COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

CHILDREN AND YOUTH COMMITTEE HEARING

STATE CAPITOL
ROOM 60 EAST WING
HARRISBURG, PENNSYLVANIA

THURSDAY, AUGUST 27, 2009
10:10 A.M.

PRESENTATION ON
FOSTER CARE AND ADOPTION INITIATIVES

BEFORE:
HONORABLE LOUISE WILLIAMS BISHOP,
MAJORITY CHAIRWOMAN
HONORABLE TIM BRIGGS
HONORABLE VANESSA LOWERY BROWN
HONORABLE MARK B. COHEN
HONORABLE PAUL J. DRUCKER
HONORABLE TOM HOUGHTON
HONORABLE PHYLLIS MUNDY
HONORABLE KEVIN P. MURPHY
HONORABLE FRANK LOUIS OLIVER
HONORABLE STEVE SAMUELSON
HONORABLE RONALD G. WATERS
HONORABLE JEWELL WILLIAMS
HONORABLE ROSITA C. YOUNGBLOOD
HONORABLE DENNIS M. O'BRIEN, MINORITY CHAIRMAN
HONORABLE JIM COX
HONORABLE GARY DAY
HONORABLE JERRY KNOWLES
HONORABLE DAN MOUL
HONORABLE WILL TALLMAN

* * * * *

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1 ALSO PRESENT:
JANE A. MENDLOW
2 MAJORITY EXECUTIVE DIRECTOR
TAKESHA M. LATHAM
3 MAJORITY RESEARCH ANALYST
HEATHER J. WALSH
4 MAJORITY LEGISLATIVE ASSISTANT
JANELLE LYNCH
5 MINORITY EXECUTIVE DIRECTOR
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7 DEBRA B. MILLER
REPORTER
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17
18
19
20
21
22
23
24
25

1 I N D E X

2 TESTIFIERS

3

NAME PAGE

4

ESTELLE B. RICHMAN
5 SECRETARY,
PA DEPARTMENT OF PUBLIC WELFARE (DPW).....8

6

CATHY UTZ
7 BUREAU DIRECTOR FOR
POLICY AND PROGRAM DEVELOPMENT,
8 OFFICE OF CHILDREN, YOUTH AND FAMILIES,
PA DEPARTMENT OF PUBLIC WELFARE (DPW).....10

9

JENNIFER FRIEDMAN
10 CHIEF OF STAFF,
OFFICE OF CHILDREN, YOUTH AND FAMILIES,
11 PA DEPARTMENT OF PUBLIC WELFARE (DPW).....17

12 JOAN BENSO
PRESIDENT AND CEO, PA PARTNERSHIPS
13 FOR CHILDREN (PPC); PORCH LIGHT PROJECT.....39

14 THE HONORABLE PAMELA TOKAR-ICKES
COMMISSIONER, CHAIR OF THE
15 SOMERSET COUNTY BOARD OF COMMISSIONERS;
CHAIRPERSON, COUNTY COMMISSIONERS
16 ASSOCIATION OF PA (CCAP)
HUMAN SERVICES COMMITTEE.....70

17

GEORGE KOVARIE
18 PRESIDENT, PA CHILDREN AND YOUTH
ADMINISTRATORS, INC. (PCYA);
19 EXECUTIVE DIRECTOR, BERKS COUNTY
CHILDREN AND YOUTH SERVICES.....76

20

LAURIE O'CONNOR
21 EXECUTIVE DIRECTOR, MONTGOMERY COUNTY
OFFICE OF CHILDREN AND YOUTH.....92

22

JOE DeVIZIA
23 EXECUTIVE DIRECTOR, LUZERNE COUNTY
OFFICE OF CHILDREN AND YOUTH,
24 HUMAN SERVICES DIVISION.....98

25

TESTIFIERS (cont.'d)

NAME PAGE

ANNE MARIE AMBROSE
COMMISSIONER, PHILADELPHIA DEPARTMENT
OF HUMAN SERVICES (DHS).....109

KAY M. RUPERT
DIRECTOR OF HUMAN SERVICES/
CHILDREN AND YOUTH ADMINISTRATOR,
CLARION COUNTY.....115

SANDRA E. MOORE
ADMINISTRATOR, OFFICE OF CHILDREN
AND FAMILIES IN THE COURTS,
ADMINISTRATIVE OFFICE OF PA COURTS
(AOPC); SUPREME COURT OF PA.....90, 141

CYNTHIA K. STOLTZ, ESQ.
ADMINISTRATOR,
ALLEGHENY COUNTY CHILDREN'S COURT.....154

KEITH HAYES
DIRECTOR, CHESTER COUNTY DEPARTMENT
OF CHILDREN AND YOUTH AND FAMILIES.....163

THE HONORABLE TODD A. HOOVER
JUDGE, COURT OF COMMON PLEAS,
DEPENDENCY AND ORPHANS' COURT,
DAUPHIN COUNTY.....167

THE HONORABLE GEORGE P. HARTWICK III
COMMISSIONER, DAUPHIN COUNTY.....175

WILLIAM BROWNING
EXECUTIVE DIRECTOR, CHILDREN AND YOUTH
SERVICES, LACKAWANNA COUNTY.....183

* * *

SUBMITTED WRITTEN TESTIMONY

JODY GRUTZA
SENIOR POLICY ANALYST,
NATIONAL GOVERNORS ASSOCIATION CENTER
FOR BEST PRACTICES (NGA CENTER).....199

SUBMITTED TESTIMONY (cont.'d)

NAME PAGE

YORK COUNTY BOARD OF COMMISSIONERS.....215

EDUCATION LAW CENTER OF PA (ELC);
JUVENILE LAW CENTER (JLC); KIDSVOICE;
SUPPORT CENTER FOR CHILD ADVOCATES;
AND LUCY JOHNSTON-WALSH OF
PENN STATE DICKINSON SCHOOL OF LAW,
CHILDREN'S ADVOCACY CLINIC,
CENTER ON CHILDREN AND THE LAW.....220

* * *

SUBMITTED DOCUMENTS

NATIONAL GOVERNORS ASSOCIATION CENTER
FOR BEST PRACTICES (NGA CENTER)
FOSTERING CONNECTIONS ACT -- PL 110-351.....233

DEPARTMENT OF PUBLIC WELFARE
SPECIAL TRANSMITTAL.....236
COUNTY AGENCY LETTERHEAD.....261

1 P R O C E E D I N G S
2 * * *
3 CHAIRWOMAN BISHOP: The meeting is called to
4 order.
5 Good morning, ladies and gentlemen.
6 What a delight to be able to call all of you
7 together from across the Commonwealth of Pennsylvania
8 that we might address a very serious issue, and
9 that's the issue of children, youth, foster care,
10 finding out what's going on in every single county,
11 because all of us have great concerns and all of us
12 are concerned about the financial strain that is
13 placed upon each and every county in the
14 Commonwealth.
15 I would like to introduce our
16 Minority Chairman who is with us -- everyone knows
17 him -- Representative and Chairman Denny O'Brien.
18 REPRESENTATIVE O'BRIEN: Thank you,
19 Madam Chairperson.
20 First, I would just like to thank the
21 Chairperson for having this important hearing
22 today.
23 I would like to suggest perhaps where I
24 believe this focus should be. It's really about
25 connecting to families and about permanency, and that

1 can happen, that permanency can be achieved in a
2 number of ways: by getting children into adoption;
3 supporting the natural family; and where that's not
4 possible, giving that connection to the foster
5 family.
6 I think what we really have to focus on
7 today is that need for permanency, looking at the
8 support mechanisms that are necessary to achieve
9 those goals.
10 And again, I would just like to recognize
11 Secretary Estelle Richman. And I have said this for
12 many, many years when I knew her in Philadelphia and
13 now that she is serving our most vulnerable
14 population in the Commonwealth of Pennsylvania:
15 Nobody has done more with the existing resources than
16 this lady has. She understands a vision, and I would
17 be most welcoming of her vision for these vulnerable
18 children today.
19 But again, I can see the stress that we're
20 all experiencing in these difficult budget times, but
21 I also have to tell you, nobody is wearing that
22 stress on their face more than the Secretary of
23 Welfare, Estelle Richman.
24 These are examples of the most vulnerable
25 people in society, and I thank the Chairperson for

1 focusing on the needs of these children, and I
2 welcome the opening remarks from Secretary Richman.
3 SECRETARY RICHMAN: Thank you.
4 CHAIRWOMAN BISHOP: Secretary Richman, we
5 welcome you at this time.
6 SECRETARY RICHMAN: Thank you.
7 CHAIRWOMAN BISHOP: The Secretary, of
8 course, from the Commonwealth of Pennsylvania on
9 children, youth, foster care, and all of those issues
10 that this entire committee has been concerned about.
11 Welcome.
12 SECRETARY RICHMAN: Thank you.
13 Good morning, Chairwoman Bishop and Chairman
14 O'Brien, members of the committee, and staff.
15 I am Estelle Richman, Secretary of the
16 Department of Public Welfare. I am joined by
17 Jennifer Friedman, Chief of Staff, and Cathy Utz,
18 Bureau Director for Policy and Program Development,
19 both of the Office of Children, Youth and Families.
20 I am pleased to be here today to provide
21 testimony regarding DPW's role in the Fostering
22 Connections to Success and Increasing Adoptions Act
23 of 2008, the Pennsylvania Supreme Court Permanency
24 Practice Initiative, and the National Governors
25 Association Policy Academy to Safely Reduce the

1 Number of Children in Foster Care.
2 DPW's primary focus is on the safety,
3 permanency, and well-being of the children we serve.
4 We operate from the assumption that children belong
5 with their own families and should receive necessary
6 services in the community rather than being placed
7 outside of their home and away from their families.
8 Placement should be the last resort, and
9 children should be placed in the most appropriate
10 setting to meet the child's needs in a location that
11 promotes reunification with the family if possible
12 and as soon as possible.
13 Currently, DPW is engaged in a number of
14 initiatives which complement and build on one another
15 to encourage best practices in the Commonwealth's
16 child welfare system. All of these practices are in
17 line with our goals to increase safety, safely reduce
18 reliance on out-of-home care, improve permanency, and
19 reduce re-entry.
20 DPW believes that these best practices will
21 result in positive outcomes for the children, their
22 families, the counties, and DPW, including fewer
23 children in out-of-home placements, more children in
24 permanent homes, and more placements nurturing
25 family-like homes.

1 I'm now going to ask Cathy Utz to discuss
2 the Fostering Connections Act.
3 DIRECTOR UTZ: Good morning.
4 CHAIRWOMAN BISHOP: Good morning.
5 DIRECTOR UTZ: On October 7 of 2008, the
6 Federal Fostering Connections to Success and
7 Increasing Adoptions Act of 2008 was signed into law.
8 The law provides States with new opportunities to
9 strengthen practice.
10 Grounded in themes that are viewed as best
11 practice, the new law emphasizes the need for more
12 accountability in assuring that we are achieving
13 lasting permanency for children receiving our
14 services.
15 The law's overarching themes focus on
16 maintaining family connections, ensuring that youth
17 exiting the system are prepared for adulthood, and
18 that all children are afforded quality education.
19 The law underscores the need to explore
20 relatives as resources for children entering care and
21 requires that notice be provided to all relatives
22 within 30 days of a child entering placement.
23 Because siblings who enter placement are
24 often separated, the law also supports continuing
25 sibling relationships through frequent visitation

1 when they can't be placed together.
2 While use of kin as resources has been a
3 priority for Pennsylvania for many years, there is
4 still room for improvement. We have continued to
5 increase the number of children placed in kinship
6 homes and who have become permanent resources.
7 However, we often delay our search until the
8 time of placement or when a child can no longer
9 return to their family, recognizing that by waiting,
10 we lose essential time. Our efforts are now focused
11 on identification and preparation of kin at the
12 initial point of involvement with the child and their
13 family.
14 Fostering Connections not only supports use
15 of kin as best practice, it also provides States with
16 the option of seeking additional Federal funds to
17 support relative placements for eligible children and
18 families.
19 We are happy to report that Pennsylvania was
20 the first State to submit a plan that would permit us
21 to claim additional Federal funds for relative
22 placements, which is pending final Federal approval.
23 The second theme I would like to highlight
24 is greater support for youth through focused efforts
25 to promote permanency, including ensuring that a

1 youth is prepared to transition to adulthood.
2 Fostering Connections requires that each
3 youth have a transition plan developed at least
4 90 days prior to leaving placement. Too often,
5 children are discharged from the child welfare system
6 with little stability in the form of housing,
7 employment, or even an individual that they can call
8 for advice or guidance.
9 Pennsylvania has long supported the
10 development of individualized plans for children and
11 families. However, the quality of our plans needs to
12 improve to ensure that they are youth directed and
13 provide services that support the development of
14 skills that promote self-sufficiency.
15 The new law also supports continuing
16 education for youth leaving the child welfare system
17 after age 16 through the Education Training Voucher
18 Program. Through this program, youth may receive up
19 to $5,000 annually to support attendance in
20 postsecondary education and training.
21 A similar program has been in place for many
22 years in Pennsylvania. Fostering Connections
23 reinforces the importance of promoting postsecondary
24 education with the ability to provide additional
25 financial support.

1 Improving the educational stability of
2 children in placement is another overarching theme.
3 States are now required to coordinate with the
4 child's home school district at the time of placement
5 in order to minimize the disruption of a child's
6 education. The law also permits States to claim
7 Federal funds to support the child's transportation
8 to and from their home school district.
9 Finally, if it is not in the child's best
10 interests to be placed in the same school district,
11 they must be enrolled immediately in the school
12 district where the placement setting is located.
13 As we put plans in motion that will lead to
14 systems change, it is important that we listen to the
15 voices of those who matter most -- the children we
16 serve.
17 Through the development of our Youth
18 Advisory Boards, we communicate with our youth about
19 experiences in the foster-care system. More
20 importantly, we ask them for suggestions for future
21 systems change and are including them in the
22 development of policies and procedures that impact
23 service delivery.
24 I have been fortunate to interact with many
25 of our youth and am impressed with their fortitude

1 and the young adults that they have become.
2 In talking with one of these groups
3 recently, it is clear that they see their mission as
4 making the child welfare system a better place for
5 the children who will be involved in the system in
6 the future.
7 For them, it's less about what the system
8 did to them and more about what it can do for those
9 who come after them. By listening to our youth, we
10 are better able to identify what we are doing well
11 and the changes that we need to make.
12 While the points that I have covered are not
13 inclusive of all the legislative changes pursuant to
14 the law, they serve to highlight some of the key
15 requirements.
16 Additionally, some of the changes in the
17 Fostering Connections are in line with the work that
18 we started with the Administrative Office of the
19 Pennsylvania Courts through the Permanency Practice
20 Initiative.
21 DPW is working with the AOPC to reduce the
22 number of youth in out-of-home care through the
23 Permanency Practice Initiative. This initiative
24 utilizes various strategies to decrease the use of
25 out-of-home care, congregate-care services in

1 particular, and foster care in general and increasing
2 permanency at the onset for older youths in care.
3 The Permanency Practice Initiative calls for
4 incorporation of strength-based social work practices
5 with specific court-related changes that will safely
6 accomplish the following goals:
7 One, reduce the number of youth adjudicated
8 dependent and in our court-ordered placement;
9 Reduce the time youth spend in the
10 foster-care system;
11 Reduce the number of youth who re-enter
12 care;
13 Reduce the Dependency Court caseload;
14 Reduce placement costs in order to ensure
15 funds are redirected to other services, including
16 placement prevention, aftercare, and adoption
17 services;
18 Reduce the level of care -- reduce the
19 number or percent of children in restrictive
20 placements and increase the number of children in
21 kinship when placement is needed;
22 And finally, increase stability which
23 equates to less moves for our children.
24 In its role as a partner in the Permanency
25 Practice Initiative, DPW is supporting the

1 implementation of Family Finding.
2 This strategy uses intensive searches and
3 outreach efforts for extended family members at the
4 beginning of a case and/or later in a placement case
5 in order to find as many resources for a child as
6 early as possible.
7 DPW is providing counties with access to the
8 Accruint system to assist in implementation of its
9 Family Finding model and to enhance concurrent
10 planning efforts.
11 The Accruint system is a search tool that
12 performs computerized searches for relatives and kin
13 of youth who are in care. In combination with Family
14 Finding, the Accruint services will identify numerous
15 unknown resources for our children who are in
16 placement, which will hopefully lead to kin resources
17 and even better permanent life connections for the
18 child.
19 Finally, DPW is supporting the Family
20 Development Credentialing Program, which trains
21 private providers to treat families as consumers and
22 treatment partners. This empowers youth and families
23 to become involved in decisionmaking that affects
24 their lives as opposed to being bystanders to the
25 process.

1 DPW is extremely pleased about its
2 partnership with the AOPC and the counties and about
3 the progress thus far with the 13 participating
4 counties in Phase 1 of the PPI, and we are looking
5 forward as the AOPC rolls out Phase 2.
6 The final initiative we would like to
7 describe for you today is the National Governors
8 Association Policy Academy to Safely Reduce
9 the Number of Youths in Foster Care, and
10 Jennifer Friedman will speak about that.
11 MS. FRIEDMAN: Good morning.
12 CHAIRWOMAN BISHOP: Good morning.
13 MS. FRIEDMAN: Pennsylvania was one of six
14 States chosen to participate in the National
15 Governors Association Policy Academy to safely reduce
16 the number of children in foster care.
17 The academy is being conducted in
18 partnership with the Casey Family Programs.
19 This Policy Academy offers State teams the
20 opportunity to work with national and State experts
21 to improve outcomes for children and youth who come
22 to the attention of the child welfare system.
23 Pennsylvania has a diverse State team
24 comprised of representatives from OCYF, OMHSAS,
25 county children and youth agencies, county juvenile

1 probation offices, the Juvenile Court Judges
2 Commission, the AOPC, the Department of Education,
3 and providers.
4 As a participant in the Policy Academy, DPW
5 is required to identify a reduction goal for the
6 number of children in foster care.
7 We felt that we should take full advantage
8 of the NGA opportunity and set a bold 3-year goal of
9 safely reducing the number of Pennsylvania children
10 in foster care by 15 to 20 percent, or approximately
11 2,000 to 3,000 children and youth by 2010.
12 This is a goal for DPW and our county
13 partners. There is no financial penalty from the NGA
14 if we do not meet this challenge. However, we are
15 striving to meet this goal, because it means that we
16 are improving the lives of the children and families
17 we serve.
18 The NGA team recognized that if we are going
19 to meet the challenge, we had to have county
20 engagement. The team decided we should concentrate
21 our collective efforts on a select group of counties
22 and, after we had achieved success, replicate our
23 efforts throughout the Commonwealth.
24 We are concentrating our efforts on
25 16 counties by working with them to implement

1 county-specific plans that focus on four key
2 strategies: increasing safety, reducing reliance on
3 out-of-home care, improving permanency, and reducing
4 re-entry into the system.
5 The county-specific work is being
6 accomplished by the county NGA teams who are
7 comprised of members from the NGA core team and/or
8 representatives from their agencies or offices,
9 county integrated teams including children and youth,
10 juvenile probation offices, MH/MR, judicial and
11 educational representatives from the 16 NGA counties,
12 as well as children and youth representatives from
13 non-NGA counties who agreed to be partners.
14 Together, the entire NGA team have worked
15 together to not only create but more importantly
16 implement county-specific reduction plans that can be
17 modeled throughout Pennsylvania.
18 The individual county reduction plans are
19 interwoven together and form the basis of our State
20 reduction plan. Also, the individual county plans
21 are shared with all NGA participants and serve as
22 technical assistance to each of the participating
23 counties.
24 Every quarter we bring counties together to
25 network and share best practices. Counties bring

1 their integrated teams together to an all-day meeting
2 where we all share the successes and challenges we
3 have experienced.
4 Our next county meeting is October 28, and
5 I'm sure the panel of county representatives will be
6 able to share with you today about their experiences
7 and successes.
8 I am happy to report that we have already
9 seen movement in terms of reduction on both the
10 dependency and delinquency systems.
11 Between November 2008 and June 2009, 14 of
12 the 16 counties have reduced their dependency
13 out-of-home placement numbers, 12 counties have
14 reduced their delinquency numbers, and 10 counties
15 have reduced both.
16 Statewide, there were 649 fewer placements
17 during this period of time. Also, we have seen an
18 increase in integration and an increase in
19 cooperation among the child-serving county systems in
20 all NGA counties. This is integral to ensuring that
21 our children and families are receiving all the
22 services they need.
23 On behalf of Secretary Richman and my
24 colleagues at DPW, I would like to thank the
25 committee for giving us the opportunity to provide

1 testimony on these important issues.
2 We would be happy to answer any questions
3 you may have at this time.
4 CHAIRWOMAN BISHOP: Before we ask questions
5 -- thank you very much -- I think we were all so
6 anxious to hear from Secretary Richman that we
7 neglected to introduce you to our entire committee,
8 beginning with Representative Mundy on my left.
9 Would you come forward this way and all the
10 way down, and the Representative will take it from
11 here and introduce that side. Okay? Thank you.
12 REPRESENTATIVE MUNDY: Representative
13 Phyllis Mundy from Luzerne County.
14 REPRESENTATIVE BROWN: Vanessa Lowery Brown,
15 Philadelphia County.
16 REPRESENTATIVE WILLIAMS: Representative
17 Jewell Williams, Philadelphia.
18 REPRESENTATIVE DRUCKER: Representative
19 Paul Drucker, Chester County and a little bit of
20 Montgomery County.
21 REPRESENTATIVE HOUGHTON: Tom Houghton,
22 southern Chester.
23 REPRESENTATIVE MURPHY: Good morning.
24 Kevin Murphy, the 113th District, Lackawanna
25 County.

1 REPRESENTATIVE WATERS: Ron Waters,
2 Philadelphia and Yeadon Borough in Delaware County.
3 REPRESENTATIVE OLIVER: Representative
4 Frank Oliver, Philadelphia County.
5 CHAIRWOMAN BISHOP: Representative Bishop,
6 Philadelphia County.
7 REPRESENTATIVE O'BRIEN: I'm also from
8 Philadelphia County. My name is Dennis O'Brien.
9 REPRESENTATIVE KNOWLES: Jerry Knowles from
10 Berks and Schuylkill Counties, the 124th District.
11 REPRESENTATIVE MOUL: Good morning. I'm
12 Dan Moul from Adams and Franklin Counties, the
13 91st District.
14 REPRESENTATIVE COX: Jim Cox, Berks County,
15 the 129th District.
16 REPRESENTATIVE TALLMAN: Will Tallman, Adams
17 and York Counties, the 193rd.
18 CHAIRWOMAN BISHOP: Now, thank you very
19 much. We will open up the process.
20 I would like to ask the members, if they
21 can, to be as brief as possible. We do have a long
22 agenda ahead of us.
23 And I know all of us have questions we want
24 to ask, but if you would be as brief as possible, it
25 gives everybody a chance and it also gives us an

1 opportunity to hear from issues across the State.
2 Are there questions?
3 Representative Mundy.
4 REPRESENTATIVE MUNDY: Thank you,
5 Madam Chairman.
6 And thank you for being here, and I commend
7 you for undertaking this challenge.
8 I have come across a couple of instances in
9 my county that have been very troubling to me, and
10 I'm really hoping that this achieving permanency goal
11 is going to be helpful.
12 But just to give you just a very brief
13 understanding of what is happening or what has
14 happened and hopefully will no longer happen, I have
15 come across two cases, one of a very young child who
16 was placed with foster care as an infant, is now
17 5 years old, and another where the child was placed
18 in foster care as an infant and is now 7 years old.
19 And apparently it has been the practice in
20 Luzerne County that if the father will not relinquish
21 parental rights, there is no effort to terminate
22 those parental rights.
23 In both these cases, either -- well, in the
24 case of the 5-year-old, the father was completely
25 absent. In the case of the 7-year-old, the father

1 had been undergoing court-mandated counseling
2 sessions for a very long time.
3 The mother wanted to relinquish parental
4 rights and turn the child over to the foster family
5 that had custody of the child.
6 Now, in both of these cases, the 5- and
7 7-year-old children have now, because the court has
8 ordered it, been ripped, literally ripped from these
9 foster families who have cared for these children all
10 these years and been placed with people that they
11 barely know. And to me, if that's not child abuse, I
12 don't know what is.
13 And again, it was really not so much the
14 children and youth organization -- and just so you
15 know, Richard Gold is very familiar with both of
16 these cases -- it was really because of the court's
17 policy and practice. And when talking to the
18 children and youth agency, they talked about the role
19 of the courts and how they always trump what children
20 and youth wants to do or needs to do.
21 So I'm looking at this and seeing that
22 you're working with the AOPC and you're working with
23 the counties, and I want to know, in the end, is
24 there going to be, for example, in these two cases,
25 is there any way -- well, I guess the current

1 practice is that if you disagree with the court, you
2 attempt to appeal, which Luzerne County has not done
3 because they feel that it's not appropriate. I don't
4 know why. Don't get me started on Luzerne County
5 courts.
6 So I really would like you to speak to how
7 all of this is going to change what might have
8 happened to these two children.
9 SECRETARY RICHMAN: I'm also familiar with
10 these cases and have reviewed them. And there were
11 Federal laws being violated actually within this
12 framework in terms of how much time a child can
13 remain in a foster home before custody is
14 relinquished or the court severs the custody with the
15 natural parents, and they went way beyond that.
16 We do get caught, once a family says "I'm
17 interested in reunification," and the court then will
18 make a decision often. And I think the design of
19 these groups is to talk about this: What is the
20 policy? How do you enforce it? What happens if you
21 believe that you want to take another opinion?
22 So my hope is that these groups coming
23 together and beginning to work together can come
24 up with policies. But nothing can violate Federal
25 law. And the Federal law, I believe, is 15 months?

1 15 months. If a family has not, if reunification has
2 not been achieved and there is not reasonable reason
3 to believe that it can be achieved within a very
4 short period of time, then the custody is terminated,
5 and the child, then we seek permanency. Every child
6 wants permanency, and that becomes the goal.
7 I think what we are trying to do in these
8 cases, you know, it got pretty far before we became
9 aware of a violation.
10 REPRESENTATIVE MUNDY: Me, too.
11 SECRETARY RICHMAN: So we weren't aware, and
12 of course our challenge always is knowing when
13 there's a violation.
14 Cathy?
15 DIRECTOR UTZ: I think the only thing that I
16 would add to what Secretary Richman said is that also
17 part of that decision is if that child has been in
18 care 15 of the most recent 22 months, then one of the
19 things that you should be looking at is, is that the
20 best place for the child to stay?
21 So if the child had been there between 5 and
22 7 years as, you know, you provided in the example,
23 that there should have been considerations for
24 allowing that child to remain with that foster family
25 home.

