



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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Greenleaf and Leach propose Safe Harbor for Sexually Exploited Children

Pennsylvania state Senators Stewart Greenleaf and Daylin Leach put forth a [co-sponsor memo in early May inviting senators](#) to join with them to make PA a safe harbor state.

Senate Bill 851 has now been introduced establishing a Safe Harbor for Sexually Exploited Children.

The proposed legislation defines a sexually exploited child as “any person under 18 years of age who has been subject to sexual exploitation because the person: is a victim of human trafficking or engages in an act of prostitution” (as defined in Section 5902a of the Crimes Code). This legislation would create this safe harbor for these children through a number of strategic steps:

- Require law enforcement to make a report to the Department of Human Services (DHS) when law enforcement encounter a person under the age of 18 who engages in

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Examining PA's balancing act about when child welfare files are expunged

Pennsylvania's Child Protective Services Law (CPSL) defines the word expunge and then outlines the expunction requirements for child welfare records.

The CPSL Defines expunge as: “To strike out or obliterate entirely so that the expunged information may not be stored, identified or later recovered by any mechanical or electronic means or otherwise.”

The CPSL also directs the Pennsylvania Department of Human Services to establish a “statewide database of protective services” outlining that this database include the following:

1. Reports of suspected child abuse pending investigation;
2. Reports with a status of pending juvenile court or pending criminal court action;
3. Indicated and founded reports of child abuse;

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Below is a chart of the specific expunction provisions following the 2013-2014 changes:

Type of report/referral	Retention Period	Expunction Requirement
Founded or indicated report – victim data	When the child victim reaches the age of 23	The expunction “shall be mandated and guaranteed by the department.”
Founded or indicated report – perpetrator data		
Child Abuse Report – unfounded after investigation		
Child Abuse Report – no determination made by the county agency within 60 days of initial report		
Child Abuse Report – unfounded and family accepted for services		
General Protective Services (GPS) – valid report + child/family not accepted for services	5 years from the date of the report for GPS	

¹ Based on data included in Annual Child Abuse Reports issued by the Pennsylvania Department of Human Services. While the DHS report fatality and near-fatality data relate to the year in which the report is substantiated as child abuse and neglect, this chart reflects data categorizing the fatalities and near-fatalities based on the year in which the

Parental substance abuse and the impact on PA’s young children and the child welfare system

Between January 1, 2009 and September 30, 2014, at least 240 Pennsylvania infants, who had not yet celebrated a first birthday, died or nearly died as a result of substantiated child abuse and neglect (CAN). The toll is also significant for children 1 to 3 years of age with 155 Pennsylvania toddlers dying from CAN in this same time period. In all, 80 percent of Pennsylvania children who died from CAN in this time period were 3 years of age or younger.¹

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Leveraging State and Federal Statutes and Funding Streams to Support Mothers and Babies

Pennsylvania Act 4 of 2014 ² requires that substance exposed infants be referred, by health care providers, to a county children and youth service (CYS) agency when the health care provider is has been involved in the delivery or care of a child under age one who is “born and 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.”

Act 4 outlined the duties then of the CYS agency including initiating a safety assessment or risk assessment or both for the child toward determining if the child is in need of child protective or general protective services. A representative of the CYS agency

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incident occurred. PA’s Annual Child Abuse Reports can be retrieved at <http://www.dhs.state.pa.us/publications/childabuse-reports/index.htm>

² Act of Jan. 22, 2014, P.L. 6, No. 4. Retrieved at <http://www.legis.state.pa.us/cfdocs/legis/li/uconsCh-eck.cfm?yr=2014&sessInd=0&act=4>

must also

Getting intentional about Plans of Safe Care for infants

Children and Family Futures (CCF), which provides technical assistance to Pennsylvania, projects that if plans of safe care were developed and implemented for American newborns with prenatal substance exposure, “as many as 500,000 infants would receive the care and services they need.”³

In their recent testimony before the National Commission to Eliminate Child Abuse and Neglect Fatalities (CECANF), CCF highlighted that “Out of an estimated 500,000 babies born with prenatal substance exposure, only 22,000 pregnant women were admitted to publicly funded treatment in 2011.” They also demonstrated the difficulty in predicting the overall number if the narrower criteria of “affected by illegal substance abuse or withdrawal symptoms or a fetal alcohol spectrum disorder” is applied.

Below is a chart illustrating (with limitations) the number of live births in PA where the infant was exposed to illegal drugs prenatally or FASD.

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Toomey turning up the heat to increase funding for crime victims

[NBC10 in Philadelphia undertook an investigative report](#)⁴ into the National Crime Victims Fund featuring [United States Senator Pat Toomey](#)’s work to free up more money for crime victims in Pennsylvania and across the country.

The investigative piece faults Congress – Republicans and Democrats – for permitting the \$8 billion balance in the Crime Victims

³ Testimony of Dr. Nancy K. Young, Executive Director, Children and Family Futures (CFF) presented to the National Commission to Eliminate Child Abuse and Neglect Fatalities on April 28, 2015.

Fund to be directed (on paper as part of a budget gimmick) to pay for other priorities Congress wants, but doesn’t want to have to pay for, as required by budget rules. It also features the work of Mission Kids one of Pennsylvania’s Children’s Advocacy Centers.

The Crime Victims Fund was authorized in 1984 as part of Victim of Crimes Act (VOCA). Fines and penalties paid by federally convicted offenders, including those involved in corporate crime, are deposited into the fund. It was established as a dedicated funding stream that can only be used to provide direct assistance to crime victims. No tax dollars are deposited into the fund.

Despite the significant amount of money available in the Crime Victims Fund, Congress annually imposes a cap that has restricted the amount of funds available to directly aid crime victims. In FY 2014, the cap was set at \$745 million.

A well-organized and multiyear advocacy effort recently induced Congress to raise the cap in FY 2015, making \$2.361 billion of Crime Victims Fund monies available. This increase was included in the Consolidated and Further Continuing Appropriations Act, 2015, which was signed by President Obama on December 16, 2014.

The NBC10 investigative piece builds upon Toomey’s work to secure another (one year) fix to ensure that more funding (approximately \$2.5 billion) keeps flowing to

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⁴

<http://www.nbcphiladelphia.com/investigations/>