will  
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### **PA Budget process slugs along**

This week when the Pennsylvania Senate returns to Harrisburg they are slated to tackle supplemental funding for the Department of Corrections (DOC).

The vehicle - [Senate Bill 1106](#) – was introduced last week by Senate Appropriations Chairman Pat Browne to appropriate \$939.4 million to DOC for “the salaries, wages and all necessary expenses for the proper operation and administration of State correctional institutions.”

DOC was among the agencies that took the biggest hit (a nearly 40 percent reduction) with Governor Tom Wolf’s partial line-item veto of the latest iteration of a 2015-2016 Commonwealth Budget. The “supplemental” appropriation being sought by Browne and his Senate colleagues is equal to the [amount vetoed](#) by Wolf in late December.

Governor Wolf will unveil his version of a 2016-2017 Commonwealth Budget on February 9<sup>th</sup>. Just weeks before members of the General Assembly have to meet the filing deadline to be on the ballot for re-election in the April primary. The primary is less than 100 days away and the Pittsburgh Post-Gazette takes a little look at how that primary and the left over salt in wounds from the 2015-2016 budget process may slow down any meaningful action on legislative business ([Pennsylvania's approaching primary means legislators less likely to act on budget](#)).

One certainty in the General Assembly lots  
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### **Collateral Consequences of Conviction legislation introduced**

Last month, Pennsylvania’s Commonwealth Court unanimously ruled lifetime bans for employees covered by the Older Adults Protective Services Act (OAPSA) are “unconstitutional and unenforceable” (*read the 12/30/15 CJAR edition - PA Court: lifetime employment bans “unconstitutional and unenforceable”*).

That decision and the further scrutiny it invites about employment bans for persons with prior criminal convictions arrived as the Pennsylvania Senate Judiciary Committee Chairman officially introduced his [Uniform](#)

[Collateral Consequences of Conviction Act \(Senate Bill 1090\).](#)

Senator Stewart Greenleaf's legislation has been informed by a National Institute of Justice (NIJ) supported project undertaken by the American Bar Associations (ABA) to develop a "[National Inventory of Collateral Consequences of Conviction \("NICCC"\)](#)."

The ABA notes that while collateral  
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### **Sex trafficking victims and Title IV-E allowable costs**

The federal Administration for Children and Families (ACF) used its Child Welfare Policy Manual last week to clarify a question about states claiming costs associated with providing services to sex trafficking victims under Title IV-E of the Social Security Act (SSA).<sup>3</sup>

Specifically ACF was asked, "May a Title IV-E agency claim Title IV-E foster care administrative costs for the identification of sex trafficking and for associated case management as administration in accordance with sections 471(a)(9) and (34) of the Social Security Act?"

ACF responded affirmatively saying that costs may be claimed "on behalf of any child or youth in the placement, care, or supervision

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<sup>3</sup>[http://www.acf.hhs.gov/cwpm/programs/cb/laws\\_policies/laws/cwpm/policy\\_dsp\\_pf.jsp?citID=34](http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy_dsp_pf.jsp?citID=34)