1 Perhaps you could rule out adoption, because
2 maybe for whatever reason they didn't want to adopt
3 the child, but you could look at a permanent legal
4 custodianship arrangement as well.
5 So there are things that you have to
6 consider in making sure that that child stays then
7 with the family that they know so that they are not
8 enduring yet another trauma from being removed from a
9 home in which they are familiar.
10 REPRESENTATIVE MUNDY: But again, you know,
11 my question goes to obviously the court was violating
12 the law. Children and Youth wasn't challenging them
13 on it, and so you have these two children who, I
14 believe, their rights were -- I know some people
15 believe children don't have rights; I personally do
16 believe that they do.
17 But there is nothing that seems to trump
18 what the courts are currently doing. And it's nice
19 to put policies in place, but is there a legislative
20 fix we need at the State level that we can be more,
21 that there can be something that trumps what an
22 individual county's court is going to do?
23 SECRETARY RICHMAN: I do believe with the
24 new initiative that I think has just -- I think it
25 has been passed? signed? around looking at how courts

1 and counties work together.
2 REPRESENTATIVE MUNDY: You are talking about
3 the juvenile justice---
4 SECRETARY RICHMAN: Right.
5 REPRESENTATIVE MUNDY: Okay.
6 SECRETARY RICHMAN: I mean, that may be one
7 of the ways we begin to look at how the courts and
8 the system work together.
9 But, you know, I agree. This is an area
10 that continues to need exploration in terms of how do
11 we protect children as a bottom line?
12 No one entity, whether it's DPW or the
13 courts or anyone else, should have the ability to
14 make decisions without all of the considerations of
15 everyone, and particularly of the children being
16 taken into consideration.
17 In too many cases, and I don't think it's a
18 huge number of cases, but when it happens, it really
19 does hurt the children.
20 REPRESENTATIVE MUNDY: For sure.
21 SECRETARY RICHMAN: And there are some
22 high-profile cases that have happened throughout the
23 country where people began to take sides on it. But
24 it is a complicated issue, and I believe in many
25 cases the rights of the children fall secondary to

1 often other people's opinion.
2 REPRESENTATIVE MUNDY: Well, I look forward
3 -- I'm not going to continue this because other
4 people want to have questions, but I would like to
5 follow up and discuss this further in conjunction
6 with the AOPC work that you're doing.
7 SECRETARY RICHMAN: It may be that you may
8 want to call the courts and the Administration and
9 DPW together to discuss what are the plans to make
10 sure what happened in Luzerne County doesn't ever
11 happen again.
12 REPRESENTATIVE MUNDY: Well, you know, as
13 you know, I'm not just talking about---
14 SECRETARY RICHMAN: I know.
15 REPRESENTATIVE MUNDY: I'm talking about
16 young children being placed in foster care for long
17 periods of time and then ripped from those families
18 to be given back to parents who obviously haven't
19 measured up in all these years. That's my issue. So
20 thank you.
21 CHAIRWOMAN BISHOP: Thank you.
22 I do want to say, before we move on, that we
23 are in receipt of a proposal already that would
24 change the adoption law regarding terminating
25 parents' rights -- a proposal, okay? We do have

1 that, and perhaps we'll discuss that with you.
2 Are there any other questions before we --
3 yes. Representative Tallman.
4 REPRESENTATIVE TALLMAN: Just a quick
5 comment. I'm looking for an answer.
6 I was at a hearing -- where did we go there,
7 Representative Moul? You flew me there.
8 REPRESENTATIVE O'BRIEN: Representative, can
9 you pull the microphone closer to you? I think
10 people are having difficulty hearing you.
11 REPRESENTATIVE TALLMAN: Okay.
12 Where did we -- what's that?
13 REPRESENTATIVE MOUL: Montgomery County.
14 REPRESENTATIVE TALLMAN: ---Montgomery
15 County at a hearing, and the thing that I found
16 disturbing, although I pretty strongly agree with the
17 natural-parents concept, but if they go and come back
18 into the foster-care system, the outcome as a
19 percentage is not very good.
20 And I'm just -- I agree with your concept of
21 returning them, but I don't know how to fix it
22 either. But I'm just saying that I have a big
23 concern that once they go back to their natural
24 family and then for whatever reason they are returned
25 to foster care, at that point in time the outcomes

1 for that child are not very good.
2 SECRETARY RICHMAN: Well, as you saw and I
3 think was mentioned, one of our major initiatives is
4 re-entry, children that go back and forth.
5 Every time they leave one placement and go
6 to another, there is more damage done. I don't think
7 I could even explain, when we hear that children have
8 been in two, three, four, five, six, seven
9 placements, you can believe that you have an
10 incredibly damaged child.
11 Some of those children can be successful
12 still, but the odds are so against them. And our
13 goal needs to be to protect children, not continue to
14 move them. Every move takes its toll. Every move
15 decreases the probability that this child can create
16 another bond.
17 I have seen children as old as 18 and 19,
18 the only thing they want from us, from us adults, is
19 a permanent home. That's the only thing they want.
20 Even at 18 and 19, they are crying for, I want a
21 permanent home; I want someone, as I become an adult,
22 that I know I can go back to and ask questions who
23 will give me some support, like many of us serve for
24 our own children, and we haven't been able to do
25 that.

1 Way too many of these children have more
2 than two placements, and that is two. I would hate
3 to tell you the numbers that have been in five, six,
4 seven.
5 So I think our mandate for children is very
6 clear: We need to get them into permanent homes, and
7 we need to support that permanent home. And the law
8 was set by the Federal Government at 15 months. At
9 15 months, if a family cannot get reunification
10 together, we need to look for permanent placements
11 for children.
12 It's a tight guideline. I'm sure many
13 natural families feel it's too tight. But we owe it
14 to the children to give them an honest chance to be
15 productive members of society.
16 CHAIRWOMAN BISHOP: Are there any other
17 questions?
18 Representative Waters.
19 REPRESENTATIVE WATERS: Thank you,
20 Madam Secretary, for being here today.
21 I want to ask you, what happens with that
22 15-month rule when one of the parents is, let's say
23 away.
24 Let's say they were incarcerated, okay?
25 SECRETARY RICHMAN: Yes.

1 REPRESENTATIVE WATERS: And they do want to
2 take care of their child. Maybe they got caught up
3 in something, you know, something simple. Or maybe
4 later, after they were released, they found out they
5 had the wrong person and they want to reunite with
6 their children, because I hear that a lot with people
7 who are coming back to society, they want to reunite
8 with their family. How does this affect that?
9 SECRETARY RICHMAN: Well, one of the cases
10 that Representative Mundy brought to our attention
11 was almost a case like that.
12 The father in the case, he was incarcerated
13 during much of this period, and the court, seeing
14 that, tried to give the father the opportunity to get
15 his life together and to meet reconciliation goals to
16 be able to get his child back.
17 And at that point, you are weighing the
18 rights of the parent against the rights of the child,
19 and I think that is where the discussion comes in and
20 that is where the problems come in.
21 I think you truly complicate it, as in many
22 cases. If you have a father who was unjustly
23 incarcerated, who believes -- and that is true, they
24 were, and they now have been able to get their life
25 back together. Should they be deprived of a

1 relationship with their child?
2 Those are the questions that create the
3 dilemma that we all debate. We debate it at a policy
4 level; you debate it at a level of what should the
5 law be. I'm not sure there's an easy solution.
6 REPRESENTATIVE WATERS: Yeah.
7 SECRETARY RICHMAN: I have to take the
8 position that more than anything, I need to protect
9 that child.
10 REPRESENTATIVE WATERS: Yes.
11 SECRETARY RICHMAN: But there are the rights
12 of the fathers and mothers and the natural family,
13 and I think each case is so individual that we need
14 to look at the circumstances. But none of these are
15 simple.
16 REPRESENTATIVE WATERS: But even with the
17 15-month rule, you do have the flexibility to look at
18 the case---
19 SECRETARY RICHMAN: We always had the
20 flexibility to look at the case. The 15-month rule
21 was clearly put in in effect to protect the child.
22 REPRESENTATIVE WATERS: Okay.
23 SECRETARY RICHMAN: But I believe that if
24 there is reasonable -- if there is a reason to
25 believe a reconciliation plan can be put together in

1 a fairly definitive point in time, they extend it.
2 REPRESENTATIVE WATERS: Okay. So should
3 the---
4 SECRETARY RICHMAN: And that's a judgment
5 call.
6 REPRESENTATIVE WATERS: So should the person
7 who is coming back, re-entering back into society --
8 speaking of re-entering, this is the reverse of it --
9 but this person coming back, now, should they be
10 trying to communicate their desire to reconnect with
11 their family while they are still incarcerated so
12 that that could be part of your consideration? That
13 they are working on convincing the department that
14 when they, or they care that when they come home that
15 I do want to, as soon as I get out of here, get my
16 life together; it is important that I get my life
17 together with my family.
18 DIRECTOR UTZ: Yes. I think to answer your
19 question, the 15 months, the 15 of the most recent
20 22 months, the clock continues to tick but that there
21 are exceptions that can be put in place. And the
22 more involvement and activity that there is between,
23 you know, in your example, the father who is
24 incarcerated and the county agency at the time---
25 REPRESENTATIVE WATERS: Or the mother.

1 DIRECTOR UTZ: Right. ---the better that a
2 plan can be established for, are we going to be able
3 to achieve permanency for that child within that
4 period of time?
5 One of our efforts is really on connecting
6 with noncustodial parents regardless of where they
7 are, because we haven't done such a good job. We do
8 a good job of interacting and working with, you know,
9 either the mother or the father, where the child
10 resided prior to entering placement, but we're not
11 doing such a good job of connecting with absent
12 parents.
13 So we have a lot of efforts underway where
14 we're going to do additional work to locate those
15 families and work with them, and some of those will
16 be incarcerated. But the more information that we
17 have, the ability to interact with that person while
18 they're incarcerated, the better able we are to
19 develop a plan moving forward.
20 So I think that the Secretary is correct in
21 that you have to look at each of those situations on
22 a case-by-case basis. You have to look at the length
23 of time that the person is going to be incarcerated,
24 what issues they are going to have to deal with as
25 they re-enter their own communities, and then make a

1 decision that ultimately is in the best interests of
2 the child as well.
3 SECRETARY RICHMAN: Let me---
4 DIRECTOR UTZ: So they are complicated
5 cases.
6 SECRETARY RICHMAN: Let me, most of these
7 cases don't come to DPW. Most of those decisions and
8 discussions and involvement are held at the county
9 level.
10 REPRESENTATIVE WATERS: Okay.
11 SECRETARY RICHMAN: There are times when
12 we're asked to review them or we get an appeal or we
13 get some reason to go in and look at the cases. But
14 most of this is a relationship between the county,
15 the natural family, the foster family, and the courts
16 in that region.
17 And I think Representative Mundy's question
18 pertained to, does the court override everything?
19 And what about the position of the other players in
20 that system other than the court? And is there
21 opportunity for everyone to present their side of it?
22 And I think it probably varies per county---
23 REPRESENTATIVE WATERS: Okay.
24 SECRETARY RICHMAN: ---as to how involved
25 the court is, how involved the county administrative

1 children and youth folks are, and how that
2 interaction works.
3 I won't go into the issues in Luzerne
4 County.
5 REPRESENTATIVE WATERS: No. You know, I
6 didn't even realize that her question dealt with this
7 same issue. So I was innocent with my question but
8 it was a thought I had.
9 SECRETARY RICHMAN: But that comes up.
10 REPRESENTATIVE WATERS: Yes.
11 SECRETARY RICHMAN: I mean, that is
12 reality.
13 And both the mother -- and I don't want to
14 pick on fathers, because you have just as many
15 mothers that are incarcerated and really would like
16 to become a better mother.
17 REPRESENTATIVE WATERS: Yes.
18 SECRETARY RICHMAN: But we as the entity
19 responsible for protecting children have to also make
20 sure that child has a voice and their health,
21 welfare, and safety is taken care of and they don't
22 become musical chairs, I mean, that they get moved
23 around, because, you know, probably I consider the
24 most serious thing we do to children is continue to
25 move them.

1 REPRESENTATIVE WATERS: And I agree.
2 Thank you, Madam Secretary.
3 Thank you, Madam Chair.
4 CHAIRWOMAN BISHOP: If there are no further
5 questions, we thank you very much, Secretary Richman,
6 you and your team.
7 SECRETARY RICHMAN: Thank you.
8 CHAIRWOMAN BISHOP: And we have been joined
9 by Representative Day; Representative Briggs, who I
10 think just went out for a moment; Representative
11 Samuelson.
12 And we move now to our second group of
13 testifiers. We welcome, from Pennsylvania
14 Partnerships for Children and also Porch Light,
15 Joan Benso.
16 MS. BENSO: Thank you, Representative
17 Bishop.
18 CHAIRWOMAN BISHOP: Ms. Benso.
19 MS. BENSO: Good morning.
20 My name is Joan Benso. I'm the President
21 and CEO of Pennsylvania Partnerships for Children.
22 We are a statewide independent child advocacy
23 organization, and we do all our work driven by data
24 and research evidence demonstrating the impacts we
25 can make on children's lives.

1 Our vision as an organization is to help
2 advance Pennsylvania to become one of the 10 best
3 States in the nation by 2014. It will trouble you,
4 just as it troubles me, to know that Pennsylvania
5 ranks 23rd in the nation in child well-being.
6 I want to thank Chairwoman Bishop and
7 Chairman O'Brien for holding this hearing today.
8 What we are going to try to do with you,
9 what I'm going to try to do for a few minutes is give
10 you a better understanding of the conditions of
11 children and families in our child welfare system
12 today.
13 We're going to talk a little bit about the
14 numbers so you have some sense and scale. And the
15 materials that you were just given reflect the data
16 for all of Pennsylvania's -- it looks like
17 Representative Samuelson maybe didn't get that yet --
18 but represent the data concerning the conditions and
19 the indicators I will talk about for all of
20 Pennsylvania's counties. Much more of that data is
21 available on our Website or by request, so always
22 just ask.
23 About a year ago we began a new initiative
24 at PPC called the Porch Light Project, and our goal
25 of this project is to assure that every child in this

1 State has a safe, permanent, and loving family, a
2 family that they are guided home by a porch light
3 that is left on to welcome them.
4 Our commitment to child welfare is to try to
5 spearhead public policy reforms that make sure that
6 all children grow up in families where their needs
7 for safety, permanency, and well-being are met.
8 The project is striving to build the
9 political will necessary to make changes in
10 leadership, financing, and sound public policy to
11 assure a forever family for every child.
12 We are doing this work in partnership with
13 Casey Family Programs. A number of you attended a
14 legislative reception, a breakfast we held in the
15 spring with them. They are the nation's leading and
16 largest child welfare foundation.
17 They are not just our funder; they are our
18 partner. So one of the best parts of our work with
19 them is we get an enormous amount of national
20 technical assistance, guidance, and information
21 answered from them.
22 The project is guided by a Leadership
23 Council. So we are not a bunch of people sitting
24 in our offices looking at data making our own
25 decisions.

1 We built a statewide Leadership Council that
2 includes Children and Youth Administrators;
3 representatives of the courts; private providers;
4 four members of the Legislature, including
5 Representative Mundy and Representative True from the
6 House; Senator Greenleaf and Senator Washington from
7 the Senate; as well as members of the Administration,
8 academics, leading professionals in this field, to
9 help us develop an agenda, looking at the data,
10 looking at what is happening in other States, looking
11 at the policy reforms that have been put in place to
12 say, what can we do in Pennsylvania to safely reduce
13 the number of children who are living in our
14 foster-care system?
15 So what I want to do today for you is give
16 you some big picture numbers.
17 First of all, I think it's important for you
18 to know that last year, about 26,000 calls were
19 received, reports were made, of suspected child
20 abuse.
21 A little more than 4,000 were ultimately
22 substantiated. Fifty children in our State died in
23 2008 as a result of child abuse. That was four more
24 than 2007.
25 On any given day -- so today -- 50,000

1 children and families in our State are receiving
2 services from our child welfare system, and they are
3 served by county child welfare agencies all across
4 the Commonwealth.
5 These in-home services, the goal is really
6 to strengthen families so less children ever have to
7 be removed from their homes and -- right to
8 Representative Tallman's point -- more children,
9 when they go home, can successfully and safely stay
10 there.
11 Some examples of those services are drug and
12 alcohol treatment, housing assistance, parenting and
13 life-skills instruction, employment assistance.
14 Eighteen thousand children as we are sitting
15 here are living in the foster-care system, so they
16 are not living with their birth family. They are
17 placed in foster care in every community in the
18 State. There is no one who is without children in
19 foster care.
20 And I think some interesting information
21 about who these kids are often surprises people. I
22 know when I started to do this work, it surprised
23 me.
24 About 30 percent of the children in the
25 system are birth to 5. About another quarter of the

1 kids in the system are from ages 6 to 12. But the
2 largest number of children who are in our system, the
3 largest age category, is teenagers, children 13 and
4 older. They represent 46 percent of the children who
5 are in foster care today.
6 And before you ask, these children are not
7 duly adjudicated. They are not also children in the
8 juvenile justice system. That number would be higher
9 if we counted the kids that are adjudicated dependent
10 and delinquent.
11 So a large number of kids in the system are
12 teenagers, and Fostering Connections, as you heard
13 Cathy Utz speak to, really focuses on trying to
14 improve the outcomes of our youth.
15 The typical child in foster care in
16 Pennsylvania will live in foster care for 16 months.
17 More than a third or about a third of our children
18 who are in foster care for somewhere between a year
19 and 2 years, in that typical length of stay of
20 16 months, will live in three or more foster-care
21 settings.
22 Now, just stop and think about that for a
23 minute. Think about a child who started the sixth
24 grade yesterday in any community in Pennsylvania,
25 started middle school. So if that were a child in

1 Philadelphia County or a child in Lackawanna County
2 or a child in Adams County, they potentially are
3 probably looking at a middle school career of
4 3 years.
5 Now, if they are a foster-care child, before
6 they finish the seventh grade -- they just started
7 sixth -- they are likely to live in three different
8 settings. They are very likely to need to change
9 schools. They will clearly have to make
10 relationships with a new set of adults. They will
11 struggle to make friends.
12 This is the typical life of children in
13 Pennsylvania in foster care, and this is the kind of
14 thing we really need to ask ourselves how do we
15 improve upon.
16 So placement stability -- placing a child in
17 the "best placement first" -- really needs to be a
18 larger goal of our system.
19 What about children of color in the
20 foster-care system in Pennsylvania and around the
21 nation?
22 We have released three white papers on a
23 number of this information already. You have all
24 received them. We would be happy to send them to you
25 again. We are going to release a paper in a few

1 weeks on disproportionality and disparity in the
2 child welfare system.
3 Well, 47 percent of the children in the
4 foster-care system in the State of Pennsylvania are
5 African-American. Thirteen percent of the child
6 population in the State of Pennsylvania is
7 African-American.
8 Eighty percent of the child population in
9 Pennsylvania is White, but 47 percent of the kids who
10 are in foster-care placement are White.
11 An African-American child is six times more
12 likely to be in the foster-care system in our State
13 than a White child, and a Latino child is three times
14 more likely.
15 Now, before you think that is all about
16 poverty, what I would tell you is there are three
17 national research studies that say when you adjust
18 for poverty, unemployment, education attainment, age
19 of the parent, children of color are
20 disproportionately placed in our system. Another
21 area of improvement we need to focus on.
22 Why do kids ever get removed from their
23 homes? That would be the first question.
24 Now again, maybe you're different, but when
25 I first started to do this work, I figured most kids

1 got removed from their homes because they were
2 physically abused. Actually not true.
3 Most children are removed from their homes
4 in our State because they are victims of neglect.
5 And you have a Table 4 in your packet that gives you
6 all the reasons kids are removed.
7 Now, the caseworker can pick multiple
8 reasons, so reasons co-exist, which is important to
9 understand. But what the table will show you is that
10 neglect represented 23 percent of the children who
11 were removed from their homes rather than physical
12 abuse, which is 13 percent.
13 About 16 percent of children are removed
14 from their homes because the house, it's inadequate
15 housing. So living in that physical environment is
16 dangerous to the child.
17 A large number of children are removed from
18 their home because of substance abuse problems of the
19 parent.
20 And then we have these catchall categories:
21 caretaker's inability to cope, which means the family
22 is struggling raising the child for a host of
23 reasons. That's almost a full quarter of the kids in
24 our State.
25 Now, when you step back and you think about

1 all of that, it says an awful lot about where we
2 should be driving our resources and thinking about
3 our interventions.
4 We can keep many, many more children safely
5 at home by investing and engaging in prevention and
6 family-strengthening and family-building activities.
7 These systems, the problems of a child welfare system
8 are not that system's alone. They are the problems
9 of all our family-serving systems.
10 The goal of foster care should clearly be,
11 from our perspective, that when you have to place a
12 child, that you place them in the least restrictive
13 and most family-like setting possible. And this is
14 indeed the case for 70 percent of the children in
15 Pennsylvania who are living in foster care. They are
16 living in foster family homes.
17 About 22 percent of them are living with
18 relatives, meaning they had to be removed from their
19 birth family, but they got to go live in a safe
20 environment with someone they knew. It seems like
21 the optimal situation.
22 When Cathy Utz was talking to you about an
23 initiative the department has been engaging in called
24 Family Finding, the notion is to find every available
25 adult who we define as "family" or close friends,

1 kin, before a child ever needs to be placed.
2 So not only is the family supported, so
3 maybe it never needs to be placed, but if the child
4 does indeed ever need to go into placement, maybe
5 they'll live with someone they know. Doesn't that
6 sound better than three different settings in a year
7 and a half in middle school with no one you know?
8 Well, the thing that's a little troubling
9 about this data is that actually 24 percent of
10 Pennsylvania's children are living in group homes and
11 institutions -- in congregate settings. That far
12 exceeds the national average of 17 percent of kids.
13 And while for some children these
14 environments are clearly appropriate, because they
15 have complex and high-end needs -- institutional
16 settings, I would say, not necessarily group homes,
17 because the therapeutic services provided in group
18 homes can be provided in foster family homes and are
19 indeed provided in foster family homes -- the
20 research tells us that children who have lived in
21 congregate settings in foster care are 2 1/2 times
22 greater at risk of delinquency. They are much less
23 likely to -- they will have lower educational
24 outcomes. They will be more reliant on public
25 assistance than a foster-care child who lived in a

1 family setting.
2 So again, we are a State that has
3 overreliance on group settings and institutions, and
4 it is something we can do something about.
5 If you get a chance to talk to Sandy Moore
6 who runs the Court Improvement Project at the
7 Administrative Courts of Pennsylvania, talk to her
8 about her experience in California where she was an
9 Administrator before she was in Dauphin County, and
10 she'll tell you about how few of their children they
11 ever place in anything other than family settings.
12 She's someone who has taught me a lot.
13 Now, before you think this is just about
14 some kind of county and not your county, let me tell
15 you that all counties in Pennsylvania
16 disproportionately place children in group homes and
17 institutions.
18 In rural counties, 41 percent of the
19 children are placed in group homes and institutions.
20 In rural mixed counties, 52 percent of them. In
21 urban and urban mixed counties, 48 percent of them.
22 So again, it is an overarching problem.
23 Foster care is meant to be a temporary
24 situation. We heard Representative Mundy and
25 Representative Waters already speak to the length of

1 stay children have and the importance of them having
2 permanent families.
3 The Adoption and Safe Families Act of 1997,
4 the law Secretary Richman was referring to, requires
5 that every child in foster care have a "permanency"
6 goal.
7 Now again, you know, here I was, the person
8 who didn't know anything. I assumed the permanency
9 goal actually meant a child would end up with a
10 permanent family. Isn't that what you think it might
11 mean? Ha-ha, not so fast.
12 There are actually a number of additional
13 options that are available under Federal law. And,
14 you know, I'm the mother of an 18- and a 26-year-old.
15 Permanency to them means their father and I and their
16 family.
17 So I think if you would -- I have spent a
18 lot of time working with youth in this system, and
19 for all of the youth I have talked to, permanency
20 means that, it means a family. So for 68 percent of
21 kids who are in foster care today in Pennsylvania,
22 the goal is indeed permanency. It's either to
23 reunify, be adopted, or legal custodianship.
24 But 20 percent of children who live in the
25 foster-care system -- I'm sorry. Adoption is the

1 goal for 20 percent or some other legal custodianship
2 situation. Sixty-eight percent of kids in the system
3 have the goal of reunification.
4 So what about the other 12 percent? Well,
5 12 percent, more than 1 in 10 children living in our
6 foster-care system today, have the goal of being
7 emancipated or living in foster care long term.
8 How does that make any sense? How is that a
9 permanent family for children?
10 When we delve deeper into that data, we
11 again see that it is even worse for our youth.
12 Twenty-four percent of teenagers in foster care in
13 Pennsylvania have the goal of emancipation -- turn 18
14 and go away -- or long-term foster care until they
15 are 18.
16 So again, this is something we really need
17 to focus on and improving. Again, a problem in all
18 kinds of counties -- 18.5 percent of youth in rural
19 counties have long-term foster care or emancipation
20 of their goal. Thirty-eight percent of children in
21 mixed urban counties have a goal of long-term foster
22 care and emancipation.
23 What happens when kids leave the foster-care
24 system? Well, almost 57 percent of them will go back
25 to their birth families. And, Representative

1 Tallman, this was, I think, the point you were
2 discussing earlier. That's encouraging, but
3 28 percent of them will re-enter the system in
4 12 months.
5 Now, one of the greatest reasons they will
6 re-enter is that we need to do more to make sure that
7 the reasons they ever left are resolved and the
8 family continues to be supportive.
9 So if a child left because their family has
10 inadequate housing or they are suffering from
11 substance abuse, if we don't deal with those issues
12 both short term and long term, those same
13 circumstances will present again and the child will
14 end up back in.
15 Then we have our issue of timeliness to
16 adoption, which is that 15 of 22 months,
17 Representative Mundy's message. And candidly, I tell
18 you, you are in for a real treat when Judge Hoover
19 from Dauphin County speaks to you, because he'll
20 speak at a much more experienced perspective on
21 this.
22 But about 27 percent of the kids who are in
23 the foster-care system in Pennsylvania have been in
24 placement for 17 months, okay? A surrogate for more
25 than 15 of 22. Because remember, they go back, they

1 come in; they go back, they come in -- 27 percent of
2 them, a quarter of them, one in four of them. They
3 have not had termination of parental rights. They
4 have not been freed for adoption.
5 Now, there are good exceptions to that, and
6 you heard some already today. And candidly, the
7 Court Improvement Project's goal of reviewing cases
8 every 3 months instead of every 6 months will make
9 great headway to bring those numbers down.
10 Of those 27 percent still in for 17 months
11 without termination of parental rights, or better
12 know as TPR, only 11 percent of the 27 percent will
13 be freed for adoption in the next 6 months.
14 We are letting kids stay too long without
15 doing something about it.
16 Almost 1,100 kids will age out of the system
17 every year, meaning they'll turn 18 and they are no
18 longer our problem. They are twice as likely to drop
19 out of high school. A third will struggle with
20 mental health challenges. One in four of them is
21 likely to be arrested, and one in four of them will
22 experience homelessness at least at one point in
23 their adult life.
24 These outcomes are just too negative for
25 these kids. And to be very frank, any child who ages

1 out of our system, we have failed. We did not give
2 them the circumstances that give them the safety
3 and support of a long-term family and a permanent
4 family.
5 I have shared a lot of data with you today,
6 and I know it sounds very grim. It is grim and it is
7 serious, and I again want to commend the committee
8 and the fabulous attendance at a legislative hearing
9 at the end of August. I want to thank each and every
10 one of you. I have been doing this work a long time.
11 I have testified in many hearings that had way fewer
12 Legislators at it.
13 But what I will tell you is that the State
14 should be commended. DPW should be commended for
15 standing up and saying, our goal is to safely reduce
16 the number of children who are living in foster care
17 in our State by 20 percent; these counties who have
18 raised their hands and said, let us engage in
19 improvement; the work of the court. We are in a very
20 positive pathway moving forward.
21 So we would urge you to think about some
22 objectives to guide that work moving forward.
23 Let's make sure that every family in
24 Pennsylvania who is at risk of abuse or neglect gets
25 those family-strengthening services, like housing

1 assistance, that will safely keep their kids at
2 home.
3 Let's reduce Pennsylvania's reliance on
4 congregate-care settings and place more reliance on
5 family settings, preferably with kin.
6 Let's assure that every child in our system
7 has the goal of permanency and we make that a reality
8 for every child.
9 When we help kids and families reunify,
10 let's make sure we do what it takes to make it
11 successful. And for children who won't, let's make
12 sure they go somewhere else that will be forever.
13 Let's be sure that all kids in our system
14 receive the necessary education, employment, and
15 mental health supports that will facilitate them
16 being healthy and well-adjusted adults.
17 And let's be sure when we spend the
18 taxpayers' money that we use it to support the
19 services and programs that will support these
20 goals.
21 As I said, you're going to hear a lot of
22 really fabulous work going on in our State that is
23 very encouraging. We're off on a good pathway.
24 We are very excited to work on it with this
25 committee to do much more on this agenda. In

1 addition to the data we gave you, as I said, there's
2 way more available if you want to see more specifics
3 about your own district or county. We're always
4 happy to provide that to you.
5 We also shared with you our overarching
6 agenda from our project, from our Leadership Council,
7 about the reforms our State should advance on, and
8 we'll look forward to working with you on that.
9 Thank you.
10 CHAIRWOMAN BISHOP: We thank you so very
11 much, and we look forward to working with you as
12 well.
13 We are open for questions.
14 We have a comment from Chairman O'Brien.
15 REPRESENTATIVE O'BRIEN: Hey, Joan, I would
16 just like to say your data is very compelling. If I
17 can just make a suggestion: You have to work on your
18 passion and your animation. I recognize that. I'm
19 deficient in that category.
20 MS. BENSO: You know, I have been a student
21 at the floor of the good Representative O'Brien for
22 about 30 years to learn a little bit about compassion
23 and commitment to children.
24 CHAIRWOMAN BISHOP: Are there any questions?
25 Representative Samuelson.

