

# Testimony on House Bill 1311

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Good Morning Chairwoman Watson, Chairman Conklin and the members of the House Children and Youth Committee. My name is Seán McCormack, and I am Chief Deputy District Attorney here in Dauphin County. I appear here this morning before you on behalf of the Pennsylvania District Attorneys Association. Thank you for giving me an opportunity to testify concerning House Bill 1311.

Briefly, to give you a sense of my perspective on HB 1311, I would like to tell you a little bit about my background. I have served in the Dauphin County District Attorney's Office since 1989, and I have specialized in the prosecution of child abuse crimes continuously since 1995. Over that time, I have been involved with the investigation of thousands of child abuse allegations. I am the chair the Pennsylvania District Attorneys Association's Child Abuse Coalition. The Child Abuse Coalition is comprised of prosecutors from across the state who specialize in the prosecution of child abuse cases. I have the privilege to participate in many committees and task forces at the statewide level dedicated to improving state/county responses to allegations of child abuse. In fact, over a decade ago I participated on a Joint State Government Commission committee which studied the same proposal, the creation of a Children's Ombudsman (Advocate), which is the subject of HB 1311. I was the co-chair of the Children's Justice Act subcommittee that developed a statewide Model Set of Standards for the investigation of child abuse allegations. And, I currently sit on the Pennsylvania Commission on Crime and Delinquency Children's Advocacy Center Advisory Committee.

As a prosecutor I witnessed firsthand many of the issues House Bill 1311 seeks to address. I often contemplate just how we at the local and state levels can improve our

collective responses to child abuse allegations. More importantly, what do we need to do to ensure that no child falls through the cracks? How can we avoid the mistakes that occur on occasion that result in headline grabbing stories like the death of Portia Bennett in Philadelphia, the sexual abuse committed by a predator like Jerry Sandusky, and, closer to home for me, the starvation death of little nine year-old Jarrod Tutko?

The Pennsylvania District Attorneys Association, as it concerns HB 1311, is not in support of the creation of a Children's Advocate. When I was asked to represent the association here this morning I took some time to reflect on my own thoughts concerning the proposed legislation creating a Children's Advocate position. The creation of the Office of Children's Advocate is a proposal I have considered often over the years. In preparation for my testimony today, I went back and reviewed my notes from my participation on that Joint State Government Commission committee. Additionally, I gave a lot of thought to the specific issues, problems and past failures of the child protection system that HB 1311 is seeking to address. I also reviewed the Report of the Task Force on Child Protection to get a better perspective on the problems we face in this state as it concerns the child protection system.

*The question is, does creating the Office of Children's Advocate solve the pressing issues that plague Pennsylvania's child protection system?* I suggest the answer to that question is "no." The pressing issues within the child protection system are well known to this committee. Unmanageably high caseloads, inadequate training to prepare caseworkers for the reality of the job, and low pay are consistently cited as the critical issues which need addressing. All of these

issues lead to an even greater crisis, unreasonably high caseworker turnover rates. A Child Advocate does not solve those issues.

The Task Force on Child Protection looked at the issue of creating a Child Advocate position in Pennsylvania and stated in its report, *“Although an office of child advocate or ombudsman has been viewed as an important tool to protect children, given Pennsylvania’s state-supervised, county-administered system, the Task Force opined that the office may be unnecessary and an extra layer of bureaucracy, and resources could be better spent elsewhere.”* I agree with that assessment. You know better than I do that Pennsylvania has limited dollars to spend. The money that would be spent on the creation of an Office of Children’s Advocate is sorely needed to address the pressing issues I described earlier. The duties of the child advocate are in many ways already being performed by the Department of Human Services and other agencies on both the state and local level. Some examples of agencies and groups that are already shining a light onto the issues facing the child welfare system include, the Auditor General, who, in September 2017, released a report studying the problems of the child welfare system. The AOPC also has a workgroup dedicated to looking into the problem of caseworker retention.

We share the same goals. And collectively we have done so much together. I know that by working together again, we can advance our mutual goals. So while we may disagree on this bill, I hope we can continue our conversation and work together to make Pennsylvania better for our vulnerable and abused children. Just like we have done in the past.