1 REPRESENTATIVE SAMUELSON: Yes; just what
2 may seem to be a basic question.
3 That 1997 Adoption and Safe Families Act
4 requires permanency as a goal.
5 MS. BENSO: Yes.
6 REPRESENTATIVE SAMUELSON: Yet your
7 testimony is that 24 percent of our teenagers in
8 foster care don't have a permanent goal. Their goal
9 is---
10 MS. BENSO: Well, as I said, Representative
11 Samuelson, the Federal law says that, yes, every
12 child has to have permanency as a goal, but the
13 Federal law also says emancipation and long-term
14 foster care is a permanency goal.
15 REPRESENTATIVE SAMUELSON: Okay.
16 MS. BENSO: Now, you know, as a logical
17 individual, I don't see how that's a permanency goal.
18 I don't see how aging out of our system, when we
19 know, as I told you, what will happen to you if you
20 age out of our system without a family -- more likely
21 to get arrested; less likely to finish school -- you
22 know, why would we think that makes sense as a
23 permanency goal?
24 So when we say that 27 percent or 24 -- I
25 don't remember the exact number -- of kids don't have

1 a permanency goal, that's because we don't think
2 long-term foster care and emancipation is a real
3 permanency goal, even though it's defined by law as
4 one.
5 REPRESENTATIVE SAMUELSON: Okay. So perhaps
6 the Federal law needs to change in that area.
7 MS. BENSO: Well, I would remind you that we
8 enacted a State law to comply with the Federal law,
9 and we could just change the State law.
10 REPRESENTATIVE SAMUELSON: Okay.
11 MS. BENSO: So we could say in
12 Pennsylvania--- The Feds wouldn't say anything to
13 us. The Feds say you have these options, these five
14 options. We could say we're only using three of
15 them.
16 REPRESENTATIVE SAMUELSON: And you also
17 testified about family supports like parenting and
18 life-skills instruction, housing and employment
19 assistance. I wanted to give you this opportunity to
20 comment on the two different versions of the State
21 budget. Which line items are you looking at?
22 As we adopted the House budget July 17 and
23 the Senate budget July 20, what items should we be
24 looking at that would meet those goals that you were
25 testifying?

1 MS. BENSO: Well, I would tell you -- and
2 this isn't news; people have heard Pennsylvania
3 Partnerships talk about this constantly -- the House
4 version, or the original House 1416 provides
5 $10 million more for county child welfare services
6 than Senate Bill 850 or the Civera amendment did.
7 It provides more resources for Nurse Family
8 Partnerships, which is a research-based intervention
9 to help young moms successfully raise their kids. It
10 provides a great amount in all the areas Pennsylvania
11 Partnerships works on -- early education, basic
12 education, health care, supports for kids and
13 families.
14 It's a far superior budget, and so hopefully
15 the rest of your colleagues who are making those
16 decisions are in another room bringing this budget to
17 a close.
18 CHAIRWOMAN BISHOP: And we thank you so much
19 for sharing with us.
20 MS. BENSO: Thank you.
21 CHAIRWOMAN BISHOP: Representative Moul.
22 REPRESENTATIVE MOUL: Thank you,
23 Madam Chairman.
24 Joan, thank you for what you do, really.
25 MS. BENSO: Thank you.

1 REPRESENTATIVE MOUL: As someone who has
2 friends who do the foster-care system, and I
3 appreciate what they do, one of the numbers that
4 jumps out on all four of your graphs---
5 MS. BENSO: Right.
6 REPRESENTATIVE MOUL: ---either it's the
7 number one position or number two position, is child
8 behavior problems is the reason why.
9 MS. BENSO: Right; right.
10 REPRESENTATIVE MOUL: And along with my
11 friends, from time to time they get a child that,
12 13 or above---
13 MS. BENSO: Right.
14 REPRESENTATIVE MOUL: ---they just can't
15 handle.
16 MS. BENSO: Sure.
17 REPRESENTATIVE MOUL: They've got behavioral
18 problems, and they become a threat or a danger to the
19 family, and they unfortunately have to let the child
20 go back or move to somewhere else.
21 So when you talked about the 13 age bracket
22 and older, I'm sure that this plays a large part.
23 MS. BENSO: Yes. I would be happy to cut
24 those numbers for you specifically if you would like
25 to see them. I would tell you a couple of things.

1 Obviously a youth who is living in the
2 foster-care system -- maybe not obviously -- many
3 will present with challenging behaviors. And we have
4 a model of therapeutic foster-care homes in
5 Pennsylvania that are successfully, you know,
6 housing, caring for, and nurturing young kids.
7 I would tell you that all children 13 and
8 above have not displayed severe, you know, behavioral
9 problems. And many foster-care families raise their
10 hand and say, I only want to take teenagers.
11 So it's challenging work. Resource
12 families, foster families, are doing, candidly, the
13 hardest work.
14 There are children, I will not deny, that
15 are potentially, under certain circumstances, better
16 served, because of, you know, really egregious
17 behavior, in institutional settings, but not half of
18 our teenagers.
19 Or my question back to you would be, why
20 isn't that the case in other States? Because it's
21 not.
22 And I don't want to damn the private
23 provider system at all, because they do an amazing
24 job and they're not getting paid right now, and they
25 have built the system we have asked them to build.

1 And so what we urge as an organization is
2 that we think about the system we want and we partner
3 with our private provider system to think about how
4 they provide more of those in-home and family
5 services or they partner more to provide therapeutic
6 services with foster family homes so more children
7 can successfully live in a family environment.
8 REPRESENTATIVE MOUL: And I'm going to hit
9 the ball right back over the net here to you. We
10 need you to tell us as Legislators what we can do to
11 reduce those numbers.
12 MS. BENSO: We're happy to come -- you'll
13 have us in your office in a few days. How does that
14 sound?
15 REPRESENTATIVE MOUL: I'm sure you will.
16 Thank you very much.
17 MS. BENSO: We are happy to work with all of
18 you. You know, today was not about -- you know, what
19 Representative Bishop and Representative O'Brien
20 asked us to do today, and Jane and Janelle, was to
21 just sort of give you a picture story of the system.
22 We're not going anywhere.
23 CHAIRWOMAN BISHOP: Well, we thank you so
24 much. I think we have one more quick question.
25 Representative Tallman.

1 REPRESENTATIVE TALLMAN: I would like to
2 have those numbers sliced even finer.
3 MS. BENSO: Sure. Sure.
4 REPRESENTATIVE TALLMAN: My question -- this
5 kind of goes along with Representative Moul's
6 question -- but RAD is a significant issue with
7 teenagers.
8 MS. BENSO: Yes.
9 REPRESENTATIVE TALLMAN: And so if you could
10 dice that number in there somehow, or maybe it
11 relates to all of the behavior issues, which it
12 probably does.
13 MS. BENSO: Right. We don't have
14 information at that granular level. I mean, we could
15 have this conversation with DPW and the counties.
16 But, you know, the data collection system on
17 placement reasons has its limitations. I can't even
18 tell you the co-existence of A, B, and C. And
19 candidly, one of the things that Pennsylvania needs
20 to do is to improve its data collection system.
21 But I'm happy to come talk to you and we can
22 look at more of what you might be interested in,
23 okay?
24 REPRESENTATIVE TALLMAN: Thank you.
25 MS. BENSO: Thank you.

1 CHAIRWOMAN BISHOP: Representative Brown.
2 REPRESENTATIVE BROWN: Hi. Good morning.
3 MS. BENSO: Good morning.
4 REPRESENTATIVE BROWN: I would like to thank
5 you for being here.
6 MS. BENSO: Thank you.
7 REPRESENTATIVE BROWN: When you talked about
8 how we should allocate resources to help alleviate
9 some of the stress on the system, I was really glad
10 to hear that we talked about how to stabilize
11 housing, because I'm experiencing a great deal of
12 difficulty with our families right now, especially
13 with these hard economic times.
14 MS. BENSO: Right.
15 REPRESENTATIVE BROWN: And even in our
16 district, we have a paralegal who volunteers and
17 comes in and tries to work out something as simple as
18 an agreement between a landlord and a family when
19 they are facing evictions---
20 MS. BENSO: Right.
21 REPRESENTATIVE BROWN: ---because there
22 isn't any money to help to make their payments.
23 We are hoping that the stimulus money from
24 Obama will come down and start to look at the
25 renters, because we have a very large rental

1 community, you know, where our families don't have a
2 lot of income.
3 MS. BENSO: Right.
4 REPRESENTATIVE BROWN: So hopefully that
5 will be able to capture some of this and keep some of
6 these families from being displaced.
7 So I want to thank you so much for bringing
8 that to the attention of our panel, of our
9 Representatives here today.
10 MS. BENSO: It's one of the single largest
11 issues -- children are removed from their homes in
12 our State and around the country.
13 REPRESENTATIVE BROWN: Thank you.
14 MS. BENSO: Thank you.
15 Thank you so much---
16 CHAIRWOMAN BISHOP: Our last question. We
17 must accept it and listen to Representative Knowles.
18 It's his first one, so I won't let you go until you
19 answer it.
20 MS. BENSO: Thank you.
21 REPRESENTATIVE KNOWLES: Thank you,
22 Madam Chair.
23 Joan, thank you very much for being here
24 today and for what you do.
25 MS. BENSO: Sure.

1 REPRESENTATIVE KNOWLES: You had mentioned
2 at one point during your testimony that -- I don't
3 remember what the age bracket was, but you said that
4 there were children who basically went through three
5 placements.
6 MS. BENSO: Yes.
7 REPRESENTATIVE KNOWLES: I just can't
8 imagine how disruptive that must be for the reasons
9 that you stated.
10 Can you share with us, you said we got to
11 get better at that. We've got to get better at that.
12 Can you share with us why it would be necessary to
13 have three placements, and you said we have to get
14 better at that. Are there any ideas that you have on
15 how you are going to improve on that?
16 MS. BENSO: Well, again, and that isn't a
17 particular age range; it's the typical child. The
18 typical child, you know, about a third of the
19 children in foster care will be in the system for
20 somewhere between 12 and 24 months and they'll move
21 three times.
22 Sometimes when children are placed, they are
23 placed very short term in an emergency shelter
24 situation, and we often here the "middle of the
25 night" analogy.

1 Now, as we work more -- and the NGA counties
2 will talk to you about this, about engaging in Family
3 Finding. If we have to remove a child in the middle
4 of the night, in the future, we may no longer need to
5 say we need to put that child in a shelter in the
6 middle of the night.
7 So if I put a child in a shelter, I am
8 potentially -- I'm going to move that child, all
9 right? So there's one move. And then they go into a
10 foster-care setting, and, you know, sometimes it
11 doesn't work for a whole host of reasons. Or
12 sometimes the county and the caseworker, they have
13 moved the child into a congregate-care setting and
14 they find Aunt Millie, and Aunt Millie has got a safe
15 and stable home and is willing to take the child, so
16 now the child moves a third time. Or they indeed
17 just find a foster family home, not even a relative
18 home.
19 So again, one of the most important things
20 we can do to address this issue is Family Finding and
21 Family Group Conferencing.
22 So when we're first identifying families in
23 our system, we're saying, who is everyone else around
24 Joan Benso who could help Joan Benso with what she's
25 struggling with? Who are her relatives? Who are her

1 close friends and neighbors? Who else cares about
2 Lauren and Elliott, Joan Benso's two kids?
3 And that process, in the counties who are
4 doing it already and in other States, has created
5 more stability and placement and reduced the number
6 of children in care.
7 So maybe I should stop and you should hear
8 from the people who are really doing that work,
9 because they're going to tell you about it.
10 REPRESENTATIVE KNOWLES: Thank you very
11 much, Joan.
12 MS. BENSO: Thank you.
13 REPRESENTATIVE KNOWLES: Thank you,
14 Madam Chair.
15 CHAIRWOMAN BISHOP: Thank you.
16 Thank you very much, Joan. We look forward
17 to working very closely with your office.
18 At this time, we are going to bring forth
19 our next presenters, and we are going to ask that you
20 really cooperate with us and be as brief as possible,
21 because we are only about halfway and we have a long
22 ways to go: the Honorable Pam Tokar-Ickes,
23 Commissioner in Somerset County, the County
24 Commissioners Association of Pennsylvania; and
25 George Kovarie, President of the Pennsylvania

1 Children and Youth Administrators Association and
2 Executive Director of the Berks County Children and
3 Youth Services.
4 Good morning to both of you.
5 COMMISSIONER TOKAR-ICKES: Good morning.
6 Good morning, Chairwoman Bishop and Chairman
7 O'Brien, ladies and gentlemen of the House Children
8 and Youth Committee.
9 My name is Pamela Tokar-Ickes, and I Chair
10 the Somerset County Board of Commissioners, and I
11 currently serve as the Chairperson of the
12 County Commissioners Association of Pennsylvania's
13 Human Services Committee. CCAP, as you know,
14 represents all 67 counties in the Commonwealth.
15 Personally, I have had the opportunity and
16 the responsibility to oversee the public child
17 welfare system in Somerset County since 2000, and I
18 have been a member of the CCAP Human Services
19 Committee since 2001, and I truly appreciate the
20 opportunity to speak to you today regarding the
21 Federal Fostering Connections to Success and
22 Increasing Adoptions Act of 2008, also known as
23 FCA.
24 Pennsylvania's counties are in the forefront
25 in providing necessary and mandated services to their

1 citizens. One of our most important responsibilities
2 is to provide a framework of support services to
3 children who, for various reasons, find themselves in
4 an unstable environment.
5 These children, not by any action or
6 responsibility of their own, are often removed from
7 difficult circumstances and placed within the
8 framework of a child welfare system designed to
9 respond to their immediate needs for safety and
10 stability.
11 In the interest of those children, the FCA
12 ensures that county governments temporarily entrusted
13 with their care make every attempt to enable these
14 children to remain within their extended family unit
15 and to provide the necessary support and services to
16 help them achieve successful long-term outcomes.
17 County governments, I will tell you, are
18 struggling with the fiscal realities of the State
19 budget, which is now nearly 2 months overdue. In
20 these critical financial times, counties have been
21 forced to make difficult choices as both State and
22 Federal funds fail to keep pace with local needs and
23 with Federal and State mandates.
24 I refer to you today two CCAP documents that
25 outline our positions in this regard -- the *CCAP*

1 *Children's Policy* and the *CCAP 2009 County Government*
2 *Priorities* regarding the Commonwealth budget.
3 In the absence of a State budget, county
4 governments are now charged with not only providing
5 the network of care and services to children and
6 families who need our support but, I will tell you,
7 to solely incur the financial obligation to pay for
8 that network of services.
9 Counties do take our responsibility to
10 children seriously, and I strongly encourage the
11 members of this committee, on behalf of my colleagues
12 across the State, to understand that the vital
13 partnership between county and State must immediately
14 be restored to enable us to move forward together on
15 these important initiatives.
16 The implementation of this Federal mandate
17 in reality, I will tell you, will take additional
18 staff time and training, more extensive outreach to
19 the educational community, and of course more
20 extensive coordination with our provider network,
21 requirements that are in the best interests of the
22 children we serve. But in the midst of the fiscal
23 challenges under which counties are presently
24 functioning, these requirements are difficult at
25 best.

1 That notwithstanding, the FCA provides
2 guidance and funding for strategies to improve
3 services to children and families that should lead to
4 better outcomes through:
5 • Kinship/Guardianship Assistance Payments
6 for Children;
7 • Family Connection Grants;
8 • notification of relatives when a child has
9 been removed from parental custody;
10 • establishing licensing standards for
11 relative caregivers;
12 • the option to extend foster and adoption
13 assistance programs to a child up to the
14 age of 21;
15 • transition services for children who age
16 out of foster care;
17 • training for child welfare agencies,
18 guardians, and court personnel;
19 • enhancing educational stability;
20 • better oversight and coordination of
21 health care;
22 • encouraging keeping siblings together when
23 placement is required;
24 • equitable access to foster care and
25 adoption services for Native-American

1 children;
2 • promoting the adoption of special-needs
3 children; and
4 • ensuring the dissemination of Adoption Tax
5 Credit information.
6 These outcomes go hand in hand with those
7 of our recent Federal Child and Family Services
8 Review.
9 As part of Pennsylvania's response to the
10 FCA, initiatives under the National Governors
11 Association Project and the Pennsylvania Supreme
12 Court's Permanency Practice Initiative have also been
13 mentioned here today.
14 While these initiatives show great promise,
15 not all of Pennsylvania's counties are presently able
16 to participate in them. This, however, does not
17 excuse them from the requirements of the FCA, and you
18 will soon hear how some of those counties are moving
19 forward on their own.
20 In my own county, Somerset County, to best
21 meet the requirements, the Commissioners are
22 providing additional legal and staffing resources and
23 support the implementation of these new Federal
24 mandates, because we believe they will best serve the
25 children in our care.

1 Working with the challenges of rural
2 transportation and working foster parents, we are
3 attempting to better coordinate with local school
4 districts to best meet children's educational needs.
5 And we are also continuing our commitment,
6 even in these fiscal challenging times, to operate an
7 Independent Living Program that has recently marked,
8 I'm very proud to say, a successful 20-year history
9 and demonstrated that additional supports in a
10 child's life can truly enable them to grow into
11 healthy, happy, and productive adults with children
12 of their own.
13 And most importantly, I will tell you, we
14 are making every attempt to use the resources that we
15 do have to ensure that children find permanency
16 within a caring family that can best provide the
17 safety and security they deserve.
18 In summary, we therefore ask not only that
19 you personally but through your leadership assist in
20 bringing the Commonwealth budget process to
21 completion and provide counties with the necessary
22 funding to best implement these important mandates at
23 the funding levels that will be needed.
24 Additionally, we encourage you to visit your
25 local children and youth agencies in coordination

1 with your County Commissioners to best understand the
2 positive differences these mandated changes and the
3 recommendations of the National Governors Association
4 can and will make in the quality of children's lives.
5 It's now my privilege to introduce you to
6 George Kovarie, the President of the Pennsylvania
7 Children and Youth Administrators Association and the
8 Executive Director of Berks County Children and Youth
9 Services.
10 MR. KOVARIE: Thank you, Pam.
11 I would like to thank you for the
12 opportunity to talk to you today. I do represent
13 the 67 children and youth agencies in this
14 Commonwealth as well as Berks County Children and
15 Youth Services.
16 I want to say that roughly half of the
17 counties in Pennsylvania are not active, are not
18 participants or enrolled in the NGA or the Permanency
19 Practice Initiative.
20 And while we may operate outside of those
21 formal provisions, both of them, I need to
22 acknowledge that both of those programs hold merit,
23 that both of those programs hold merit and provide
24 valuable guidance and resources for a number of
25 counties.

1 But I can say that as an industry, public
2 child welfare has made material changes to practice
3 that are reflected in improving outcomes, enhanced
4 consumer satisfaction, and in many cases, as in
5 Berks County, reduced costs from out-of-home
6 placements.
7 I should note that many counties have
8 participated in the Court Improvement Project through
9 the AOPC and the Barriers to Permanency through the
10 American Bar Association several years ago, and
11 progress in these areas has been occurring for the
12 past 8 to 10 years, recognizing that this is a big
13 system. It takes time to change and inculcate,
14 frankly, new employees into progressive thinking
15 about strengths-based work with families.
16 Success and strengths-based work include
17 using a range, as you have heard Joan talk about the
18 range of family conferencing services, such as
19 Family Group Decision Making. Family Group Decision
20 Making is really kind of a franchise, and in order to
21 maintain the fidelity of that practice, there are
22 certain elements that progressively have to occur.
23 But family conferencing can start, and does
24 in our county and a number of other counties, right
25 at the front door. You know, I had an observation

1 once of a parent in a waiting room. The parent comes
2 in; she is with her friends, her family. And the
3 caseworker comes out and takes her back into the
4 interview room, just her.
5 About 20 minutes later she comes out crying,
6 gathers with her friends, and they leave. And I
7 thought, that woman should have had her supports in
8 that room. That is part of family group
9 conferencing.
10 And they don't necessarily have to be blood
11 relatives, but bringing supports that people have on
12 the spot and saying, this family is in trouble; who
13 can step forward and assist this mother in getting
14 the child to school and remediating the issues of
15 violence in the home and so on? It's often those
16 informal supports that are most effective to people.
17 When placement is indicated, many counties
18 use short-term arrangements such as voluntary
19 placement agreements and kinship care, which has been
20 enhanced through the provisions of Fostering
21 Connections, like Family Finding.
22 Now, before we go to court, we contact
23 family members to look at who is ready, willing, and
24 able to provide care, even if it is short-term
25 substitute care.

1 In Pennsylvania, voluntary placement
2 agreements under regulation last 30 days, and we have
3 30 days for a parent, to empower a parent to make a
4 decision: we'll give you respite care; we'll put this
5 child in substitute care with your approval. But
6 things have to change in 30 days.
7 Changing lifestyles is very difficult to do
8 for a lot of these folks -- for any of us, frankly --
9 in 30 days. One of my suggestions here in my written
10 testimony is that we move from the 30-day requirement
11 to at least 90 days, recognizing that the Federal
12 Government allows 180 days of voluntary placement
13 agreements.
14 Voluntary placement is before the case comes
15 before the court. In Berks County and many other
16 counties, we think that's a reasonable effort, to be
17 able to provide remediation services to families
18 before we take cases to court.
19 Court is necessary in some cases where
20 parents aren't cooperative and/or there are emergent
21 situations. But given the time, counties with the
22 flexibility of an extended voluntary placement
23 agreement may be able to effect change before we go
24 to court.
25 And I wanted to say, Representative Mundy,

1 there are three parties to these proceedings, as you
2 may know. It's not just the county or the courts.
3 There is a guardian ad litem who represents and has
4 the legal responsibility of representing the
5 interests of the child. And so when you talk about
6 advancing these cases, I think some of the
7 responsibility falls on that representative of the
8 child to say, hey, wait a minute, my client isn't
9 being accelerated through the system like I think he
10 should, and they can file as well.
11 We are fortunate to have strong guardians.
12 And it doesn't happen in my county, because I know
13 the guardians would be all over us or the courts, as
14 they should be. So that might be helpful in your
15 county.
16 Careful and systematic case reviews and
17 pre-petition reviews, not unlike those activities in
18 the National Governors Association, have been
19 important in redirecting service dollars to keeping
20 children safe at home rather than in substitute care.
21 All of these measures are reasonable efforts to
22 prevent both dependency and court-ordered removal.
23 In this fiscal environment, and we're all
24 keenly aware of the compromised position that many of
25 us are in, but one clear disincentive to the

1 Permanency Practice Initiative is the requirement
2 that any savings achieved must be reinvested in child
3 welfare programs. And over the last 3 years, in our
4 county, Berks County, we saved about $3 million. And
5 those savings have and should go back, returned, to
6 the property tax payers in the county.
7 If I had to identify a single element of PPI
8 that compels County Commissioners not to participate,
9 that would be the mandatory reinvestment requirement.
10 And let me state for the record that while
11 we have substantial fiscal concerns at the county
12 level around cash flow and with recognition of the
13 increasingly compromised position of our private
14 provider network, these are the days and months of
15 change that will shape the future of child protective
16 services.
17 We ask that evolving public policy allow
18 counties to select and implement programs that best
19 meet their respective communities' needs.
20 We would be happy to take any questions or
21 expound on some of the things that we talked about.
22 CHAIRWOMAN BISHOP: Are there any questions?
23 Representative Samuelson.
24 REPRESENTATIVE SAMUELSON: Yes. The
25 question is about people who age out of foster care

1 at the age of 18, and I know that was brought up
2 earlier by Joan Benso.
3 Any examples of what kinds of transition
4 services are made available in either Somerset or
5 Berks or other counties around the State when a kid
6 becomes 18 and ends their time in foster care?
7 COMMISSIONER TOKAR-ICKES: Well, I'll
8 mention quickly something that I mentioned in my
9 testimony, and that is our Independent Living
10 Program.
11 We have had a very successful Independent
12 Living Program for the past 20 years in Somerset
13 County, and truly in the celebration of that
14 anniversary, the evidence was in front of our eyes.
15 We literally had adults who had been
16 children in the system, in foster care, who came back
17 with their families, have parented successfully, and
18 have been really transitioned into productive, happy,
19 healthy adults, and I think that is testimony in and
20 of itself that it can happen in a successful way.
21 We are committed to that program in Somerset
22 County. Even, you know, fiscally it has been a
23 challenge even outside of what we are experiencing
24 right now to keep it going and to keep our commitment
25 as strong as we have in the past.

1 We are strongly committed to that, because
2 the supports certainly should not end at the age of
3 18.
4 MR. KOVARIE: And along those same lines, we
5 look at it in Berks as this is really our firm
6 down payment on tomorrow, because we have a
7 substantial investment in these young people, many of
8 whom have been in care for years. And to say at 18,
9 well, you're out of here, simply is poor practice.
10 These young adults can really begin to
11 thrive with the right kinds of supports, including
12 subsidizing them while they go to higher education or
13 technical training beyond the age of 18. And the
14 provisions are and the agreements that we have with
15 our guardians and with our courts is that we will
16 continue to extend financial and program support to
17 these young adults.
18 And it is interesting at their graduation
19 ceremonies. And you know who they bring to some of
20 these things? Their parents or their relatives, and
21 they're proud of that.
22 And we, too, have had a longstanding
23 Independent Living Program, and we aggressively
24 pursue the planning, their planning -- their
25 planning, not our planning for them -- but their

1 planning about their future.
2 REPRESENTATIVE SAMUELSON: For those
3 programs, do you use county money or are you able to
4 use some of your State child welfare funding?
5 MR. KOVARIE: Both, obviously because
6 there's a match requirement.
7 But if you recognize that the standard in
8 court, in Juvenile Court, is the best interests of
9 the child -- it's not about money. I don't say to my
10 staff, now, watch out how much you spend here.
11 What it is, you do what's in the best
12 interests of these kids. Administratively, we'll
13 work out how we're going to pay for it, and if I get
14 called to the carpet by my Commissioners, I have to
15 be able to demonstrate the cost benefit of county
16 expenditures beyond reimbursement.
17 COMMISSIONER TOKAR-ICKES: And God bless the
18 ground that foster parents walk on.
19 MR. KOVARIE: How about that.
20 COMMISSIONER TOKAR-ICKES: Because I will
21 tell you, especially in rural communities, really
22 across the Commonwealth, none of these individuals
23 are in it for the money. They are in it with their
24 heart first. Maybe their head second, given some of
25 the fiscal circumstances.

1 But kids don't go away. Kids who have been
2 in many of our foster homes certainly look at those
3 families as being their family unit for years and
4 years to come.
5 That is one of the reasons that we have
6 committed, although we are delaying payments to our
7 providers in Somerset County, we are not delaying
8 payments to our foster families.
9 MR. KOVARIE: The same policy in Berks. And
10 recognizing, too, that the fastest growing number of
11 resource families are kinship families that come to
12 our attention as a result of an emergent placement or
13 a placement of one of their relatives.
14 And in a number of cases, after those
15 children have moved through their home, they become
16 available again now to foster other people's children
17 who may come before the system.
18 More than half of our over 200 foster
19 families are kinship-care families.
20 CHAIRWOMAN BISHOP: We certainly want to
21 thank you, and our last question for you today will
22 be for Mr. -- I want to make sure I get your name
23 right.
24 MR. KOVARIE: Kovarie.
25 CHAIRWOMAN BISHOP: Kovarie.

1 What is the downside to extending placement,
2 voluntary placement?
3 MR. KOVARIE: For children that age out?
4 CHAIRWOMAN BISHOP: Yes.
5 MR. KOVARIE: Well, the downside would be
6 the amount of reimbursement we would get from Federal
7 and State contributions, the fiscal financial
8 participation. And counties have been making up that
9 difference.
10 Again, the bottom line is, if we want to see
11 results and we want to get a return on our
12 investment, if you want to speak in those terms, it's
13 smart money.
14 CHAIRWOMAN BISHOP: Okay.
15 Representative Day.
16 REPRESENTATIVE DAY: Thank you,
17 Madam Chair.
18 I wanted to ask a similar question about the
19 VPAs.
20 The VPA is made between an Administrator and
21 the parent. Is that correct?
22 MR. KOVARIE: Yeah; between the county child
23 welfare agency and the custodial parent, or the
24 parents with custody, legal custody.
25 REPRESENTATIVE DAY: Is the child's guardian

1 involved in that discussion also?
2 MR. KOVARIE: No.
3 REPRESENTATIVE DAY: They are not?
4 MR. KOVARIE: The guardian -- the
5 attorney-client relationship attaches at the filing
6 of a petition. And we had sought and got a waiver to
7 extend our VPA. At that time, the department
8 effectively eviscerated it by saying, well, as long
9 as they have a guardian.
10 See, one of the things is while a guardian
11 does protect the legal rights and represents the
12 interests of children in these proceedings, there are
13 a number of other things that happen once you get
14 into court. And, you know, a part of our discussion
15 with parents is, we would like to be able to work
16 this out with you; you know your child better than we
17 do and your family resources.
18 When we go before the court, now, there's a
19 whole number of different players there, some of whom
20 may have other agendas, and some of those agendas may
21 be certainly well intentioned but they can also
22 interfere with expedited process.
23 It also diminishes -- I want to be able to
24 say this -- it diminishes what we are trying to do
25 with parents, and that's empower them. If you're the

1 parent, we want to empower you. You have the ability
2 to make a decision to allow us to help you by placing
3 your child short term -- very clearly delineated
4 timeframes. And we hope to remediate and then
5 terminate that VPA.
6 REPRESENTATIVE DAY: And I have a couple of
7 questions.
8 I want to be mindful of the time, so I want
9 to get as concise as possible.
10 MR. KOVARIE: Got it.
11 REPRESENTATIVE DAY: But in that agreement,
12 do we, or do you in your practice, do you attempt to
13 lay out for the parent, these are the things that you
14 need to do to return---
15 MR. KOVARIE: Oh, absolutely. And in
16 writing.
17 And, you know, probably one of our most
18 successful modalities has been family group
19 conferencing, and specifically the true form of
20 Family Group Decision Making where parents and
21 extended family are there. And we clearly delineate
22 what is called the bottom line: these are the
23 elements that have to be met in order for us to get
24 out of your life.
25 REPRESENTATIVE DAY: Okay.

1 MR. KOVARIE: And in better than 85 percent
2 of the cases, we have a successful plan that is
3 implemented, that is arrived at by the family,
4 approved by the agency -- and when they're under the
5 care of the court, the guardian and the Judge -- and
6 they successfully implement and we close it out.
7 That's the way it ought to be.
8 REPRESENTATIVE DAY: Do you have any data
9 that if the child cannot be placed back in the home,
10 that the VPA becomes the permanent home? Do you have
11 any data that the selection process between the
12 parent and the Administrator for the VPA is then as
13 good or better than, because it becomes in place of
14 permanency?
15 MR. KOVARIE: Well, you know, that is kind
16 of akin to concurrent planning.
17 While we accept the fact that we're going to
18 be providing services to remediate this, we have to
19 recognize that you might fall down or relapse or
20 whatever the impairment is that you have. And we
21 have to make sure that the first placement we make
22 for that child, to the best of our ability, is the
23 last one or the best one.
24 REPRESENTATIVE DAY: So you don't have data
25 now on that?

1 MR. KOVARIE: Actually, in the VPA cases
2 that we've had, most of them are closed at intake and
3 don't advance to court.
4 REPRESENTATIVE DAY: Okay.
5 One other comment you had made about another
6 topic. I believe you had made a comment that half
7 the counties don't participate. Was that the Court
8 Improvement Project or---
9 MR. KOVARIE: No; the Court Improvement
10 Project and---
11 REPRESENTATIVE DAY: Well, let me just
12 clarify.
13 MR. KOVARIE: Okay.
14 REPRESENTATIVE DAY: You had made a
15 statement that half the counties in Pennsylvania do
16 not participate---
17 MR. KOVARIE: Participate in the Permanency
18 Practice Initiative through OCYF.
19 REPRESENTATIVE DAY: And do you know why?
20 Because your agency---
21 MR. KOVARIE: Well, I think the first round
22 -- it was limited to how many cases? Or how many,
23 60 counties?
24 MS. MOORE: 60 Judicial Districts,
25 27 counties.

1 MR. KOVARIE: Okay. So there were only, in
2 the first round of the Permanency Practice
3 Initiative, a number of counties that were accepted.
4 Is that right?
5 MS. MOORE: It's a competitive process.
6 MR. KOVARIE: Yeah. And then there's a
7 Phase 2, and I don't know how many are enrolled in
8 that one.
9 MS. MOORE: A total of 27 counties currently
10 between Phase 1 and Phase 2.
11 MR. KOVARIE: Okay.
12 MS. MOORE: In addition, Philadelphia is
13 implementing all of the initiatives, but it is not
14 officially counted as of yesterday.
15 MR. KOVARIE: So still, it is less than half
16 the counties.
17 REPRESENTATIVE DAY: Thank you for your
18 testimony today. I appreciate you both being here.
19 And thank you, Madam Chair.
20 MR. KOVARIE: Thank you.
21 CHAIRWOMAN BISHOP: Thank you.
22 Thank you very much, both of you. You will
23 be hearing from us very soon.
24 COMMISSIONER TOKAR-ICKES: Thank you very
25 much.

1 CHAIRWOMAN BISHOP: Thank you very much.
2 We would like to welcome at this time
3 Representative Youngblood, who is joining us.
4 And we also would like to call our next
5 presenters. It's a number of them, four of them,
6 the National Governors Association Project in
7 five counties, beginning with Luzerne County,
8 Mr. Joe DeVizia, Executive Director of the
9 Human Services Division; Montgomery County,
10 Laurie O'Connor, Executive Director of the Office
11 of Children and Youth; Philadelphia County,
12 Ms. Anne Marie Ambrose, Commissioner, Department of
13 Human Services; and Clarion County, Kay Rupert,
14 Executive Director of Children and Youth
15 Services.
16 Welcome.
17 York County was unable to attend. They
18 would have been in that group, but they were not able
19 to attend.
20 You can go in whatever order you wish.
21 Welcome aboard. Glad to have you.
22 MS. O'CONNOR: Good morning. I would like
23 to begin.
24 I would like to thank the committee members
25 for hearing our testimony today.

1 My name is Laurie O'Connor. I'm Director of
2 the Office of Children and Youth in Montgomery
3 County.
4 I have been a resident of Montgomery County
5 all my life. I have worked in our county children
6 and youth agency for the past 24 years, so I'm very
7 happy to provide you with some insight into the good
8 work that we're doing there.
9 Montgomery County is a participant on the
10 Statewide Implementation Team for the National
11 Governors Association Policy Academy for Safe
12 Placement Reduction. We're also 1 of 16 counties
13 selected by DPW's Office of Children, Youth and
14 Families to serve as a pilot site for reduction
15 initiatives.
16 The NGA supports the Commonwealth and its
17 counties in implementation of a statewide strategic
18 plan to reduce child placements up to 20 percent by
19 the end of 2010. My statements today will focus on
20 both the statewide initiative as well as my county's
21 efforts to achieve safe reduction goals.
22 Devising strategies for reducing the number
23 of children in placement without compromising our
24 system's overarching goal of protecting kids is the
25 core intent of the Policy Academy.

1 Child welfare in Pennsylvania has
2 traditionally been a system that adheres to statutes
3 and regulations focused on keeping our children safe.
4 More recently, the statutes and mandates have
5 supported a placement-driven system.
6 Evidence to support practices and programs
7 that view the entire family, however, as the consumer
8 of service have been successfully adopted across our
9 State. We are increasingly able to keep children
10 safe at home without compromising those mandates for
11 child protection.
12 However, as mentioned earlier, our State
13 does utilize placement more frequently than some
14 other jurisdictions across the country.
15 Those jurisdictions that have heavily
16 invested resources in home- and community-based
17 services keep more kids out of placement and
18 sometimes out of the child welfare system altogether.
19 Those jurisdictions have sustained their successes by
20 reinvesting unspent placement dollars in their
21 community-based services.
22 As I previously stated, Montgomery is one of
23 the 16 counties piloting strategies and setting goals
24 outlined in the statewide plan. We view
25 participation as an opportunity to keep more families

1 together by adopting effective practices and coupling
2 them with model initiatives that are consistent with
3 our goal of "safe at home" for kids.
4 Montgomery County has committed significant
5 resources, not only to ensure protection of our
6 children but also to promote well-being of family
7 members.
8 We truly believe that when families are
9 healthy, their children are safe. Our Commissioners
10 and the Board of Judges take a lot of pride in
11 maintaining a broad array of prevention, early
12 intervention, supportive services, and aftercare.
13 The programs achieve positive outcomes, and they
14 support the diversity of our families and our
15 communities.
16 We do take this goal of "safe at home" very
17 seriously. Our services have become mobile. Instead
18 of making our client families come to us or to travel
19 to service agencies to get the help that they need,
20 assistance is provided to families in their own
21 homes.
22 Expanding the nature and the array of
23 services that we can provide to families has
24 significantly reduced child placement numbers in
25 recent years.

1 Since July 1, 2008, we have an 18.5-percent
2 reduction in child placements. I would like to add,
3 our re-entry rate is between 9 and 13 percent. So
4 although our children are going home at an increased
5 rate, they are not re-entering our system.
6 At the start of our current fiscal year, the
7 county was legal custodian for 269 children, the
8 smallest number in several decades. We have kept our
9 kids "safe at home," despite a 50-percent increase in
10 reported suspicions of child abuse and neglect since
11 September of 2004.
12 We continually look for ways to improve our
13 programs and practices in response to the changing
14 needs of our residents. We prioritize active
15 involvement of the courts, community stakeholders,
16 and service providers.
17 This requires that our staff do business
18 differently at this point. They have to partner with
19 other systems, they have to involve communities, they
20 have to involve families in planning, and they need
21 to focus time and resources in keeping kids at home
22 or safely reuniting families as soon as it is
23 possible.
24 Our county has received quite a bit of
25 assistance in accomplishing success. We have

1 volunteered to participate in several practice
2 improvement initiatives, and it has been a win-win
3 situation, because the goals of these special
4 initiatives complement one another.
5 The NGA Policy Academy is one of several
6 initiatives to which we have made this commitment.
7 It has been a lot of work, but it has had positive
8 influence on policy and practice, which in turn has
9 better outcomes for our children.
10 We also participate in the Office of
11 Children and Families in the Courts Permanency
12 Practice Initiative that provides training and
13 technical assistance to implement evidence-based,
14 family engagement practices for our frontline staff.
15 Our staff have benefited greatly in the past year
16 from training in the additional skills that support
17 these practices.
18 We are actively involved in the Supreme
19 Court's Children's Roundtable, which improves court
20 processes in child dependency cases by building
21 collaboration between child welfare and our Juvenile
22 Court.
23 We have participated in the American Bar
24 Association's Barriers to Permanency Project that
25 supports implementation of concurrent or dual-track

1 permanency planning for families so that our children
2 don't grow up in foster care.
3 Each step brings us closer to our goal of
4 developing a child-centered, family-focused, and
5 multisystem response to meeting the needs of our
6 children and families.
7 While we have been successful in some
8 endeavors, we do have a way to go in achieving our
9 vision. Guidance and expertise available through the
10 National Governors Association Policy Academy is
11 directing our continued planning for "safe at home"
12 goals.
13 The NGA Academy provides support and
14 assistance necessary to establish an ambitious but
15 attainable goal to reduce placements and improve the
16 lives of children who remain in their homes. We
17 believe we can successfully achieve comprehensive and
18 sustainable change in our child welfare programs, and
19 we do truly want to assure that every child has
20 increased opportunity to grow up healthy, safe, and
21 loved in a permanent family.
22 Thank you for this opportunity to discuss
23 our efforts in Montgomery County.
24 MR. DeVIZIA: Hi. My name is Joe DeVizia,
25 and I'm from Luzerne County. And Representative

1 Mundy and myself often talk; we do.
2 First of all, I want to thank everybody for
3 your tremendous dedication to children and youth.
4 I want to thank Representative Mundy for
5 being a real champion of children in our area, and
6 she truly is a person who is an advocate and a person
7 who knows a lot about kids.
8 I want to thank Estelle Richman for her
9 ongoing champion of children as well. She's been
10 just great. She has always had kids as one of her
11 number one priorities, and it has been just great to
12 be on her team.
13 I want to say as well that Deputy Secretary
14 Richard Gold, the NGA Project truly has made a
15 cultural change in our children and youth system, and
16 I want to thank him, because it has been his
17 leadership that has really begun some really good
18 things.
19 I want to thank Angie Logan, who has also
20 been on his team and has been a consultant to us,
21 been very helpful to us.
22 If you really listen to Richard Gold at any
23 of his sessions, one of the things that he always
24 says is, without outcomes, don't talk to me. We can
25 talk about nice philosophy; we can talk about a lot

1 of good things, but without outcomes, don't talk,
2 because that really is the proof of what is going
3 on.
4 And if you really just kind of reflect on
5 Luzerne County with some of their major issues going
6 on, and of course there's no secret about them,
7 there's some really, really great things going on in
8 the children and youth system, particularly at this
9 time.
10 We were told that we had one of the highest
11 placement rates in the entire region in the
12 northeast, and that is where Luzerne County is. As a
13 matter of fact, our county had as many, if not more
14 than three counties comparable to our size, had as
15 many kids in placement, which is extremely high. And
16 therefore, one of the mandates that we were given as
17 part of our plan in NGA was to restart the reduction
18 of children from placement, and we have done that.
19 Our goal this year is for 120, and we are really well
20 on the way.
21 But to really kind of respond to the
22 importance of looking at outcomes, and then I'll
23 speak about how we really began looking at that, when
24 we began our plan back in January of 2009, we had
25 roughly about 750 kids in placement.

1 On February 1, we had 731 children in
2 placement, and that is high. On June 1, 2009, just
3 this past June, we had 690 kids in placement. And on
4 July 1, we had 643 children in placement. If you
5 look at that comparing back to February 1, that's a
6 major reduction in the placement of children.
7 In addition to that, if you look at our
8 adoption rate, it has gone up. It has gone from
9 496 to 517, which, again, is very significant.
10 And also something that is very, very
11 important is the reduction in JPO placements, from
12 91 back in February to 74 in July, and that is
13 significant. And the important trend there is that
14 kids are not going into placement through JPO as they
15 had in the past.
16 So if you look at our county combined with
17 children and youth and JPO, we have really a trend
18 that is going in a different direction on behalf of
19 kids.
20 If you think of all the things that were
21 spoken about this morning, and many people did some
22 wonderful presentations and talked about permanency,
23 talked about cultural change, talked about best
24 practice, it all then comes down to, what happens in
25 a respective county to make that happen? Why did we

1 really have a significant high placement rate and
2 then all of a sudden it begins to reduce? And that
3 is important.
4 One of the things is, it's very clear that
5 we certainly want our staff to really have adequate
6 caseloads, and that was a major reorganizational
7 change, that we had programs that really staff did
8 not carry caseloads such as our school-based program
9 and our family preservation program as well as a
10 parenting unit. They did not have caseloads.
11 So we distributed cases among all those
12 folks. In addition to that, we had other
13 distribution and more hiring in our children and
14 youth program.
15 And as we all know, the importance of
16 children and youth is that individual caseworker
17 working day by day but also with adequate caseloads,
18 and that was a major reorganizational change that we
19 had to go through, and that was one of the first
20 things that we did.
21 In addition to that, we changed our
22 visitation, our quality of visitation. Because
23 really, if we expect families to really look at their
24 children and really try to take them home, they need
25 to come into an agency and feel good about things.

1 They need to feel good in an environment. So we
2 changed from small rooms to our Parenting Center, and
3 that made a significant difference in the quality of
4 our visitation when families came in to visit with
5 their children.
6 The other major factor that has gone on in
7 our system has been the real strong, strong
8 commitment to evidence-based practice. We heard
9 something about Family Group Decision Making. There
10 is no question that's an evidence-based program that
11 truly works, and our caseload now in Family Group
12 Decision Making has gone substantially higher and
13 that has made a difference, because families now feel
14 engaged and engaged that they are really now a
15 significant part of a plan and not just having
16 something handed to them, and that has been very,
17 very important.
18 Also, family reunification. That has been
19 one of the most impressive programs that we have had.
20 It's not an evidence-based program, but it is a
21 program that we call Promising Practices.
22 But the intensive work with reuniting the
23 families with their children has been significant,
24 and our family reunification process, it's a special
25 program that has made significant impact on our kids.

1 We also endorsed and really brought into our
2 system, thanks to the mental health system and thanks
3 to HealthChoices, Functional Family Therapy. And I
4 would say in all the years that I really spent
5 working with kids, and I spent a number of years in
6 the work of doing psychiatric care, Functional Family
7 Therapy has been one of the most, I would say,
8 impressive and effective programs that I have worked
9 with.
10 Functional Family Therapy -- it's a program
11 that has been very dear to the court and is very
12 significant, something that the Judge, our Juvenile
13 Judge, really, really likes, but also the children
14 and youth family system. And that, combined with
15 family-based services, which is another system coming
16 through Mental Health, that has made a major impact
17 on keeping kids out of placement and also doing
18 everything possible to work with those families when
19 we return kids from placement. It has been a major,
20 major factor, and working with the mental health
21 system has been important.
22 The other factor that we have done in our
23 children and youth system as we go through our NGA
24 Project is the access to other systems, and that's
25 important.

1 If you look at many of the families that
2 we're serving, many of them are in all the systems at
3 the same time, which is significant. Even now in
4 aging, with grandparents raising grandchildren, our
5 families can be in mental health, they can be in
6 education, they can be in mental retardation, they
7 can be in aging, and they can be in children and
8 youth and drug and alcohol all at the same time. But
9 the importance is to make it accessible to each
10 other, and that has been something that is so
11 important.
12 To give you an example, of the many kids
13 that we had in foster care, we had nearly
14 300 children from birth to 5 in foster care -- birth
15 to 5. And why was that? Because the parents were on
16 substance abuse. And so therefore, we really had to
17 make a connection with the drug and alcohol system to
18 provide services to the families, because if we are
19 expecting the kids to return, then certainly the
20 treatment is so important for the families.
21 But the access to the other systems has been
22 so important, particularly mental health and
23 particularly drug and alcohol.
24 Another major factor has been -- and
25 certainly this really is thanks to Richard Gold

1 coming on a monthly basis -- but the real focus on
2 the 15 months, that when someone goes into placement,
3 we think now in terms of 15 months, and that is
4 something that Representative Mundy brought up
5 earlier. We have to think in terms of 15 months.
6 There are some families, obviously, that we
7 kind of let things go, but it's really important to
8 really see that 15 months has to be that criteria to
9 look at kids when they're in placement.
10 And that is something that needs a lot of
11 discussion with the court, but we now have a process
12 that we have what we call 10-day review, so that when
13 someone goes into placement, in 10 days, the
14 situation is reviewed. We have a lot of concurrent
15 planning going on like that.
16 In addition to that, we have planning with
17 other systems, multisystems planning, where Mental
18 Health and Drug and Alcohol also work together with
19 Children and Youth.
20 And Children and Youth now, thanks to the
21 mental health centers, we even have our psychiatrists
22 coming to meet once a week with the people in
23 Children and Youth, psychiatrists or a mental health
24 professional.
25 So it's issues like that that have made a

1 significant difference in our county. But very
2 importantly, when we come down to the compelling
3 reasons, as Representative Mundy alluded to earlier,
4 we really need to look at those, and when we're not
5 really satisfied, we need to appeal them.
6 And one of the things that we applied for,
7 and we're so very happy that we became a Phase 2
8 permanency program, part of the Phase 2 Permanency
9 Initiative, and that has made a significant
10 difference, because what that has done, it has
11 allowed us to have a roundtable. And we have a new
12 Juvenile Judge in our county who has been just
13 wonderful, Judge Lupas, and he is right now the Chair
14 of this roundtable.
15 But more importantly, the President Judge
16 appointed Judge Lupas as the Judge both for
17 Delinquency Court as well as Dependency Court, so
18 there's continuity. So on issues like Representative
19 Mundy brought to our attention, we are now able to
20 have an opportunity to talk about things like that
21 with the hope that we can prevent that kind of thing
22 from happening in the future.
23 And when there are challenges and when there
24 are conflicts, we have the opportunity to discuss
25 that, particularly at those roundtables, and that has

1 been a significant change in our system, and we are
2 very pleased about that.
3 So the National Governors Association
4 initiative, along with the roundtable, the Phase 2
5 initiative, have been major factors in helping us
6 kind of go forward in reducing kids from placement
7 and also doing much to avert kids from going into
8 placement.
9 The monthly meetings with Richard Gold kind
10 of make sure that we review all these things very,
11 very astutely. He comes on a monthly basis. He sees
12 those cases that are in placement for more than
13 12 months. He sees people who are in kinship for
14 longer than 6 months. He, not sees them, but he
15 chairs the meeting with a multisystem systemic group
16 of people from all systems at that meeting.
17 But it has been his challenge to us and his
18 direction and his oversight that has truly made a
19 difference in Luzerne County. And I'm happy to say
20 that despite the fact of many things going on in
21 Luzerne County, we're proud to say we are really
22 making major strides in the children and youth system
23 as well as other systems, including the court system.
24 So I want to again thank everybody and open
25 it up to questions. You may have some questions

1 about what is going on in Luzerne County.
2 CHAIRWOMAN BISHOP: I think we would like to
3 take the last two presenters, and then we'll open all
4 of you up for questions, if that is okay.
5 COMMISSIONER AMBROSE: Good afternoon.
6 CHAIRWOMAN BISHOP: Good afternoon.
7 COMMISSIONER AMBROSE: I am Anne Marie
8 Ambrose, Commissioner of the Philadelphia Department
9 of Human Services.
10 DHS is currently a participant in the
11 National Governors Association Policy Academy. We
12 are excited by the challenge of identifying and
13 implementing placement reduction strategies to
14 decrease the number of children in foster care,
15 because as we all know, with the right supports,
16 children are best served with their own families.
17 So I'm pleased to share with you
18 Philadelphia's commitment to and experience in this
19 important initiative, and I am proud to report that
20 it was just 2 weeks ago in our NGA meeting that
21 Deputy Secretary Gold announced that Philadelphia
22 County has reduced its number of dependent placements
23 by 264 children within a 6-month period.
24 So how are we able to do this? First, we
25 are able to do this because of our current leadership

1 team at DHS. They have created an urgency for better
2 outcomes for Philadelphia's children and families.
3 They come with diverse strengths and competencies but
4 function with the same goal in mind of improving
5 safety, permanency, and well-being for the children
6 we serve.
7 In the past year, we have reduced the number
8 of children in dependent placement by 8 percent, but
9 we still have a long way to go.
10 Next, in order to continue to meet the
11 State's goal of continuing to reduce placements, DHS
12 has developed a County Program Improvement Plan which
13 outlines our NGA Placement Reduction Strategies and
14 Action Steps.
15 Our goals are to increase safety, reduce our
16 reliance on out-of-home care, improve permanency, and
17 reduce re-entry. Our strategies to get there include
18 strategic decisionmaking, Family Group Decision
19 Making, Family Finding, and the creation of a diverse
20 array of services and partnerships with the courts.
21 For purposes of my testimony today, I will
22 focus on DHS's strategic decisionmaking efforts and
23 how that helped define our continuum of in-home
24 services and our collaboration with Family Court
25 under the leadership of Judge Kevin Dougherty.

1 Child safety is the foundation for all of
2 our decisionmaking efforts at DHS. We have adopted a
3 safety model of practice where we incorporate safety
4 assessments into all aspects of our organizational
5 decisionmaking.
6 This starts at our front end. In May of
7 2008, DHS developed and implemented Hotline Guided
8 Decision Making. We integrate safety practice in
9 screening families for abuse and/or neglect, as well
10 as provide standardized criteria for accepting
11 reports and making appropriate referrals.
12 The primary objectives of Hotline Guided
13 Decision Making are to ensure that families receive
14 the appropriate response from the department and
15 relative service intervention.
16 Only those cases with active safety threats
17 are accepted for service. Children and families who
18 have other risk or well-being needs are referred to
19 less intrusive community-based services to meet their
20 needs.
21 So our continuum of care for families coming
22 to the attention of the department through our
23 hotline goes from Alternative Response Services,
24 Rapid Service Response, Family Stabilization
25 Services, Teen Diversion, In-Home Protective

1 Services, and finally, placement.
2 Alternative Response Services is designed to
3 ensure child safety, engage and support families in
4 enhancing their abilities to meet the basic and
5 well-being needs of their children in the least
6 intrusive time-limited manner through the use of
7 community resources.
8 It is designed to provide families with
9 supports from their communities while keeping them
10 out of the formal child welfare system. ARS is the
11 least intrusive service offered to families coming to
12 the attention of the department.
13 Rapid Service Response provides up to
14 60 days of supportive and safety services for
15 families currently under investigation by the
16 department, where the allegations may indicate a
17 possible safety threat. Rapid Service Response is an
18 immediate service that DHS provides to preserve and
19 stabilize the family throughout the course of an
20 investigation.
21 Next, Family Stabilization Services
22 provides supportive services for families who are
23 court ordered to be supervised by the department,
24 even though DHS determines there are no safety
25 threats.

1 It is anticipated that this service will be
2 most utilized for families with truancy issues as a
3 way to divert children from placement.
4 A similar service is our Teen Diversion
5 Placement Program, which provides immediate
6 supportive services to families with adolescents at
7 risk of placement.
8 Lastly, our In-Home Protective Services
9 provides up to 180 days of intensive safety services
10 for families experiencing active safety threats.
11 Referrals to our In-Home Protective Services are made
12 by DHS staff at the conclusion of an investigation,
13 with the intention of providing intense in-home
14 services in an effort to maintain child safety and
15 preserve family unity.
16 As you can see, building a continuum of
17 in-home services that meet the needs of children and
18 families can have a positive impact on placement
19 reduction.
20 Placement is always the last option for the
21 department, and if we have to place children, we
22 place them in the least restrictive environment
23 closest to their home.
24 I am proud to report that in the past year,
25 DHS has significantly reduced its reliance on

1 out-of-State placement for dependent youth by
2 49 percent. We have been able to do this with
3 increased collaboration with our system partners,
4 private providers, community behavioral health, and
5 Family Court.
6 DHS values collaborative efforts with other
7 city departments and has worked diligently with
8 Family Court to improve permanency outcomes for
9 children. In 2008, we increased our adoption
10 finalizations by 12 percent. This is our first
11 increase since 2004.
12 We also increased our number of permanent
13 legal custodianships by almost 12 percent in 2008,
14 our first increase since 2005. We are on track to
15 exceed this progress in the coming year.
16 Philadelphia's most challenging area of
17 placement reduction, in line with NGA goals, is
18 reducing the number of children in delinquent
19 placement.
20 We have recently seen a 10-percent
21 increase in the number of delinquent youth placed.
22 Judge Dougherty and I are committed to making this a
23 priority in the coming year.
24 With the support of DPW and the NGA, the
25 Philadelphia Initiative intends to improve its

1 efforts to safely reduce its reliance on placement to
2 provide a continuum of in-home services designed to
3 ensure child safety and preserve family unity and to
4 increase its permanency outcomes for children who
5 ultimately come into care.
6 Thank you for providing me with an
7 opportunity to share Philadelphia's experience with
8 such a worthwhile initiative. I'm happy to answer
9 questions when other speakers are finished.
10 CHAIRWOMAN BISHOP: Thank you.
11 And our last one.
12 MS. RUPERT: Thank you, and good
13 afternoon.
14 I appreciate the invitation and the
15 opportunity to come speak with you today about one of
16 the major challenges that our children and families
17 are facing in Clarion County and how our involvement
18 in the NGA Project is helping us to address it.
19 My name is Kay Rupert. I'm the Human
20 Services Director and Children and Youth
21 Administrator for Clarion County. I have been the
22 Children and Youth Administrator for 15 years, the
23 Human Services Director for 13 years, and have
24 31 years of experience working in child-serving
25 systems in Clarion and Venango Counties.

1 Clarion County is a small rural county in
2 northwestern Pennsylvania, and we have historically
3 had a very low placement rate for both child welfare
4 and juvenile justice, with fewer children in care
5 than the State average. Our average is 3.159 per
6 thousand, the State average is 5.825.
7 When we were one of the 16 counties selected
8 to participate in the National Governors Association
9 Academy Project, we wondered whether or not we were
10 going to be able to come up with the main reason or
11 problem area that led children to enter placement in
12 Clarion County, because our numbers are so low. But
13 over the past year, the reason for our involvement
14 and the focus of our plan became very clear.
15 We have seen an extraordinary increase in
16 the accessibility and use of heroin in Clarion County
17 in the past year. Clarion County Drug and Alcohol
18 reports that the largest population served is ages 19
19 to 25, which is the primary age group for the parents
20 that are on the child welfare caseload. Eleven
21 percent of the children served through Drug and
22 Alcohol are under the age of 18.
23 Heroin-related incidents, which include
24 overdoses and deaths, rose from 4 in 2007 to 29 in
25 2008. During a 3-month period, from the end of 2008

1 into early 2009, we had five heroin overdoses that
2 included the death of two young adults.
3 The most recent Pennsylvania Youth Survey
4 results indicate that Clarion County students as
5 young as 10 years of age are regularly using alcohol
6 and experimenting with drugs, including heroin, and
7 nearly five times as many teens in Clarion County
8 have experimented with heroin as the statewide
9 average.
10 This is consistent with the numbers from our
11 Drug and Alcohol Office, which indicates the age of
12 first use for individuals entering drug and alcohol
13 treatment is 10 and the significant increase that
14 they have seen in both inpatient and outpatient
15 treatment for heroin.
16 Placements through our Juvenile Probation
17 Office typically have averaged between 8 and 12 youth
18 at any given point in time. Last November, we had
19 18 JPO youth in placement, twice the number from
20 November of 2007. Most of these youth were placed
21 because of drug and drug-related crimes.
22 Last year, we also saw an increase in the
23 number of families and children referred to the
24 children and youth system because of drug-related
25 incidents.

1 Between January 1 of 2008 and June 30 of
2 2008, we had one referral for an infant born with
3 illegal substances in their system. During the same
4 timeframe in 2009, we have had eight referrals.
5 Most of these children have had -- in 2008,
6 the infant born had marijuana in his system. In
7 2009, over 50 percent of the infants born with
8 illegal substances have had cocaine and/or heroin in
9 their system.
10 They have been admitted and transferred to
11 neonatal units either in a neighboring county or
12 Children's Hospital in Pittsburgh and placed on
13 Morphine or Methadone to address their withdrawal
14 issues.
15 Obviously the long-term impact of this is
16 not known, but the increase and need for human
17 services for multiple systems has increased not only
18 for the child welfare system but for Early
19 Intervention and Drug and Alcohol as well.
20 Over the past year, we have seen a
21 23-percent increase in the number of referrals
22 received through child welfare for parents with
23 substance abuse, and an overwhelming 50-percent
24 increase in the number of referrals for youth using
25 drugs and alcohol.

1 Last year at this time, we had no infants in
2 foster care. We now have three, two of whom were
3 born with illegal substances in their system.
4 As a small county with limited resources and
5 a history of working together to meet the needs of
6 the families and the children that we serve, the need
7 for assistance to address the new issues that have
8 resulted from the pipeline of heroin into our county
9 was great. Having a statewide team to draw from has
10 assisted us in getting a jump-start in Clarion.
11 Other counties, neighboring drug task
12 forces, the Child Welfare Training Program,
13 Pennsylvania State Police, and all of the NGA team
14 members have gone out of their way to help us address
15 our problem.
16 We as a county have mobilized countywide
17 efforts in an effort to address the major influx of
18 heroin into our county.
19 Through funding through the Attorney
20 General's Office, Clarion County's Promise, our
21 private nonprofit provider, has presented the Reality
22 Tour. This uses young people and adult volunteers
23 from the community who reenact the downward spiral of
24 a drug-addicted teenager that begins when the teen
25 gives in to peer pressure and goes to a party where

1 heroin or other alcohol and drugs are being used.
2 This program has been presented for 3 years.
3 For the first 2 years, we had difficulty filling all
4 the slots for the presentations. In the past year,
5 we have not only filled every slot, but we have a
6 waiting list for the ones that we'll be getting this
7 fall.
8 CNET, the countywide drug task force, has
9 been mobilized and is led by our County Detective.
10 It includes representatives from a number of local
11 law enforcement offices, the Sheriff's Department,
12 and the District Attorney's Office.
13 They have organized and held community
14 meetings in conjunction with our county Drug and
15 Alcohol Office in different areas of the county to
16 create awareness and educate residents about drug and
17 alcohol issues, particularly related to the heroin
18 issue. Some of the meetings have drawn over
19 100 community residents.
20 They have established a toll-free number, a
21 Website, and an e-mail address to encourage tips and
22 information sharing.
23 They have also printed posters which carry
24 the slogan "Drugs Kill Dreams, Don't Let Them Kill
25 Yours! You Make the Call" that over the next few

1 weeks will be posted in each municipality throughout
2 our county asking for information on illegal drug
3 activity.
4 The main photograph on the poster was
5 borrowed from Armstrong County, who held an antidrug
6 art contest for high school students. This fall, a
7 similar contest will be held in Clarion County, and
8 the winning entry will be used on the second printing
9 of the poster.
10 The posters have tear-off tabs at the bottom
11 that have the Website and the toll-free number
12 encouraging anyone who observes illegal activity to
13 make a report. And on Saturday, there's a golf
14 tournament being held, and all the proceeds will
15 benefit the CNET activities.
16 We have had local churches that have
17 purchased billboard space to post prevention
18 messages, and drug awareness groups have opened their
19 doors to NA and AA groups. Children and Youth and
20 Drug and Alcohol are working together to bring a teen
21 NA group to our county.
22 Countywide fun days, family fun days, have
23 been held throughout the summer and have included
24 educational materials focusing on drug awareness and
25 prevention.

1 Beginning on July 1 of this year, a new
2 service has been added to the continuum of services
3 available to youth and families in our county ages 12
4 to 17, targeting youth who are involved with both the
5 juvenile justice as well as the child welfare system
6 who are displaying physical aggression, property
7 destruction, substance abuse and use, truancy,
8 runaway behaviors, and extreme verbal aggression.
9 This service, Multi-Systemic Therapy, is an
10 evidence-based practice that has been shown effective
11 in preventing placement of youth at risk of
12 out-of-home placement and reducing the lengths of
13 stay for those youth who are transitioning back into
14 their home from an out-of-home placement.
15 And our local radio station is broadcasting
16 public service announcements, and local newspapers
17 are writing articles about prevention activities
18 occurring within the community.
19 We continue to work on activities for
20 intervention and prevention with local businesses,
21 faith-based organizations, police and fire
22 departments, and other private and public human
23 service providers, and many of the potential projects
24 have been suggested by NGA team members.
25 As a direct result of our involvement in the

1 NGA Project, we have also been able to bring
2 specialized training to our county regarding case
3 planning for drug-involved families.
4 This 1-day training was provided at our
5 agency through the Child Welfare Training Program and
6 was presented on 2 consecutive days so that all child
7 welfare staff could attend and still ensure agency
8 functions.
9 Traditional casework practice and
10 interventions with youth and families must be amended
11 to incorporate the issues specific to addiction,
12 recovery, and relapse prevention.
13 The training provided applicable information
14 and skills that all those who attended could use with
15 families that we are currently serving and also those
16 that will be entering one or more of the systems.
17 Having the training presented on site at our
18 agency not only enabled all of our staff to attend,
19 but in addition, we were able to open up the training
20 to staff members from Juvenile and Adult Probation,
21 Drug and Alcohol, Mental Health, and private
22 providers.
23 An additional concern identified in the
24 county in conjunction with the drug epidemic has been
25 signs of gang activity.

1 Youth involved in the juvenile justice
2 system have been identified as having gang tattoos
3 and wearing gang clothing and colors.
4 Additionally, there has been an increase in
5 gang and White supremacy graffiti in the county. And
6 because of our involvement in the NGA program, we
7 were also provided with training by a member of the
8 Pennsylvania State Police Area 1 Street Gang Task
9 Force regarding recognizing and identifying gang
10 activities.
11 Two separate trainings were provided, one
12 for sworn law officers through Adult and Juvenile
13 Probation and one for case management staff through
14 Children and Youth and Drug and Alcohol. Again, this
15 training was provided in our county so that all staff
16 could attend.
17 Clarion County's NGA goal was established as
18 reducing the total number of children in care by six
19 by December 31 of 2010 based on the start date of
20 November 1 of '08.
21 As of June 1, 2009, because of our
22 involvement in the NGA Project and the hard work of
23 the children and youth and juvenile justice staff, we
24 had achieved a reduction of five youth in care.
25 As of today, at least the last time I talked

1 with my office, we have achieved a reduction total of
2 10 youth in care and will continue to work to
3 maintain that.
4 Although the numbers, because they are
5 small, fluctuate from time to time, we anticipate
6 with the continued involvement with the NGA and the
7 work of our staff that we'll be able to maintain the
8 goal that was established for us.
9 Thank you.
10 CHAIRWOMAN BISHOP: I thank all of you who
11 have made your presentation.
12 We are going to have a comment, or some
13 comments, from Chairman O'Brien. We will open up for
14 questions. Bear with us for a moment.
15 REPRESENTATIVE O'BRIEN: I would like to
16 echo Chairwoman Bishop's gratitude for you coming and
17 presenting your testimony here today.
18 I'm sorry Bev Mackereth wasn't able to
19 attend. I have enjoyed her energy on numerous
20 committees that I have chaired in the past, and I
21 would have loved to have heard her present her
22 testimony, because I know she's back home where she
23 really wants to be in York County.
24 But at the risk of sounding patronizing, I
25 know it's always the tone from a committee like this

1 where we are critical, and I know that DHS and the
2 city of Philadelphia has had challenges in the past.
3 And this is not -- and I emphasis -- not
4 meant to be patronizing at all, because I know there
5 are many of us on the State level who have been
6 challenged by DHS over recent years, and I think it
7 is important that we recognize, Commissioner, your
8 efforts in taking over that challenged agency and the
9 significant impact that you have had.
10 And I personally think it is important
11 that I publicly endorse your strategies and your
12 creativity in those efforts, along with
13 Judge Dougherty.
14 You have had verification from many of your
15 strategic partners in this conversation and beyond,
16 and I recognize that Judge Dougherty has taken
17 Family Court from the doghouse to the penthouse, just
18 as he and others have done in the juvenile justice
19 system.
20 And I think it's important, because this is
21 being televised, that those efforts be widely
22 recognized and acknowledged, that we have to draw a
23 line in the sand and say there were problems in the
24 past, but there is a significant effort that has
25 to be recognized under your leadership,

1 Commissioner Ambrose, and Kevin Dougherty and others,
2 that we are moving significantly forward.
3 And I know there are challenges in the State
4 that you have brought to my attention and Secretary
5 Richman, and hopefully those conversations will
6 continue to be productive.
7 Thank you.
8 COMMISSIONER AMBROSE: Thank you.
9 CHAIRWOMAN BISHOP: Before I begin to allow
10 questions to go forth, I certainly, being from
11 Philadelphia County, want to say to you,
12 Commissioner, I know the challenges that you have
13 experienced. I have lived there practically all of
14 my life. There has been a giant leap of fortune,
15 almost, since you have come in. There is a
16 reduction. People are beginning to want to roll up
17 their sleeves and work with you.
18 And I think that is why we had this meeting
19 today. Though it's a little lengthy and we have a
20 lot of people, all of you have such great challenges
21 that I thought it would be encouraging for us to hear
22 what other counties were experiencing and doing
23 across the Commonwealth of Pennsylvania.
24 And the one thing that I can say to you
25 is, you are fortunate to have someone like

1 Judge Dougherty working with you. And I think if we
2 could find a way for all of us to work together, we
3 will be able to change things in the Commonwealth of
4 Pennsylvania when it comes to drugs, alcohol, foster
5 care, children in permanent homes, not in permanent
6 homes. It's all about kids that are involved.
7 And when I hear your testimony and the
8 things that you are experiencing, have experienced
9 and are experiencing in a small rural county, which
10 some years ago never would have been dreamed of, it
11 lets me know that this is an awesome responsibility
12 that is on this committee, on this House of
13 Representatives, and falls on all of our shoulders.
14 And we have a lot of work to do, and I
15 believe you have a committee that is willing to roll
16 their sleeves up and work with you and every county
17 on all of these issues.
18 And we thank all of you for coming. We want
19 you to know that this committee will spend the time
20 necessary to help you move the issues forward and
21 create a better -- while it's getting better, it's
22 not what it used to be, but it's not all that it can
23 be, and we'll be there to work with you.
24 Having said that, we open up for questions
25 from, let me begin with Representative Moul and I

1 will come back to Representative Samuelson.
2 REPRESENTATIVE MOUL: Thank you,
3 Madam Chairperson.
4 Kay, you touched on something that is very
5 near and dear to my heart since I came to this
6 committee 2 1/2 years ago. I have come to realize
7 that drugs and alcohol are a big part of a lot of the
8 problems that we are facing with children and youth,
9 and obviously you and your county are starting to
10 address that.
11 My question is, have you ever looked at
12 early intervention for drug education with maybe
13 outcome-based programs within the county school
14 system?
15 MS. RUPERT: As long as I have been working
16 in human services in Clarion County, we have had drug
17 and alcohol education in the high schools.
18 We have a drug and alcohol prevention
19 program that does go into the schools, and we have a
20 student assistance program in every high school and
21 we have members from the county drug and alcohol,
22 child welfare, and mental health systems that all sit
23 on that team.
24 Are we looking at enhancing what we've
25 already done? Absolutely.

1 We went through the whole meth rage and
2 meth labs and thought that that was a major impact to
3 our system, and it was, but it doesn't compare to
4 what heroin has done in the last year.
5 REPRESENTATIVE MOUL: As we have the same
6 problems in south-central Pennsylvania with heroin.
7 But one thing that you just, one word that you just
8 said that I, like you, used the same word, "high"
9 school.
10 I talked to every superintendent in my
11 district, and when I first started getting this
12 passion to try to address this problem, I used the
13 same word, "high" school -- "high" -- and they all
14 told me the exact same thing. If you wait that long,
15 you've missed the boat by several years -- every
16 single one.
17 So my key word here was "early"
18 intervention, and they told me -- I was shocked. I
19 was stunned: You mean to tell me we've got to go
20 back to middle school? And they said no, no, that's
21 not what we mean to tell you; we mean to tell you we
22 need to go to elementary school to start this.
23 MS. RUPERT: And we do need to go to
24 elementary school. One of the dilemmas that we have,
25 whether it's drug and alcohol education or any other

1 type of service, is getting it into the elementary
2 school curriculum and getting it to the teachers and
3 getting it to in-services and convincing them that
4 it's worth the time out of their curriculum time in
5 order to present the information to the youth.
6 REPRESENTATIVE MOUL: Have you looked into
7 any outcome-based programs that would maybe address
8 that age bracket?
9 MS. RUPERT: We've had some that have gone
10 short term based on grant funding into the elementary
11 schools, but the funding for those hasn't continued
12 and/or the schools have not been willing to commit
13 to the time to have the staff go in to do the
14 education.
15 REPRESENTATIVE MOUL: I would like to work
16 with you in the future, to keep in touch with you---
17 MS. RUPERT: Great.
18 REPRESENTATIVE MOUL: ---and through this
19 committee so that maybe we can come up with something
20 to address exactly where we're trying to go and
21 hopefully get it into the elementary schools and
22 convince some of our educators that it is worth the
23 time to save these children.
24 And I'll end with this. I actually had with
25 a principal of a school in Pennsylvania here a fairly

1 heated discussion about this, and he looked at me and
2 says, "Dan, I'm going to tell you right now, it's a
3 little over 1 percent of our students that have a
4 drug problem. I'm not changing our whole curriculum
5 for 1 percent." I said, "You've got 2,700 kids in
6 your system. You're telling me 270 children are not
7 worth your time?" and that's how I ended it.
8 To us, they are worth our time.
9 Thank you. I look forward to working with
10 you in the future.
11 CHAIRWOMAN BISHOP: Thank you.
12 Representative Samuelson. Please, if you
13 can, keep it brief. We are already over time,
14 okay?
15 REPRESENTATIVE SAMUELSON: Thank you.
16 Representative Bishop talked about the
17 opportunity to hear what is going on in other
18 counties. My question is for Laurie O'Connor about
19 Montgomery County and the services that have become
20 more mobile, asking if you have had more staff or
21 more transportation or just changed the focus of the
22 existing department.
23 MS. O'CONNOR: Thank you, Representative.
24 In Montgomery County, when I talk about
25 mobility of services, what I'm really focused on are

1 services that actually are provided to parents in
2 their own homes while their children are present.
3 So in the course of a parent's day-to-day
4 and ordinary interaction with children, parents can
5 receive additional skills, role modeling can take
6 place, and the services are provided primarily by
7 provider agencies who have capability to drive to
8 that family's home.
9 I would like to mention that many of the
10 mobility issues that we are taking a look at in
11 Montgomery County are not focused strictly on
12 parenting skills training or assisting families with
13 concrete skills at this point.
14 One of the areas in which we're having a lot
15 of success is through partnership with our mental
16 health office or our behavioral health-care services
17 in developing services that can be provided to
18 families or adults in a home and our mental health
19 treatment focused for the adults.
20 Our system in Pennsylvania has always really
21 been focused on a base service unit model, and that
22 meant that parents who required mental health
23 treatment had to leave their home, often with many
24 children in tow, and get on the bus and find their
25 way to the base service unit.

1 On an increasing basis, we are developing
2 programs that allow those services that used to be
3 provided in an office to be provided in the home for
4 the parent's benefit and to assure that they are
5 compliant with treatment and continue to take their
6 medication.
7 CHAIRWOMAN BISHOP: Chairman O'Brien.
8 REPRESENTATIVE O'BRIEN: I would just like
9 -- I tried to restrain myself and I said I wasn't
10 going to say anything, but one of the observations
11 that I have made over the years is that when you look
12 at Representative Moul's comment about drugs being in
13 high schools or elementary schools, I think the most
14 significant issue is that we have to recognize that
15 children learn differently. And there are a number
16 of institutions of higher learning in Pennsylvania
17 that are focused on that very issue.
18 Generally, kids don't get diagnosed that
19 they learn differently until they are in third grade
20 when they look around and they recognize that you're
21 supposed to learn to read and read to learn. Well,
22 they just can't learn to read. But we have to learn
23 or recognize that these children learn differently.
24 When they're in third grade, they start
25 feeling bad about themselves. When they're in

1 fifth grade, they quit. When they're in high school,
2 they walk out the door. But the drugs and alcohol
3 are merely symptomatic of a bigger problem.
4 We have a number of institutions of higher
5 learning in Pennsylvania that are committed to
6 rewrite their curriculums, to recognize differential
7 learning, and I would like to collaborate with you
8 and talk about those institutions that are
9 participating in this wide-ranging conversation that
10 approaches this whole population of children and
11 youth differently.
12 I think it's a timely discussion. Some of
13 our institutions of higher learning are partnering
14 with educational agreements with American
15 universities and lab schools in different parts of
16 the country, and I think it would be appropriate to
17 address that concern in a different context.
18 CHAIRWOMAN BISHOP: And that's a context we
19 will support you on, this committee. I think you are
20 going to find, as you really open up to us, we are
21 open to work with you in any way humanly possible.
22 I'm deeply concerned when I hear that it
23 doesn't start in high school, that it starts in
24 elementary school. And my question becomes, how do
25 we involve the family, the whole family, in this?

1 Because we are dealing with more than a child 6 or
2 7 years old when they are already drinking themselves
3 or drugging themselves into a stupor. It has to be
4 coming from their livelihood, where they are living.
5 Those are broader issues that we hope to
6 address individually with you, Commissioner. I
7 certainly would like to have some input with you in a
8 very, very short time on how we incorporate this
9 whole thing -- the children, the school, and even
10 into the home, which you are already doing.
11 And we know that we can do it across the
12 entire Commonwealth. We know we can do it in
13 Philadelphia. It's so massive. Montgomery County is
14 a special kind of county that has maybe hit upon a
15 part of the secret that we have not yet begun, that
16 is taking it into the home, and we might have to look
17 at that on an experimental basis to see how it comes
18 out.
19 Representative Knowles.
20 REPRESENTATIVE KNOWLES: Thank you,
21 Madam Chair. Thank you very much.
22 I would ask this question of any of you.
23 If you had told me, particularly in a rural
24 county, when I was a youngster, which was quite
25 awhile ago, that we would be concerned about kids in

1 elementary school with heroin, with drugs, it just
2 boggles my mind. And I guess, I want to be sure I
3 ask this question right.
4 I'm a new grandfather, so certainly I want
5 to be certain that as my grandson goes through the
6 system, I want to be certain that he learns early on
7 what's good and what's bad. But is there any kind of
8 a concern of sparking very young children's curiosity
9 and somehow or other exposing them to -- my gosh, we
10 are talking about kids in grade school, you know, who
11 we should be more concerned about them getting hurt
12 on the swing set, and it just blows me away.
13 I guess, are there any concerns about
14 sparking their curiosity and creating a problem? You
15 know, I'm just wondering, is there anything to that,
16 or am I---
17 MS. RUPERT: Are you asking if we provide
18 education and prevention efforts at the elementary
19 level, are we going to spark their interest in
20 experimenting?
21 REPRESENTATIVE KNOWLES: I guess. Yeah; I
22 guess that's what I'm asking.
23 I mean, when I was involved with the DARE
24 program and when they would talk about these things,
25 you know, they would think, gosh, these kids, maybe

they're not even thinking about this stuff, and are you planting seeds or are you sparking their curiosity? I guess that's what I'm asking.

MS. RUPERT: I doubt that we will be planting seeds. Typically the kids hear about it or talk with other youth that are experimenting with it before we hear about them doing it.

There are programs that are specifically geared to elementary school students that are drug and alcohol prevention programs that have been shown to be effective. I don't think we'll be planting any seeds.

When we have kids age 10 that are regularly using alcohol, that are experimenting with other substances, including heroin, marijuana, cocaine, even in the rural areas, I don't think we're going to be planting any seeds with them about drug experimentation.

REPRESENTATIVE KNOWLES: And believe me, I didn't mean that in any kind of a negative way. But I guess it's just my generation; I'm just blown away by some of this that I'm hearing. Maybe I'm just being naive. I don't know.

MR. DeVIZIA: I think you raised a really good point, and I think there are enough challenges

1 out there for kids at any age to kind of find
2 themselves into trouble.
3 But I can't emphasis enough the importance
4 of school preparedness in starting very young, with
5 young children and early childhood education, and
6 doing everything possible to build family and healthy
7 families.
8 I think that right now is maybe one of the
9 best things we could think about for long range to
10 help kids stay healthy, help families stay healthy.
11 I think that's one of the best ways to avert drugs
12 getting into the family.
13 Certainly there are all kinds of challenges,
14 but the healthier kids are at an early age, the more
15 prepared they are to go to school, I think the
16 research is clearly showing long range that it makes
17 a big difference as far as what happens when they are
18 teenagers.
19 CHAIRWOMAN BISHOP: Thank you.
20 REPRESENTATIVE KNOWLES: Thank you very
21 much, Madam Chair.
22 I want to thank all of you who have
23 testified today. You certainly have given me a lot
24 to think about. I thank you so much.
25 Thanks, Madam Chair.

1 CHAIRWOMAN BISHOP: Thanks to the four of
2 you. Thank you so much for sharing, and we will be
3 talking to you real soon.
4 The next four contestants, or the next four
5 presenters -- presenters. Contestants.
6 The next four presenters, as I call your
7 name, will you come forth. We are going to ask if
8 you could sort of work with us a little bit and maybe
9 summarize your presentation. If you could summarize
10 it, it will make it much easier and move much faster.
11 We are about 15 minutes behind already.
12 So we would like to call the Supreme Court
13 of Pennsylvania, the Permanency Practice Initiative,
14 the Administrator, which is Sandra Moore, the Office
15 of Children and Families in the Courts, the
16 Administrative Offices.
17 And the Permanency Practice Initiative in
18 three counties, which would be the Honorable
19 George Hartwick III, Dauphin County Commissioner; the
20 Honorable Todd Hoover, Court of Common Pleas,
21 Dependency and Orphans' Court; and also Cindy Stoltz,
22 Administrator, Children's Court, Allegheny County.
23 And I believe Keith Hayes, Director of the
24 Department of Children, Youth and Families in Chester
25 County.

1 If all of you would cooperate with us a
2 little bit. Believe me, this will not be our first
3 time and it will not be our last time. We are going
4 to become permanent workers together on the lives of
5 children and youth who are in so much need of our
6 help.
7 So take your order. Can we start with you?
8 MS. MOORE: Absolutely.
9 Thank you, Chairwoman Bishop. I know
10 Justice Baer and I spent some time in your office
11 with you and your staff, so I'm assuming this won't
12 be the last time that we'll be talking with you.
13 CHAIRWOMAN BISHOP: No, it won't be.
14 I think you have a packet, don't you, to
15 share?
16 MS. MOORE: We do have a packet.
17 CHAIRWOMAN BISHOP: Good.
18 MS. MOORE: I think there's a packet of
19 material, and all of our written comments are in
20 those.
21 So as you heard earlier today from the
22 different panelists and presenters, they talked to
23 some of the Permanency Practice Initiative, so we
24 were all sort of checking through our comments on
25 what we were going to share and what we were going to

1 skip over.
2 My name is Sandy Moore -- I'm not going to
3 read my comments. You have them to read.
4 My name is Sandy Moore, and I am the
5 Administrator for the Office of Children and Families
6 in the Courts, which is a new office within the
7 Administrative Office of Pennsylvania Courts. And I
8 basically report pretty directly to Supreme Court
9 Justice Max Baer, who is the court's liaison on the
10 Dependency Court Improvement Project.
11 Again, our office is a new office. We are
12 completely funded by a Federal grant that has been in
13 existence for quite a number of years, a national
14 grant.
15 The purpose of my office is sort of twofold,
16 and the first primary purpose is to help children
17 move to permanency as quickly and as stably as we
18 possibly can.
19 The second really focus of my office is to
20 develop and support a statewide communications
21 structure for the Judiciary that includes all the
22 partners in the dependency system that impact
23 children who are abused and neglected.
24 I know earlier somebody talked about the
25 Children's Roundtable, and I'm going to talk a little

1 bit about that, because I think that might be helpful
2 to Representative Mundy in some of the questions that
3 she had.
4 But just a tiny bit of my background.
5 I have 25 years' experience in the child
6 welfare system, both in the State of California and
7 now in Pennsylvania. I was a caseworker. I was a
8 court liaison. I was a supervisor in child welfare.
9 I was an Administrator in child welfare. And most
10 recently I was, before coming to the Supreme Court, I
11 was the Administrator for child welfare in Dauphin
12 County and the Human Services Director here in
13 Dauphin County. So I come with some experience about
14 the child welfare system.
15 Again, I want to thank you all for allowing
16 us to come and talk about the Permanency Practice
17 Initiative.
18 At this point in time, as we speak today,
19 27 counties have actively been accepted into the
20 Permanency Practice Initiative. I think you have a
21 map in your packet that shows who those counties
22 are.
23 In addition to those 27 counties,
24 Philadelphia County is implementing all the elements
25 of the Permanency Practice Initiative under

1 Commissioner Ambrose's and Administrative Judge
2 Dougherty's leadership.
3 So while we are less than half the counties,
4 we are more than half of the children who are in
5 out-of-home care. I would say probably the majority
6 of children in out-of-home care are involved in this
7 court/agency partnership and collaboration.
8 Acceptance into the Permanency Practice
9 Initiative was a rigorous process. Counties did have
10 to submit letters of interest. Those letters had to
11 be signed by the President Judge, the Dependency
12 Judge, if those were different people, the County
13 Commissioner or Executive Officer in Allegheny, or
14 the Mayor if Philadelphia were to apply, and the
15 Children and Youth Administrator, and we encouraged
16 human services directors to apply also. Again, the
17 push in this initiative being that kids get better
18 outcomes when, as I think, Representative Bishop, you
19 said just a few minutes ago, we all work together and
20 we all have a common vision and a common purpose and
21 a common mission.
22 Now, the Permanency Practice Initiative is
23 only one piece of the work being done by my office.
24 There are a lot of things we are doing to help
25 support and educate and promote good practice with

1 our Judiciary and have a lot of different efforts
2 going on, but this is the only piece we are going to
3 talk about today, is the Permanency Practice
4 Initiative.
5 The Permanency Practice Initiative requires
6 counties to really look at doing business
7 differently. For many, many years, there have sort
8 of been these, I know you've heard the word "silos"
9 before, but there has sort of been the silo mentality
10 of the agencies over here and the courts over here
11 and the communities over here and families are a
12 piece of this.
13 What the Permanency Practice Initiative
14 tries to do is say that we're all in this together
15 for the betterment of outcomes for children and we
16 all have to work together, and all of us have a piece
17 of the puzzle to bring to the table to match together
18 and to work with.
19 Now, I say that from a systems perspective,
20 looking at barriers that hamper permanency and safety
21 for children. When you get into the case-specific
22 kinds of things, we certainly do separate the court
23 and the agency, because the agency party is a party
24 of the matter and certainly no Judge could be
25 speaking about specific cases. But certainly they

1 can about systems kinds of issues that the court is
2 seeing and that the agency is seeing.
3 One of them, there are six pieces to the
4 Permanency Practice Initiative. Three of them are
5 actual social work kind of practices and three of
6 them are court changes that need to happen in
7 these 27 counties and Philadelphia that is doing
8 this.
9 One is having a local Children's Roundtable
10 structure. That is a meeting that is held regularly,
11 convened by the Dependency Judge; where possible,
12 co-facilitated by the Children and Youth
13 Administrator. It involves everybody from that local
14 county community that potentially could impact the
15 lives of abused and neglected children. Those people
16 come together and talk about systems issues and
17 bettering the system.
18 The second piece of that is a computerized
19 system that the Administrative Office of Pennsylvania
20 Courts has implemented, and it is an outcome
21 data-tracking system specifically for our Dependency
22 Courts to track what happens once a petition is filed
23 for an abused and neglected child -- how often they
24 move, how long they stay in care, all of those
25 pieces.

1 That process, the implementation of that
2 court system, computerized system, began March of
3 last year, and as of today, 65 of our 67 counties are
4 entering their data into, it is called the CPCMS
5 computer system. The last two counties, Allegheny
6 and Philadelphia, are set to go live later this year.
7 The next piece of the Permanency Practice
8 Initiative are three actual practices. They are
9 Family Group Decision Making -- you've heard about
10 it. You have material in your packet, so I'm not
11 going to go through all of that -- Family Finding,
12 and Family Development Credentialing.
13 All of those pieces are critical in shifting
14 this sort of practice away from a "I know what's best
15 for you and will tell you what you need to do to get
16 better" to a "I need to involve you in coming up with
17 what that needs to look like."
18 Another piece of the PPI is that the Judge
19 and the Children and Youth Administrator had to
20 commit to being trained in all of these practices.
21 So in the counties who signed up for this, their
22 courts and their agencies made time on their
23 schedules to make sure they got trained in the kinds
24 of practices. We felt it very important that the
25 leadership of the county understand the change that

1 they were asking.
2 And the last piece of it, a commitment from
3 the County Commissioners that was mentioned earlier
4 to make sure that allocated funds locally stayed in
5 children's services, either prevention services or
6 additional services once child and family entered the
7 actual dependency system.
8 I'm going to let Commissioner Hartwick speak
9 to that, because he certainly can speak much better
10 from a County Commissioner's perspective than I can.
11 The combination of all of that is the creation of the
12 Permanency Practice Initiative.
13 I'm very pleased that we had such a response
14 from counties. Quite honestly, we had our Phase 1
15 counties selected. We weren't planning on doing
16 Phase 2. We thought Phase 1 counties were plenty
17 enough for us to do. But we had such a request from
18 counties that we did an early opening for Phase 2
19 counties. Again, had them submit and went through
20 the process of selecting those counties.
21 I want to go back, just a second, to the
22 Children's Roundtable, because I think another
23 comment that has been made here several times is
24 this ability to exchange information between
25 counties.

1 The Children's Roundtable initiative has
2 actually three layers to it. This was created by our
3 Supreme Court Justice, really the brainchild, I
4 think, of the Honorable Justice Max Baer. And what
5 it did was create, hopefully in all 60 Judicial
6 Districts, the Local Children's Roundtable. Then
7 potentially three people from that roundtable elevate
8 to what is called a Leadership Roundtable. There are
9 eight Leadership Roundtables in the State of
10 Pennsylvania of counties comprised of like size.
11 From the Local Children's Roundtable, the
12 Dependency Judge, the Children and Youth
13 Administrator, and a third person from their
14 roundtable come to a Leadership Roundtable meeting.
15 Those like-sized counties talk about
16 like-sized issues, hopefully like-sized solutions,
17 and go back to their counties with that information.
18 But from those eight Leadership Roundtables, two, at
19 least two people representing typically from
20 different counties, elevate to the highest level of
21 that structure, and that's the State Roundtable.
22 It was the State Roundtable -- and that
23 State Roundtable meeting is actually chaired by
24 Justice Baer and co-chaired with both me and the
25 Deputy Secretary of OCYF, Richard Gold.

1 It is at that State Roundtable -- and they
2 meet once a year -- where the selection of these
3 different practices was made in the summer of 2007,
4 and we have been rolling out since then.
5 The reason why that's important is because
6 those practices that we're saying we believe work and
7 seem to be proven to work really bubbled up from the
8 counties and the county conversations to the
9 Leadership Roundtables amongst counties and then
10 eventually made their way to the State
11 Roundtable.
12 And it was the State Roundtable, those
13 county people sitting around that table and those
14 national and international experts that we have on
15 the State Roundtable saying, that's the combination
16 of practice that we want, both county agencies and
17 courts, to try to support as we move forward.
18 So really the people who were going to have
19 to roll it out were the ones who identified them and
20 made those decisions.
21 There is a lot of information in my written
22 statements about why we are doing this in all of
23 those pieces. You can read all of that. The bottom
24 line is that we want to make sure that collaboration
25 is happening between the courts and the agencies.

1 No child comes into out-of-home care or
2 stays in out-of-home care without the order of the
3 court. No child leaves without the order of the
4 court. It is critical that the court be part of
5 these conversations; again, not on a child-specific
6 level but on a systems level. And for that reason,
7 counties I believe sort of came in large numbers
8 asking to be part of the Permanency Practice
9 Initiative.
10 One of the other pieces that we require is
11 that the courts hold review hearings, at a minimum,
12 3 months rather than every 6 months.
13 The regulations, the law requires review of
14 children who are in out-of-home care to occur every
15 6 months. We have asked the courts to double that.
16 The courts have.
17 The courts have not added staff in any of
18 our counties to do this. Agencies -- I have been
19 asking our agencies -- agencies have not added staff
20 to do this work. And you might ask, how can that be?
21 I'm going to let these guys who are doing it in the
22 counties explain to you how that can be and what
23 results they are seeing.
24 I think with that I'm going to stop with one
25 last comment, and that's just an acknowledgment of

1 some partners that we have in the room, that without
2 them we probably couldn't be doing what we're doing
3 in the counties.
4 And the first is -- he is not here -- the
5 Deputy Secretary, Richard Gold, who has been a
6 phenomenal resource to both the courts and counties
7 as we move forward. Certainly the Secretary,
8 Estelle Richman. And my good friend, Joan Benso, who
9 sat behind you and said that if I told you about
10 congregate care, I would share with you my experience
11 in California.
12 I did come from California, a county of
13 about 120,000 population. We had about 300 children
14 in out-of-home care. At any given time, we had
15 between three and five children in what would be
16 described as congregate care. We just didn't place
17 children in congregate care.
18 The majority of our children were in kinship
19 foster care when they had to go in, and I would say
20 it was about 70 to 80 percent of kids were in kinship
21 foster care.
22 Those children didn't move. Their
23 placements were very stable. Quite honestly, those
24 of us who have nieces and nephews, if one of those
25 children had to be placed in our homes, we would

1 probably hang in there a long time before we would
2 raise up our hands and say "Agency, come get them"
3 because we can't have them.
4 The other big shift that we're making is
5 that whole piece about involving families. And as
6 simple as this is, I would ask you, the traditional
7 child welfare system in the past -- not now -- used
8 to tell people what to do and tell them how to fix
9 themselves and then be surprised when they didn't do
10 it.
11 And I will leave you with this, before I
12 turn it over, if you'll try this tonight when you go
13 home.
14 When you go home tonight, everybody on the
15 committee, spend your first 5 minutes when you get
16 home telling your significant other what is wrong
17 with them. You have lived with them; you have
18 probably some really good ideas about what's wrong
19 with them. Then spend the next 5 minutes telling
20 them your best ideas about how they can fix what's
21 wrong with them, and then sit back and see how the
22 rest of your evening goes.
23 It doesn't work with people that love us and
24 that we love; it certainly doesn't work with
25 strangers, so we're shifting that.

1 With that, I'm going to turn it over to
2 Cindy Stoltz, who is the Director of Children's Court
3 in Allegheny County.
4 CHAIRWOMAN BISHOP: Cindy, we're going to
5 have to ask you, please, if you could summarize it
6 for us. Thank you.
7 MS. STOLTZ: Absolutely. I will do that.
8 You have my comments as well in the packet,
9 so I won't go through that in detail.
10 I will say thank you to all of you,
11 Madam Chairwoman and members of the committee, for
12 inviting us to speak today, and in particular to hear
13 from the court's perspective about our involvement
14 with -- am I on now? Is that better? Sorry about
15 that -- about the court's perspective and involvement
16 in these reform efforts for child welfare.
17 By way of background, I'm an attorney with
18 16 years' experience in the Family Court in a number
19 of different capacities, including a child advocate,
20 private attorney, a master hearing officer, and
21 presently in my position as Court Administrator of
22 the Children's Court.
23 Presently, I also serve as Chairperson of
24 the Pennsylvania Supreme Court's Juvenile Procedural
25 Rules Committee, and I also co-chair one of the

1 Leadership Roundtables that Sandy Moore talked about
2 with Judge Dougherty from Philadelphia in the
3 Children's Roundtable statewide initiative.
4 I am so pleased to be able to speak with you
5 this afternoon.
6 When I began my tenure in Allegheny County
7 about 13 years ago, the situation in Allegheny County
8 was bleak with respect to child welfare and our
9 foster-care cases.
10 We had roughly 17,000 cases. We had an
11 average of 63 cases per day, you know, for each
12 Judge. At this point, our Judges are hearing about
13 19 to 22 cases per day, so we have significantly
14 improved that.
15 There was a terrible relationship between
16 the court and the stakeholders and the agency, and we
17 had too many kids aging out of foster care, kids not
18 moving quickly enough to permanency, and there was,
19 quite frankly, a public outcry for leaders to do
20 something.
21 Since 1995, our system in Allegheny County
22 significantly transformed into what some today would
23 call a national model, and it was primarily through
24 collaboration demonstrated by the Executive branch
25 and the Judicial branch through Children, Youth and

1 Families in Allegheny County and through our court
2 system, and the court at that time was under the
3 leadership of Administrative Judge of the Family
4 Division Max Baer, who is now on the Supreme Court,
5 and we reduced placements, out-of-home placements, by
6 14 percent over a 3-year period and the average
7 length of stay in placement by over 30 percent.
8 That was encouraging, but there was so much
9 more work that needed to be done and so much more
10 work that remains to be done.
11 When the Supreme Court took up the
12 Pew Commission's call in 2004 to improve court
13 oversight of these cases and it established Sandy's
14 office and a permanent office of Children and
15 Families in the Courts and partnered and demonstrated
16 through partnership with Secretary Estelle Richman's
17 office the commitment to real system change through
18 the Permanency Practice Initiative, Allegheny County
19 was quick to volunteer because it seemed a logical
20 next step for us to continue our transformation.
21 We saw it as an opportunity to further role
22 model our collaboration and to also learn from other
23 jurisdictions about what works well for them and to
24 bring some of those practices back to Allegheny
25 County. So we were eager to volunteer.

1 Allegheny is an NGA county. We are also one
2 of the Permanency Practice Phase 1 counties and very
3 happy to be so.
4 So I want to talk just for a second to give
5 you some bullet points about what we've done in
6 Allegheny County, because you want to hear some of
7 the perspective from what's gone on in the counties.
8 In Allegheny County, we already had in place
9 many of the initiatives in the Permanency Practice
10 Initiative that Sandy Moore mentioned.
11 For example, we had been doing 3-month
12 reviews for a number of years. We had started that
13 back in the mid-1990s. That was part of our reform
14 process. So that wasn't new to us. We had already
15 been doing 3-month reviews as opposed to the 6-month
16 reviews mandated by statute and it worked very well,
17 and that was a significant part of our ability to
18 move kids more quickly to placement.
19 Allegheny had also been doing Family Group
20 Conferencing, which you've heard a lot about today.
21 We were doing that primarily in Allegheny with
22 pre-court active cases, and we have expanded that
23 significantly.
24 We hadn't been doing Family Finding. That's
25 a new initiative to us, and we have sort of been

1 excited to grab that and aggressively pursue that.
2 But first, you know, in order to effectuate
3 that change, we established Allegheny County's Local
4 Roundtable, which had already been meeting, so this
5 was, again, a next logical step for us. And our
6 Local Roundtable includes Judges, hearing officers,
7 agencies, stakeholders. It includes all of the child
8 advocates. It includes parent advocates. It
9 includes Children's Hospital representatives, service
10 providers, and some consumers of our services.
11 And I can tell you that that group had met
12 every 2 weeks at 7 a.m., because we couldn't get that
13 level of stakeholder together any other time, and we
14 didn't want to postpone cases. So our group met at
15 7 in the morning every 2 weeks to flesh out how we
16 were going to implement these Permanency Practice
17 Initiatives and to figure out how to train Judges and
18 to train all of our stakeholders to do that.
19 In Allegheny County, we are really committed
20 and we're very fortunate to have Judges on our bench
21 who are committed to education and training.
22 We have 13 Judges, and we have 5 full-time
23 hearing officers who do these cases. And I can tell
24 you that at 9 o'clock at night in Pittsburgh, the
25 light is on in the courthouse, and Judges are

1 learning and hearing officers are learning about what
2 Family Connections means to kids. They are learning
3 from social workers. They are learning from service
4 providers.
5 And at 9 o'clock at night in one of our
6 sessions, Justice Max Baer was there and attended the
7 full length of the session as well, which was very
8 encouraging to us and very much a statement to all of
9 our Judges.
10 So our Judges are committed to education and
11 to learning about how these practice initiatives can
12 concretely impact the families that they serve.
13 And when you hear a Judge in Allegheny
14 County now say in court to a caseworker or to a child
15 advocate or to a parent advocate, have we explored
16 Family Finding? And when was that done and how early
17 was that done? Or to say, even when it's not
18 mentioned in the courtroom, have we talked about
19 Family Group Conferencing over this issue? Does that
20 make sense here? How can we engage in doing that?
21 That is very clear and that's a very clear statement
22 to all the system stakeholders and has made concrete
23 differences in the handling of our cases.
24 Our court has also recognized the need for
25 good data, and we are very fortunate to be part of

1 the statewide automated data system that Sandy talked
2 about.
3 In Allegheny, we went to a paperless system
4 of electronic filing. Allegheny developed a
5 state-of-the-art Web-based system so that all of our
6 stakeholders in dependency matters electronically
7 file all pleadings, and our court orders are
8 processed realtime turnaround electronically.
9 So when a caseworker or a systems advocate
10 walks out of our courtroom, they can expect to see in
11 their e-mail system immediately a court order as a
12 result of that court hearing. And all of those
13 transfers and service is done on a paperless basis
14 and electronically, and we're very proud of that,
15 because that has saved significant resources. And
16 that was developed as part of this Permanency
17 Practice Initiative through our collaborative
18 ventures and our conversations about how we can
19 improve how we do business.
20 The statewide tracking system will allow us
21 to take that one step further and look at how our
22 court is addressing performance-based measures and
23 how quickly are we moving kids to permanency and what
24 do our caseloads look like. And this will be the
25 first time that we have an opportunity to really

1 share with Judges how they are doing in terms of
2 their cases.
3 We have also utilized video conferencing
4 technology to allow children to testify from remote
5 locations, to allow our doctors to testify from
6 remote locations at Children's Hospital, and mental
7 health professionals to testify remotely, and that
8 has significantly reduced delays and continuing cases
9 and to allow incarcerated parents to participate in
10 our court hearings.
11 So I think what I would like to really
12 stress is that our court has worked creatively and
13 collaboratively with all of the system stakeholders
14 to try to maximize our resources to really improve
15 outcomes for kids. And if you ask anybody what our
16 motto is in Allegheny County, it was coined by
17 Judge Kim Berkley Clark, who is a former
18 Administrative Judge of the Family Division. She
19 said "Collaboration rocks," and every one of our
20 stakeholders would say that to you.
21 I'm amazed when I go into other counties and
22 I hear about the tension in the relationship or the
23 lack of relationship between the court and the agency
24 and the stakeholders. You can't get anything done
25 that way, and we have recognized that.

1 And the Permanency Practice Initiative
2 really encourages, in a very strong way, demonstrated
3 again by that top-level commitment from the Supreme
4 Court to Secretary Estelle Richman's office and all
5 the way down to the county level, how important those
6 collaborative relationships are to moving forward.
7 Having said that, the courts value their
8 independence and their impartiality. So we
9 understand that good practice and productive
10 collaboration happens within a good, strong system of
11 checks and balances. That's very important. And it
12 is important that there be adequate resources for
13 parties on all sides.
14 But system change cannot happen without
15 collaboration, and the role of the court in
16 effectuating that change is important. Our Judges
17 have recognized it, and we are fortunate to be a part
18 of the initiative.
19 Thank you for your leadership on this. I
20 hope that we have an opportunity to dialogue further
21 about it. We would love to share Allegheny's
22 experience.
23 And I just want to echo the comments of the
24 Chairwoman who said we have done a lot but we're not
25 yet there, we have much yet to be done. So I thank

1 you all.
2 CHAIRWOMAN BISHOP: Thank you so much.
3 MR. HAYES: Good afternoon.
4 I'm Keith Hayes, Director of the Chester
5 County Department of Children and Youth and Families,
6 and I want to thank the members of the committee for
7 your incredible patience in giving us the opportunity
8 to express our appreciation for your support of our
9 continuing efforts to protect children and strengthen
10 families.
11 The testimony you are hearing underscores
12 the vital collaborative role we all play in improving
13 outcomes for children and highlights a current
14 atmosphere of both incredible challenges and exciting
15 opportunities.
16 It is with sincere humility, and now some
17 speed, that I add my comments to those of my
18 colleagues who have so eloquently preceded me
19 today.
20 On a good day, child welfare work is an
21 emotionally charged, difficult, and tiring world.
22 Workers are routinely confronted with complicated,
23 frustrating, heart-wrenching, and often frightening
24 situations and expected to offer solutions that
25 quickly resolve all issues.

1 In my 36 years in human services, I have not
2 observed a more sincere group of dedicated
3 professionals eager to embrace positive change.
4 Part of my job as an Administrator is to
5 make sure that my staff has the training and tools
6 necessary to perform at a high level.
7 The Permanency Practice Initiative provides
8 an innovative array of services that give workers the
9 opportunity to relate to families in a creative and
10 respectful manner that improves the lives of their
11 children.
12 Please let me share an experience with a
13 Chester County case that I believe clearly
14 illustrates an improved outcome for children as a
15 direct result of the tools provided through the
16 Permanency Practice Initiative.
17 The parents of a 2-year-old girl were sent
18 to prison for a crime they committed together. The
19 young child went to live with a 19-year-old
20 stepsister. While in prison, the mother gave birth
21 to the couple's second child. The infant girl was
22 also taken home from the hospital by the young
23 stepsister.
24 Over time, the young woman became
25 overwhelmed with the responsibility and financial

1 costs of raising two young children, and it came to
2 the attention of the Chester County Department of
3 Children and Youth and Families, and they were placed
4 in a foster home with a family they did not know.
5 The little girls were 2 and 4 years of age at that
6 time.
7 The girls' stepsister visited them in their
8 new foster home but expressed concern about her
9 ability to resume the responsibility for their care
10 in the future. Our department began using the
11 techniques of Family Finding, a PPI program designed
12 to locate family resources for children, when the
13 girls had been in placement for less than 6 months.
14 While no relatives on their father's side of
15 the family were willing to participate, there was a
16 small group of the stepsister's relatives and a large
17 group of her friends that were willing to rally to
18 support her.
19 Both parents were contacted in prison and
20 were supportive of the plan for the girls to return
21 to the care of their young stepsister.
22 The agency arranged the Family Group
23 Decision Making conference, another PPI program
24 technique, which included both parents from prison by
25 videoconference or speaker phone and many friends of

1 the stepsister.
2 Present at the meeting was a family that had
3 been particularly supportive of the young woman and
4 the little girls. They had lost contact with the
5 girls when they were placed in foster care but
6 immediately recommitted themselves to do whatever
7 they could to support the stepsister in raising the
8 girls when they were contacted through Family
9 Finding.
10 The little girls were returned to the
11 stepsister shortly before the family group
12 conference. The conference produced a wonderful
13 plan, with many of the participants pledging to take
14 the children for short visits each week so the young
15 woman could have some time to herself. The
16 stepsister recognized that she did not have the total
17 burden of care for these young children and felt much
18 supported in the process.
19 I should add that the Dependency Court in
20 Chester County agreed with the family's plan and
21 ordered that it be followed.
22 The training resources and support that have
23 been made available to us through the Permanency
24 Practice Initiative have given us a better way to
25 provide improved outcomes for children, as I believe

1 this example shows.
2 Just as importantly, these programs allow us
3 to embrace the philosophy that extended families are
4 perfectly capable of reconnecting with one another
5 and developing plans that keep children safe and do
6 so in a manner that offers the families a dignified
7 and respected relationship with the child welfare
8 system.
9 These are exciting programs. They reflect
10 who we want to be as child welfare workers. They
11 signal a new partnership between child-serving
12 professionals, family, State and county governments,
13 and the courts.
14 Thank you.
15 JUDGE HOOVER: Good afternoon.
16 CHAIRWOMAN BISHOP: Good afternoon.
17 JUDGE HOOVER: Madam Chairwoman and members
18 of the committee, thank you for inviting us here to
19 share our thoughts with you.
20 My name is Todd Hoover, and I'm a Judge in
21 Dauphin County. I have been a Judge for 16 years.
22 Eight years have been exclusively in Dependency and
23 Orphans' Court.
24 And there has not been a better time to be
25 in dependency proceedings than the last 2 years.

1 There are such exciting things going on across the
2 State, an incredible collaboration with DPW, the
3 children and youth agencies, the court, County
4 Commissioners.
5 And when I say "court," I even talk about
6 the Appellate Courts have changed the way they do
7 business to expedite permanency in these cases. So
8 it is a very wonderful time to be in dependency.
9 And I want to share, it really is exciting
10 to sit here and listen to Montgomery County,
11 Philadelphia County, and all the other counties who
12 have seen reductions in their placements, reduction
13 in length of care, just since these PPI programs have
14 been initiated.
15 So really, in the summer of 2007 it started,
16 but it really didn't get implemented until sort of
17 March of '08 and really getting rolled out with the
18 Family Group Decision Making, the Family Finding, the
19 3-month reviews, and the CPCMS.
20 So what we have done in Dauphin County is
21 started tracking numbers, because I think as you all
22 sit here, you want to see the outcomes -- where are
23 our funds going; show us the results.
24 So we started tracking data in Dauphin
25 County since September of '08. And I think I

1 supplied charts for all of you that show you that
2 from -- well, June of '08 really. From June of '08,
3 our children and youth placements are down by
4 11 percent and the JPO has decreased by 27 percent.
5 And JPO, you have got to link those two
6 together. It's all from the needs-based budget, but
7 that is a result of just what we have experienced in
8 Dauphin County.
9 And a large result of that is our JPO office
10 does Family Group Decision Making. It is just not
11 tied to the dependency proceedings. They recognized
12 the power of empowering families, giving families the
13 voice to say, how are we going to help our youthful
14 offender? It's the family support that works.
15 So those numbers are largely, at least from
16 the JPO, not only the Family Group Decision Making,
17 and I'll let Commissioner Hartwick talk about some
18 other initiatives from the County Commissioners where
19 the county and the court collaborated with some
20 facilities, and Commissioner Hartwick can talk about
21 that.
22 So Family Group Decision Making, everyone
23 will sing its praises. But I recall in 2003 when
24 Sandy Moore drug me to California to tell me about
25 Family Group Decision Making, and it was only being

1 put forward in 2003 until Justice Baer got involved
2 by counties doing it.
3 And many counties weren't doing it. I
4 remember writing to every Dependency Court saying,
5 here's a great practice; if you want to know more,
6 you want to implement it -- I didn't hear from
7 anybody. But when Justice Baer got involved and said
8 we're going to do Family Group Decision Making, it
9 moved forward. I still have residual anger about
10 those 4 years, I want you to know.
11 But it's wonderful. And Family Finding,
12 again, Family Finding is a service to offer right up
13 front to say let's get as many family involved as we
14 can. But there are some exciting things on a
15 *60 Minutes* clip where they had teenagers -- we talked
16 about teenagers, and Joan Benso, some statistics that
17 she has really give pause for concern on where we can
18 improve.
19 But the Family Finding in the *60 Minutes*
20 piece addressed the teenagers who were in residential
21 care for all this time, and they found mothers and
22 aunts and uncles. And ultimately, you know, in the
23 perfect world you would wish, oh, they go back to mom
24 and dad and they're happy. That didn't happen in
25 that case, but what was so startling was, just having

1 that connection to a family the teenager never knew
2 about was so powerful to her.
3 So when we say Family Finding, it's not
4 always -- the goal is to get the family and stay with
5 the family, that's the key, but also just to get a
6 connectedness for that child, that teenager, when
7 they didn't know family existed.
8 Family Finding I just talked about.
9 The 3-month reviews from a judicial
10 standpoint were significant. We did business for so
11 long that every 6 months you would have a review
12 hearing.
13 So you all heard about ASFA today. So you
14 could literally see a family two times -- 6 months,
15 12 months -- then those 15 months are up in the
16 interim and you could be moving to termination or
17 some permanency, only seeing a family two times.
18 That is not the most effective way to do business.
19 But that's the way we did do business.
20 And in all fairness, you know, in some
21 counties I know Judges were doing reviews quicker
22 than 6 months. That was the requirement, but I know
23 in Lackawanna County, Judge Harhut in DNA cases sees
24 people on a weekly basis -- on a weekly basis.
25 So again, I don't want to, when I say

1 3-month review, sound like that was something new and
2 nobody was doing it. Agencies were doing faster
3 reviews, but now with the 3-month reviews, it has
4 expedited proceedings.
5 And I have given you some information in
6 that regard where we couldn't do 3-month reviews for
7 all our kids in care. We just didn't have the
8 resources.
9 And we didn't have to add any resources or
10 any additional funding for Family Group and 3-month
11 reviews. The masters volunteered, the guardians. I
12 mean, it was a collaborative effort.
13 And we had 150 kids in care. We targeted a
14 specific population. We couldn't do it across the
15 board. We took the zero to 5 -- I think Joan talked
16 about that category as well -- zero to 5 years of age
17 and targeted those cases to get 3-month reviews.
18 We started with 150, I believe that was
19 September 1 of '08, and by March of '09 we had
20 decreased by 20 percent that number. And in that
21 time period, we had 39 new kids come into care from
22 September to March of '09. And the only thing that
23 we changed at the agency was the 3-month reviews. So
24 that had some wonderful results. And hopefully those
25 moneys that we are saving in getting those kids home

1 we can reinvest and put back in to those types of
2 things.
3 So not only did the 3-month review have that
4 goal of reducing placements, it also held the
5 agencies accountable and the parents accountable, you
6 know, that there would be a delay in referring and,
7 well, I got 6 months. But it really holds people
8 accountable.
9 The downside is and the concern is that some
10 of the caseworkers initially were saying, oh, wait,
11 you are doubling our caseload; you are doubling our
12 work. And the 3-month reviews really are not that.
13 They have turned into what we call a status
14 conference -- are you complying with your DNA; you
15 know, your urine is clean -- and it is really just
16 sort of a quick sort of status conference that really
17 has been successful. And I'm sure other counties are
18 going to see this as well.
19 And finally, the CPCMS system really
20 identifies data that we need to make decisions about.
21 And I loved Joan's testimony. She gets you
22 fired up, doesn't she? But Joan talked about
23 timeliness to adoptions, and there has to be a
24 cooperation when we talk about timeliness to
25 adoption.

1 The dependency case and the termination case
2 in Orphans' Court, we are blessed to say -- I do
3 Dependency and the Orphans' Court. Not all counties
4 are set up that way. So you can expedite through
5 Dependency sometimes, and then Orphans' Court, it
6 takes a little longer.
7 So we recognized that was our problem in
8 Dauphin County as well, so we went to one Judge. But
9 in addition to that, we looked at the system itself
10 that involved the County Commissioners' subsidy; it
11 involved the attorneys who the parents can go hire to
12 do their adoption. They were the delay sometimes.
13 It involved the Orphans' Court administration, making
14 sure there was court time to get the adoptions in.
15 So I'm just going to brag about Dauphin
16 County, but we now exceed the Federal guidelines,
17 which is the gold standard, we exceed the Federal
18 guidelines in the timeliness to adoption. So that
19 was a collaborative effort, and that is what it
20 takes. That is what you see from Chief Justice
21 Castille to Justice Baer, through the court system,
22 the agency. All working together, you see wonderful
23 results.
24 And I do want to end with this beatitude:
25 Blessed is the man who has nothing more to say and

1 doesn't give wordy evidence of that fact. So I am
2 finished.
3 CHAIRWOMAN BISHOP: Thank you so much,
4 Judge.
5 And of course we're going to hear now --
6 we're almost there -- we're going to hear now from
7 the Commissioner, the Honorable George Hartwick III.
8 COMMISSIONER HARTWICK: Chairwoman Bishop,
9 thank you for having us.
10 And I'm going to take this from a little
11 bit different perspective and try to put the
12 testimony that has been given in sort of a macro
13 perspective---
14 CHAIRWOMAN BISHOP: Okay.
15 COMMISSIONER HARTWICK: ---and talk about
16 specific things that we can do from the legislative
17 side and from the administrative side in the county
18 as to enact and move forward with some of the
19 evidence that we have heard today.
20 And I was thinking about, what would I want
21 to hear if I were in your shoes? You know, we have a
22 $2 billion system with the children and youth system,
23 and if I was thinking about how you make that
24 investment, I would be asking, where's the return on
25 the investment?

1 First of all, you've heard a lot of
2 empirical evidence today that talked about best
3 practices. That almost invariably, when enacted
4 appropriately with the integrity of those best
5 practices, has shown results that have an improved
6 and better outcomes for kids. And not only has it
7 improved outcomes for children, but ultimately it has
8 cost less money to do it.
9 When we talk about out-of-home placements,
10 when we talk about placements that exist, whether it
11 be the dependency or delinquency system, we are
12 talking between $350 to $500 a day.
13 And I guarantee you, families can serve our
14 children, if supported, through many of the
15 initiatives today for far less than that, and the
16 outcomes for the kids are going to be permanent.
17 And one of the things that I heard from a
18 number of people who are against everything -- there
19 are certain people in this world that I call CAVE
20 people. They are Citizens Against Virtually
21 Everything. They can tell you what is wrong with
22 everything you are doing and give you all kinds of
23 reasons that they shouldn't be doing this, but
24 ultimately, you know, it is about your plan. They
25 can't solve a problem, but they can tell you what is

1 wrong with what you're doing.
2 And there are going to be a lot of naysayers
3 out there that say that the system is too big and it
4 can't move and change. Well, I don't think our kids
5 can afford to wait.
6 But ultimately, you know, the idea that this
7 practice works, the excuses we have heard were the
8 courts don't cooperate. The excuses that we heard
9 were Children and Youth Administrators aren't on
10 board. The excuses that we heard were there is no
11 communication or collaboration.
12 Well, it's a divine time right now, and that
13 is because of the leadership and direction of the
14 Department of Public Welfare, the Supreme Court,
15 which, by the way, when I got to know Justice
16 Max Baer, when he says things, everybody shows up and
17 they normally do exactly what he asks them to do. So
18 the courts are now on board.
19 And I have sat in through the Roundtable
20 discussions, and I think 60 out of the 67 Judges on
21 the dependency side are there. So the idea that the
22 courts don't know about these best practices is no
23 longer true and I don't believe should be used as an
24 excuse.
25 And as a Commissioner who is in charge of

1 the budget, when have we sat down with our Dependency
2 Judge and Delinquency Judge and talked about best
3 practices and philosophies and the ability to enact
4 those best practices to have better outcomes for our
5 kids, families.
6 And I'm not going to say it's easy.
7 Changing philosophies and changing practice has been
8 a challenge, but fortunately in Dauphin County, we
9 regularly meet with our Judges. Judge Hoover has
10 been a leader, before I was there, in some of these
11 family engagement strategies.
12 And some politicians like to come in and
13 rename something: because it's working, now I'm
14 elected, I'm going to rename it and we're going to
15 change it. Well, I think we have obligations as
16 leaders to recognize things that are working and
17 actually expand on those opportunities like
18 Family Group Conferencing and the engagement
19 strategies that currently exist that have been
20 showing proven outcomes for families. And having
21 that paradigm shift that families know what is in
22 their best interests is clearly something that I have
23 witnessed firsthand.
24 One of the things as a leader I believe is
25 extremely important is to understand the roles of

1 each and every person that works for you, and what I
2 have done is over 80 jobs so far in county
3 government. I actually spent 3 days in the last
4 2 days in our intake unit. And to be able to
5 understand the actual jobs that people do on the
6 frontline and to sit through Family Group
7 Conferencing, to understand and go through training
8 and Family Finding and Family Credentialing, is
9 something I think as leaders we should all do.
10 And we ask where we can find additional
11 money. Well, I know our Senator has been involved,
12 our State Reps have been involved. Our Congressmen
13 have all sat through Family Group Conferencing, and
14 yearly Congressman Holden delivers us a check for
15 about $300,000 for the future expansion of these
16 extremely important programs. So trying to engage
17 leaders, Commissioners, and other individuals in
18 understanding best practice.
19 And then I would say with my $2 billion
20 investment, if I see the numbers moving in the wrong
21 direction, knowing best practice dictates that it is
22 moving in the right direction, I would ask the
23 counties that aren't involved, why aren't you
24 involved? Let's figure out ways to make sure that we
25 are encouraging best practice and not accept excuses

1 as reasons not to engage.
2 Now, ultimately we need to also figure out
3 how we can adequately fund those services. So I am
4 going to put my plug into the budget, and don't think
5 I wouldn't.
6 Any cut to children and youth services in
7 times where we have momentum, best practices, and
8 everybody moving in the right direction would be
9 absolutely horrible. It would be pennywise and pound
10 foolish, because what we would do as Commissioners
11 and what Commissioners across the State would
12 ultimately do is take a look at what federally and
13 State-mandated services we have and the areas of
14 flexibility -- community-based services, support
15 services -- all of the other things that are
16 flexible, that do nothing but support keeping kids
17 out of placement, are going to be the first things
18 that are cut.
19 And then you are going to see a larger
20 reliance and a larger budget coming in front of this
21 committee and the House and the Governor as we move
22 forward in the future. And ultimately it will result
23 in larger jails and decreased outcomes and
24 performance for kids that are in the system that are
25 all moving in the right direction.

1 So there is also another piece of
2 legislation that you are going to be seeing in front
3 of you, and I'm kind of in an interesting position
4 with this one, although we worked a lot on it, and we
5 talked about community reinvestment dollars.
6 As we see the reliance on out-of-home
7 placement decreasing, our budget is ultimately going
8 to be better as a result. I want to make it very
9 clear that reinvestment for counties is critically
10 important in that process, because as we're pulling
11 kids out of care, we need to have the other
12 opportunities in community-based resources to be able
13 to support them out of the out-of-home placement.
14 So just because those numbers are going down
15 doesn't mean we still don't need to support kids in
16 the right way with better outcomes. So making sure
17 counties have those dollars to be able to invest back
18 into the children and youth system to see better
19 outcomes and further reduction in the dependency
20 system is critical that the counties are able to use
21 those reinvestment dollars.
22 And that it is not used to balance our
23 General Fund budget. It should be used solely for
24 the child welfare system. I want to be very clear in
25 letting you know that.

1 There are also changes that DPW is proposing
2 in trying to change reimbursement rates for the front
3 end of services that will ultimately keep kids out of
4 out-of-home placement that I think is moving in the
5 right direction. I'm sure you're going to see that
6 in front of you.
7 But from my perspective, we would also hope
8 that you would address the issue of cash flow and
9 advanced quarterly payments for County Commissioners
10 as well when that is considered.
11 Thank you very much. I appreciate the
12 opportunity to appear before this committee and give
13 my thoughts.
14 CHAIRWOMAN BISHOP: Thank you so very much,
15 and I'm sure that last statement is on our minds as
16 well.
17 We thank all of you Judges and Honorables
18 and Commissioners, all of you who have come and been
19 a part of this great discussion.
20 And we're going to end this with fiscal and
21 social impacts of best practices, Mr. Bill Browning.
22 The Executive Director from Lackawanna County is
23 going to close us out. He also works for the
24 Children and Youth Services agency in Lackawanna
25 County.

1 Mr. Browning.
2 MR. BROWNING: Thank you, Madam Chairperson.
3 CHAIRWOMAN BISHOP: Thank you for your
4 patience.
5 MR. BROWNING: I realize we're pressed for
6 time, and fortunately a lot of the things that I
7 wanted to say were just wonderfully said before me.
8 So what I would like to do is actually use this
9 opportunity as a real-world case study.
10 Currently, we are a Permanency Practice
11 Initiative county. I'm co-chair of one of the
12 Leadership Roundtables for the Children's Roundtable,
13 and we are a mentor county for the NGA.
14 It didn't start that way. So as far as a
15 case study, to give you an idea of where Lackawanna
16 County was a few years ago, prior to my arrival, we
17 were probably, out of the 67 counties, I believe one
18 report showed that we were number 66 in overall
19 outcomes. We were well over budget. We had roughly
20 about 500 kids in out-of-home placement, and that
21 would be including JPO and CYS.
22 When we started analyzing why that happened,
23 we looked at some of the patterns. The county was
24 already in fiscal crisis, and to mirror what
25 Commissioner Hartwick stated, well, the first thing

1 that went were prevention programs. They cut those
2 out.
3 Then they said, you know what? Staff are
4 really expensive, so let's not fill vacancies. So
5 they didn't fill vacancies.
6 When I came on board, there were about
7 13 vacancies that had been perpetually open to try to
8 save money. And we looked at it and said, okay, we
9 saved about $300,000, but now we are $3 1/2 million
10 over budget. Now, I'm not a mathematical expert, but
11 that just didn't seem right. So I asked the
12 Commissioners, I said, I promise you, let me invest
13 in staff and we'll show some changes.
14 But I also wanted to teach the staff how to
15 be good consumers, because we looked at some programs
16 that had been in existence forever, for 20, 30 years
17 unchanged. Certain parenting programs had been
18 unchanged. And we had people coming in, you know,
19 for the seventh time with six parenting certificates.
20 It didn't make sense, so we started
21 reevaluating the programs. We started putting things
22 in house that could be put in house, and we saved a
23 lot of dollars that way -- initially. And it just
24 gave us just enough to start investing in some good
25 practice.

1 Our President Judge Harhut, who actually
2 brought me on board, was a very proactive Judge as
3 far as family engagement. And he was always told, as
4 you heard before, many naysayers saying, you can't do
5 it; we don't have the resources; we don't have it,
6 and I promised him that we can do that. If we
7 reorganize the court in such a way that we have more
8 intensive reviews, it wouldn't cost us anything. So
9 I made a lot of promises, a lot of assumptions, and I
10 crossed my fingers and hoped they worked, both for
11 the county's sake and my own employment.
12 So I'm in a weird position as far as a
13 Director, because I am under both the President Judge
14 and under the Commissioners. So if I screw up, I get
15 it from both sides.
16 We then worked with our staff and said we
17 are changing everything you know about child welfare.
18 We went from a deficit system to a strength-based
19 system.
20 We started looking at residential
21 placements. We had a huge number of residential
22 placements, and we said that didn't make sense; you
23 are putting kids with numerous pathologies with other
24 kids that have the same pathologies and you are
25 dealing with them in that environment, saying, okay,

1 we hope you are going to get better, we're going to
2 give you treatment, but it is in that milieu. So you
3 look at their behavior plans in the facilities.
4 I'm not saying all facilities are bad.
5 Please, there is a time and place where some kids
6 cannot be safely maintained in the community. I
7 understand that. But because of the level of
8 pathology of some of these children, they never get
9 better. They are working on trying to survive within
10 that system. Their behavior charts are, you know,
11 hygiene, working with respecting staff, things like
12 that, and you never usually see the therapeutic
13 component.
14 So we said, we are spending a lot of money,
15 up to $400 a day, for something that we know we are
16 not getting a lot of good outcomes. So over time,
17 from that period, we have decreased residential
18 placement by 75 percent. We haven't had kids going
19 back to residential that we had pulled from there and
20 put in foster homes with supportive services.
21 As a case study, we had some other numbers,
22 too. Prior to the changes, the average time in
23 placement in Lackawanna County was about 624 days.
24 Currently, it's 247 days, and then the cases that are
25 in the Intensive Courts, it's 90 days.

1 Judge Hoover spoke to how we do weekly
2 reviews, and we don't just do it on drug and alcohol
3 cases. It's actually on any case that comes before
4 us. We have three Judges that are doing that now.
5 And again, we haven't used any different
6 resources; we just realigned the resources. What we
7 found is that by increasing the reviews on a weekly
8 basis, that the reviews didn't have to last longer
9 than sometimes 5 minutes, because the relationship
10 with the Judge was there, the relationship with the
11 court, the workers, et cetera, to a point where
12 recently we had reorganized the court once again
13 because we said, this is so big we want all the
14 Judges to be part of it. So now we have several
15 Intensive Courts instead of just Judge Harhut.
16 So because of scheduling, we said we had to
17 move this one family to another Judge, because our
18 Judges are now -- our caseworkers and units are
19 assigned to certain Judges. So we were getting ready
20 to do that.
21 I went to a meeting where a child was being
22 rewarded for leadership, et cetera, and the mother
23 begged, please, can we have our Judge? That is
24 something you don't generally hear in child welfare,
25 is please, can we keep the same Judge, because her

1 daughter had done so well and made so much progress
2 that she was afraid of losing that relationship. So
3 obviously we validated that belief, and we made some
4 adjustments to accommodate her.
5 Over the last couple of years, we have seen
6 such an improvement in our outcomes. We have
7 families that are actually getting better, which
8 should have been from time immemorial when child
9 welfare started. Sometimes I think we got locked
10 into systems and programs, et cetera, and didn't know
11 how to get out of them.
12 The one thing that always comes up when I
13 mention this to some colleagues, and sometimes in
14 other States, when I say all the resources, well,
15 weekly reviews, it's like, oh, we can't afford that;
16 there's no way we can do that.
17 The only expense, the only additional
18 expense that I had -- and it wasn't actually in
19 addition; it was just a realignment of another
20 casework position. So we have one caseworker that
21 helps coordinate the various courts and gives the
22 reports to the Judges. That's it. So it was an
23 investment of, you know, caseworker salary to do
24 weekly reviews.
25 We found that parents that weren't coming to

1 their 6-month reviews were coming to their weekly
2 reviews because they saw value in it. They saw that
3 we cared about them and that we were actually trying
4 to move them forward.
5 We held them accountable, but the Judge also
6 held us accountable as well. So if we promised to
7 deliver something, we had to deliver it. The same
8 with the parents, if they promised to do something.
9 And so we adopted a treatment court model,
10 so there's a level of sanctions and rewards. If they
11 don't do something -- miss their drug and alcohol
12 appointments -- they are writing letters, that we
13 won't give to the children, but we say write a letter
14 now to tell your child why they have to stay in care
15 just a little bit longer, because you're not dealing
16 with your issue. That's very powerful for the
17 parents.
18 But overall, when we looked at, you know,
19 for about 4 1/2 years we looked at our budget and
20 said, as a natural outcome, we didn't cut the budget,
21 but as a natural outcome we saw that we went from
22 spending about $24 million in Lackawanna County to
23 $18 million. And that is with reinvesting dollars.
24 We didn't spend the other dollars, and that went --
25 we are not going to spend money just to spend money,

1 but we did reinvest dollars wherein appropriate.
2 We have started an arts program, because we
3 identified that as an issue. That was money that we
4 had that we could reinvest. That arts program serves
5 the delinquent kids and kids in the community as a
6 preventive service.
7 So I guess for the sake of brevity, what I
8 would really just like to show is how strong the
9 fiscal bond is to the program issue, and if reactive
10 cuts are made, which I know they have been proposed,
11 if reactive cuts -- because we are in fiscal crisis.
12 As Commissioner Hartwick said, we are a living
13 example of what happens.
14 It's a cost driver, because it's a positive
15 feedback cycle, and this is what we saw, that we are
16 in crisis spending, which meant we cut staff, which
17 meant their caseloads went up.
18 As their caseloads went up, they became less
19 effective; more kids went in care. As they became
20 less effective, they became demoralized, so we had a
21 turnover rate up to 50 percent at one point.
22 Because of that high turnover, we had to
23 then depend on provider services and out-of-home
24 placement -- again, another cost driver. And it just
25 kept on going, because the more people demoralized,

1 the more dollars kept on going into that system,
2 ineffective dollars, to the point where the Judge and
3 Commissioners could no longer take it and said, look,
4 there's something wrong; we're not providing a
5 service to our families; we're not providing a
6 service to our taxpayers. Clearly, something had to
7 be done, so we took that initiative. Our workers got
8 on board with it, and we are doing weekly reviews.
9 We also do something different. We do
10 mediation for dependency, where instead of having an
11 adversarial system, we actually sit at a table with a
12 mediator, an impartial mediator, and try to see what
13 issues we can agree on with the family.
14 We also do Family Group and all those
15 things, and it has shown an incredible result. We
16 have currently a 30-percent reduction, over
17 30 percent now reduction in out-of-home placement
18 totally. Juvenile probation has shown about a
19 70-percent reduction now to home placement using some
20 of the same measures.
21 So that is really what I wanted to stress,
22 is the dangers and pitfalls of a reactionary budget
23 cut versus good practice in supporting that, along
24 with to reinvest our dollars and following good
25 practice.

1 CHAIRWOMAN BISHOP: Well, we certainly want
2 to thank you.
3 Are there questions?
4 Representative Samuelson.
5 REPRESENTATIVE SAMUELSON: Thank you, and I
6 appreciate your testimony and your discussion of
7 budget cuts.
8 As I'm listening to the testimony today,
9 there are some significant differences between the
10 various budgets that we're talking about in
11 Harrisburg.
12 I know Commissioner Hartwick just implored
13 us not to cut funding that affects children and
14 youth, and as I'm looking at that line item for
15 county child welfare, the House budget would actually
16 increase that by $8 million; the Senate budget would
17 decrease that by $2 million. And so there's a
18 $10 million difference, as we talked about earlier,
19 between the House and the Senate.
20 Now, that is actually a line item where the
21 House and the Senate are relatively close on a
22 percentage basis, perhaps 1 percent apart between the
23 two versions of the budget.
24 But some of the other topics that were
25 touched upon today, there are dramatic differences

1 between the House and the Senate. I know you just
2 brought up the arts. We have a House budget that
3 would reduce our State commitment to arts funding by
4 8 percent. Our State Senate would totally eliminate
5 arts funding in Pennsylvania, a 100-percent cut.
6 That would be unacceptable, I believe.
7 We talked about prevention, crime prevention
8 programs. We have a very successful Weed and Seed
9 program in Pennsylvania. Now, there are going to be
10 budget cuts this year, but we have two different
11 approaches here. The House budget would cut that by
12 20 percent; the Senate budget would totally eliminate
13 the Weed and Seed crime prevention program.
14 Neighborhood building crime prevention, the Senate
15 would just totally eliminate that.
16 And I know there was some discussion of
17 early education programs, and there is a dramatic
18 difference. On Pre-K Counts, a very successful
19 program -- it just started 2 years ago -- our House
20 budget would cut 7 percent. Our State Senate would
21 cut 50 percent from that very successful program.
22 And Head Start, Head Start funding in
23 Pennsylvania, the House budget would keep that the
24 same as last year. Our State Senate would cut
25 Head Start funding in Pennsylvania by 50 percent.

1 So I think as we're talking about our State
2 budget, these are very real programs that have a very
3 direct impact on children and families, the same
4 children and families that we're talking about
5 throughout this budget hearing today, and I just hope
6 that the House maintains its commitment to some of
7 these education and prevention programs.
8 Thank you, Madam Chair.
9 CHAIRWOMAN BISHOP: Thank you.
10 Representative Murphy.
11 REPRESENTATIVE MURPHY: Thank you,
12 Madam Chairwoman.
13 And thank you, Mr. Browning, for coming here
14 to testify today. I truly appreciate it.
15 Being one of the three Representatives from
16 Lackawanna County, I'm quite familiar with what you
17 do and how effective you are in what you do, and I
18 know how engaged the Judges are in the Court of
19 Common Pleas in Lackawanna County.
20 And in particular, as the Honorable
21 Judge Hoover had mentioned, Chester Harhut, our
22 President Judge, in the weekly monitoring that is
23 done and in the progress that they make, being
24 engaged with not only the child but also with the
25 family and what a difference that makes.

1 And I think your testimony clearly indicates
2 that, you know, these are investments into our youth,
3 these are investments into our communities, and these
4 are investments that, as a Legislature, we cannot
5 afford to reduce, because if we reduce the investment
6 on the front end, we are certainly going to pay more
7 on the back end. We are going to pay more in
8 corrections, we are going to pay more for problems,
9 and we are going to put our communities at risk and
10 our children and our future at risk.
11 So I think it's very poignant that we are
12 having this hearing during this budget impasse,
13 because it's quite clear that we have to invest in
14 our children. We have to invest in human services
15 here, not only in Lackawanna County where you and I
16 are from but in all 67 counties here within the
17 Commonwealth of Pennsylvania.
18 So I thank you for your time. I thank
19 everyone for their testimony here today. And I
20 think, you know, the decisions we have to make are
21 very obvious, and hopefully we'll come to a
22 conclusion on this budget in short order.
23 And with that I'll hand it back to
24 Madam Chairwoman. Thank you very much.
25 CHAIRWOMAN BISHOP: Thank you very much.

1 On behalf of the Minority Chair and staff
2 and certainly the Majority Chair and staff and all of
3 the members -- did you have something else you
4 wanted---
5 REPRESENTATIVE MUNDY: I did.
6 CHAIRWOMAN BISHOP: Okay. I'm sorry.
7 Representative Mundy.
8 REPRESENTATIVE MUNDY: I apologize. I know
9 that I'm the last speaker before lunch, a very late
10 lunch, and all of you leaving for the day, but I did
11 want to say, Mr. Browning, that I have been so
12 impressed with Lackawanna County's approach to human
13 services in general, but children and youth in
14 particular because of your prevention. You have
15 never abandoned the preventive approach and your
16 realization that prevention saves money in the long
17 run -- even in the short run, as you pointed out.
18 And I was hoping that you could just briefly touch
19 on, for example, the Nurse Family Partnership.
20 I believe that you as an agency, Children
21 and Youth, support the Nurse Family Partnership in
22 Lackawanna County.
23 MR. BROWNING: We don't financially support
24 it. Obviously we collaborate with them. It is
25 funded through a separate source, but we do use it.

1 We collaborate with every agency.
2 I guess just to add as far as collaboration,
3 the way our court system, the Intensive Court, we
4 actually have our providers sitting in court with us
5 to troubleshoot. So it's not a case of, like, for
6 instance, Nurse Family where we would have to wait
7 for the caseworker to call them and say, well, what
8 happened? Well, I didn't get in touch with them; we
9 played phone tag. The providers to that family, or
10 just providers in general, are sitting in the
11 courtroom, and if we say, there's a problem with I
12 can't find a job, we'll look at a job provider and
13 say, can you help them with training on that? Yes, I
14 can. Is there an issue with transportation? We
15 created a transportation department within our agency
16 and say to the transportation coordinator, do you
17 need a bus pass or do you need to be taken there?
18 What can we do for that? So we are always looking at
19 solutions.
20 And it's critical that we are able to
21 partner with our providers, Nurse Family Partnership
22 just being one of them. But we are absolutely
23 dependent on that collaboration.
24 REPRESENTATIVE MUNDY: I appreciate that.
25 And I would also like to point out that

1 Lackawanna County schools, public schools, had a
2 preschool program long before it was funded by the
3 State. So again, you know, in the aspect of
4 prevention, that is so important and really helps
5 keep kids out of the system, I think, in the long
6 run.
7 So thank you for your efforts. I appreciate
8 it.
9 MR. BROWNING: Thank you.
10 CHAIRWOMAN BISHOP: It has often been said
11 that good minds run in the same channel, and I just
12 think that it has been so marvelous to have had all
13 of these good minds here today.
14 And I'm hoping as we continue with these
15 kinds of discussions we will all end up in the same
16 channel. So thank you so much for coming, for
17 sharing.
18 On behalf of our staff and members, those of
19 you who hung in with us, we ran a little later than
20 we usually run, but the information was so great that
21 I just couldn't deny you the opportunity of receiving
22 it all.
23 So our meetings won't always be this long,
24 so don't be discouraged, but we did get what we were
25 looking for -- what is being done across the

1 Commonwealth of Pennsylvania, sharing it with each
2 other so we can work together.
3 Thanks again.
4
5 (The hearing concluded at 1:48 p.m.)
6
7 * * *
8 **SUBMITTED WRITTEN TESTIMONY**
9
10 JODY GRUTZA, Senior Policy Analyst, National
11 Governors Association Center for Best Practices,
12 submitted the following written testimony:
13
14 **Introduction**
15 Chairwoman Bishop, Chairman O'Brien, and members of
16 the committee, thank you for the opportunity to
17 submit written testimony for today's hearing on
18 behalf of the National Governors Association Center
19 for Best Practices (NGA Center). We were invited to
20 submit written testimony regarding the NGA Center
21 Policy Academy on *Safely Reducing the Number of*
22 *Children in Foster Care*, in which Pennsylvania is a
23 participant. Pennsylvania has begun implementing a
24 comprehensive strategic plan for safely reducing the
25 number of children in foster care that the NGA Center

1 has supported. We were invited to explain the issue
2 of safe reduction, explain the Academy process, share
3 some of the outcomes from the participating states
4 and discuss Pennsylvania's participation.
5
6 The NGA Center for Best Practices, a 501(c)(3)
7 subsidiary of NGA, helps governors and their key
8 policy staff develop and implement innovative
9 solutions to challenges facing their states. Center
10 staff identify emerging issues, monitor and share
11 best practices, publish issue briefs and governor's
12 guides, organize and host retreats, summits and
13 institutes, and provide customized technical
14 assistance to governors' senior policy advisors.
15
16 **Background and Problem**
17 There are currently about 496,000 children in the
18 custody of state child welfare systems; on average,
19 these children will remain in foster care for
20 2 1/2 years with a 40 percent chance of experiencing
21 three or more placements. In addition, more than
22 20,000 youth age out of the foster care system each
23 year with little family or community support.
24 Although foster care is an essential protection for
25 some children, we know that removing a child from his

1 or her family can have traumatic effects and that
2 outcomes worsen the longer a child remains in foster
3 care and the more placements a child experiences.
4 Some children removed from their parents could remain
5 at home if families had access to appropriate support
6 services.
7
8 Unfortunately, children and youth who spend time in
9 foster care are much more likely to have poor
10 outcomes than their peers. Once in foster care, the
11 trauma of maltreatment may be compounded by the
12 trauma of separation from their siblings, relatives,
13 friends, school, and neighborhood. While it is
14 difficult to disentangle the impact of maltreatment
15 from the experience of foster care itself, children
16 who spend time in foster care often experience an
17 increase in behavior problems and juvenile
18 delinquency, which is exacerbated by the number of
19 foster care placements they experience. Multiple
20 placements can also disrupt schooling and lead to
21 poor school performance.
22
23 For those children who do not return home or are
24 given a permanent home, and thus remain in the system
25 until their eligibility ends, the outcomes are

1 particularly negative. Sixty-five percent of youth
2 who age out of foster care experience seven or more
3 school placements leading to great disruption in
4 their education and a poor likelihood of completion.
5 Youth who remain in foster care until 18 are
6 three times more likely than their peers to be out of
7 work and school. And these youth are twice as likely
8 to be unable to pay their rent and four times as
9 likely to be evicted when compared to their peers.
10 There's also evidence that former foster care youth
11 suffer post-traumatic stress disorder (PTSD) at rates
12 twice as high as U.S. war veterans.
13
14 Concerns about these poor outcomes have prompted an
15 array of national and state initiatives, including
16 the initiatives we'll describe in this report on the
17 Policy Academy to *Safely Reduce the Number of*
18 *Children in Foster Care*. A number of states are
19 increasing their efforts to address and prevent the
20 problems families face that bring children into care.
21 These problems include inadequate housing, substance
22 abuse or mental health issues, and/or inability to
23 care for children. For those children who do come
24 into care, states are working to move them to
25 permanency as quickly as possible -- primarily

1 through reunification, subsidized guardianship, or
2 adoption. The strategies of the academy states are
3 representative of the evidence based strategies being
4 used nationally to move towards reduction. Central
5 to this work is the belief that there are too many
6 children in foster care, and that the number of
7 children in foster care can be significantly reduced
8 while still ensuring that child safety remains
9 foremost.
10
11 **Overview of the Policy Academy on Safe Reduction**
12 In April 2008, the NGA Center initiated the Policy
13 Academy on *Safely Reducing the Number of Children in*
14 *Foster Care* in partnership with Casey Family Programs
15 in response to the knowledge that removal of a child
16 from their home is very traumatic and that too many
17 children spend too much time in the foster care
18 system. The NGA Center Academy also supports the
19 national strategy of Casey Family Programs to safely
20 reduce the number of children in foster care by
21 50 percent by 2020. Six states were selected to
22 participate based on a competitive application
23 process. Through the NGA Policy Academy, these
24 six states -- Pennsylvania, Arkansas, Florida, Ohio,
25 Oregon, and South Carolina -- have made targeted

1 commitments to reduce the number of children in
2 foster care by up to 50 percent and have been working
3 toward these goals.
4
5 The Policy Academy is an NGA Center model that
6 assists states with broad systems change in an
7 expedited time frame through facilitated strategic
8 planning, peer-to-peer sharing, and access to
9 national experts. States were selected through a
10 highly competitive process based on the following
11 criteria: clear definition of the problem or
12 challenge; indication that the state is ready for
13 change; articulated vision, outcomes, and possible
14 strategies; breadth, depth, influence, and high-level
15 commitment of the proposed state team; and data
16 capacity.
17
18 The NGA Center engages the selected states in an
19 intensive 20-month process. It provides ongoing
20 consultation to each state and hosts regular
21 technical assistance calls. The NGA Center also
22 convened state teams during two Policy Academy
23 meetings involving an interactive planning and policy
24 development process. In addition, Center staff
25 conducted site visits to assist states in moving

1 their strategic plans forward.
2
3 States participating in the academy are currently
4 implementing their strategic plans and the NGA Center
5 will provide ongoing support throughout 2009. It
6 also will conduct a "Learning Lab" meeting in which
7 academy states will participate in an intensive site
8 visit in Los Angeles, California. Los Angeles is a
9 model for safe reduction and child welfare reform.
10 In addition, all academy states will participate in
11 the *Changing the Outcome: Achieving and Sustaining a*
12 *Safe Reduction in Foster Care* Policy Institute, where
13 their successes will be highlighted and they will
14 receive national recognition for their efforts.
15
16 **Academy State Progress**
17 Each academy state took an individual approach to the
18 strategies developed to reach their overall reduction
19 goals, based on what their data revealed as the key
20 problem drivers in their child welfare system.
21
22 Each state has developed strategies around supporting
23 families so fewer children enter foster care, moving
24 those children in foster care to permanency more
25 quickly, and ensuring that children do not re-enter

1 care. The participating states set overall goals to
2 safely reduce the number of children in foster care
3 by the following amounts:
4 • Arkansas -- 20% by 2011
5 • Florida -- 50% by 2012
6 • Ohio -- 25% by 2012
7 • Oregon -- 20% by 2020
8 • Pennsylvania -- 20% by 2010
9 • South Carolina -- 20% by 2012
10 A brief summary of each state's progress to date
11 follows.
12
13 In Arkansas, the team is focused on increasing the
14 number of adoptions based on the high numbers of
15 children who remain in foster care for long periods
16 of time. To accomplish this, the state is focusing
17 on recruiting adoptive parents, conducting an
18 extensive search to identify relatives to care for
19 the children, and streamlining court processes. As a
20 result of this focus, Arkansas has finalized 149 more
21 adoptions to date in 2009 than it had in 2008.
22
23 Florida began its safe reduction efforts in 2006
24 when Governor Charlie Crist and former Secretary
25 Bob Butterworth announced a focus on this area.

1 Florida has more flexible funding resources than most
2 other states because of a Title IV-E waiver that
3 allows it to use federal funding for services beyond
4 foster care payments and other maintenance. As part
5 of its efforts, Florida is moving toward
6 incentivizing localities for their good work and
7 contracting based on good performance. In addition,
8 the core Florida team identified the 100 children who
9 had been in state care the longest and held case
10 reviews to move these children to permanency. The
11 communication efforts in Florida have also been
12 commendable: The state has created fact sheets,
13 creatively engaged the community, and remained
14 transparent with the media throughout these efforts.
15 Florida has seen a 32 percent statewide safe
16 reduction of the number of children in foster care
17 since it began this effort.
18
19 Ohio is focusing on increasing the capacity of its
20 systems of care, including mental and physical health
21 systems to support children and families so that they
22 do not have to enter care. Often if a family is
23 unable to locate services for their child's mental or
24 physical health needs, the child will enter foster
25 care to gain access to those services. In recent

1 work, Ohio realized that 75 percent of the at-risk
2 children served by systems of care did not have to
3 enter foster care. The state also developed a new
4 data system that is increasing accountability by
5 providing a clear picture of the problem drivers for
6 each county so that it can more effectively target
7 its strategies. In addition, Ohio is piloting the
8 alternative response model in 10 counties, which
9 supports alternatives to foster care placement by
10 helping identify children who can remain safely at
11 home if their family receives the appropriate
12 services. This model will be rolled out statewide in
13 2010.
14
15 In Oregon, Governor Ted Kulongoski issued an
16 Executive Order creating a Task Force on
17 Disproportionality in Child Welfare to understand why
18 children of color are disproportionately represented
19 in foster care in the state. This task force is
20 analyzing disproportionality and disparity in the
21 Oregon child welfare system and making
22 recommendations to address these findings. In
23 addition, Oregon has selected eight counties to
24 develop their own community-oriented plans for safe
25 reduction. This process is creating a

1 community-based effort that is supported by the state
2 and led by a juvenile court judge. Oregon officially
3 began focusing on safe reduction in September 2007
4 and has since seen a foster care reduction of
5 860 children, or 9 percent, in just less than
6 2 years.
7
8 South Carolina has taken a multi-pronged approach to
9 its safe reduction efforts. In assessing its data,
10 the state realized that many children were entering
11 foster care because of lack of substance abuse and
12 mental health services. The state child welfare
13 leaders have worked on memorandums of understanding
14 with other divisions in the states, such as mental
15 health and substance abuse, to prioritize families
16 with children at risk of entering child welfare.
17 They have also begun to implement family group
18 decision making statewide, which is a strategy that
19 empowers families to engage in treatment plans and
20 leads to more timely and successful permanency for a
21 child in foster care.
22
23 **Pennsylvania's Plan and Successes**
24 Pennsylvania was selected for participation in the
25 Policy Academy for several reasons. The state

1 application denoted committed leadership and proposed
2 a strong cross-system team. Pennsylvania was also
3 already moving forward with efforts that aligned with
4 this work, such as the collaboration with the courts,
5 integrated children's services planning, and the
6 Governor's Commission on Children. In its
7 application, Pennsylvania indicated readiness for
8 change, knowledge of the key issues, and a clear
9 vision and strategies.
10
11 Pennsylvania has worked persistently and ambitiously
12 since the beginning of the Policy Academy process to
13 develop a comprehensive plan that focused on areas of
14 concern such as children with long stays in foster
15 care, high numbers of youth in congregate care, and
16 high numbers of children entering care. After
17 careful consideration, the team focused on the
18 following goals: increasing safety; reducing the
19 reliance on out-of-home care; improving permanency;
20 and reducing the number of children coming back into
21 foster care. These four goals are being accomplished
22 by implementation of five major strategies:
23 • **Structured decision making** -- Pennsylvania is
24 implementing specialized tools that provide
25 well-designed and structured case planning and

1 review procedures for case management. The
2 state is providing specialized training for
3 case managers to use these tools to ensure that
4 decisions are made based on a child's best
5 interest.
6 • **Family group decision making** -- Pennsylvania is
7 also implementing family group decision making,
8 a strategy that consists of regular team
9 meetings run by an outside facilitator who
10 brings in the child welfare system, family,
11 relatives, a community representative, and any
12 other parties involved in the family's child
13 welfare case. These meetings allow the family
14 to truly engage in their permanency planning and
15 ongoing case decisions, leading to more timely
16 permanency for children.
17 • **Family finding** -- Pennsylvania is moving forward
18 with the implementation of the family finding
19 model statewide. The model offers methods and
20 strategies to locate and engage relatives of
21 children living in out-of-home care, with the
22 goal of finding meaningful connections and
23 possible placements for a child. Actively using
24 this model leads to more timely permanency for
25 children in foster care.

1 • **Service array** -- Pennsylvania is working to
2 improve the array of services available to
3 families in need, including mental health,
4 substance abuse, housing support, and many
5 others. Having a broad array of services to
6 support families helps to ensure that children
7 are not entering foster care unless their safety
8 is at risk.
9 • **Partnerships with the courts** -- Pennsylvania is
10 building on the current court partnerships to
11 ensure that the courts remain centrally involved
12 in the state's safe reduction efforts. The
13 court system plays a crucial role in both
14 preventing children from being placed in
15 foster care when appropriate and moving children
16 to timely permanency. The court efforts include
17 training judges, increasing the timeliness and
18 effectiveness of permanency planning hearings
19 and much more.
20
21 Pennsylvania has approached its work strategically by
22 building on the positive work already underway and
23 focusing on evidence-based strategies that have
24 worked successfully in other jurisdictions. In
25 addition, the Pennsylvania team quickly realized that

1 to achieve their goal of a 20 percent reduction by
2 2010, the counties would have to be engaged in the
3 efforts.
4
5 Because of Pennsylvania's state-supervised,
6 county-administered child welfare system structure,
7 the academy team implemented these strategies within
8 16 pilot counties. These counties each developed
9 their own plan, with support from the state, to move
10 toward safe reduction under the guise of the larger
11 state plan. Each member of the Pennsylvania state
12 academy team is responsible for overseeing and
13 supporting one to five of these counties. In
14 addition, state-level experts in areas related to
15 this work have been tasked to consult with county
16 teams. These experts are from areas such as
17 education, the judicial system, mental health,
18 juvenile justice, and many other systems and areas
19 that cross over into child welfare. This process has
20 been organized and successful thus far. NGA Center
21 staff has visited Pennsylvania twice to work with the
22 counties and will return in October for another
23 meeting.
24
25 Since the Pennsylvania team initiated this work with

1 the counties in November 2008, the state has seen a
2 safe reduction of 649 children in the foster care
3 system. This puts Pennsylvania at a 3.24 percent
4 reduction, a great start to reaching the 20 percent
5 by 2010 goal. The keys to the Pennsylvania team's
6 success appear to be its strong leadership, a
7 committed and diverse core team, the efforts of the
8 participating pilot counties and the overall
9 commitment to the goal of safe reduction and improved
10 outcomes for children in foster care.
11
12 The Pennsylvania team has been enormously engaged in
13 the Policy Academy and dedicated to improving
14 outcomes for children in foster care. The team
15 leadership has been strong and dependable, taking on
16 much more than the other team members and leading by
17 example. The planning and implementation process
18 that Pennsylvania has followed makes it one of our
19 leading states in these efforts. During other site
20 visits and meetings where the academy has been
21 discussed, we often share Pennsylvania as the example
22 of good work in this area.
23
24 **Conclusion**
25 The Policy Academy states have seen many challenges

1 and successes since they began this work in May 2008.
2 Pennsylvania has remained committed to this work and
3 is seeing success in its efforts. The NGA Center
4 looks forward to supporting the Pennsylvania team for
5 the duration of 2009 as it strives to reach the
6 state's goal of safely reducing the number of
7 children in foster care by 20 percent by 2010.
8
9 I want to thank Chairwoman Bishop and Chairman
10 O'Brien for their time and energy focused on the
11 important issue of improving outcomes for children in
12 foster care through safe reduction. We invite any
13 additional questions or follow-up that you might
14 have.
15
16 * * *
17
18 YORK COUNTY BOARD OF COMMISSIONERS submitted
19 the following written testimony:
20
21 Good morning to the majority and minority chairs and
22 all members of the Children and Youth Committee. It
23 is an honor and a privilege to be here today before
24 my former colleagues to testify about York County's
25 involvement with NGA, the National Governors Academy.

1 I need to take this opportunity to publicly thank
2 Secretary Richman for sending Deputy Secretary
3 Richard Gold to work with us. While not here today,
4 I also need to thank Richard Gold for his commitment
5 to York County. It has led to changes in our
6 practice, and more importantly, it has taught us to
7 make better decisions for children and families.
8
9 The Deputy Secretary comes to York County once a
10 month and assists us in our specific case reviews.
11 This process now drives policy and protocol for the
12 agency. Due to time constraints for testimony today,
13 I will attempt to highlight what we have been
14 referring to as "lessons learned from Richard."
15
16 **Lesson number one:** URGENCY!! We have learned that
17 every day in a child's life matters. You may be
18 sitting there thinking, how could anyone not know
19 this? Unfortunately, the culture within CYS had
20 forgotten this. There was a devastating lack of
21 urgency. Children stayed in care too long, were
22 moved from placement to placement and there was never
23 any urgency to find permanency. Through this process
24 we have learned that this is the wrong thing to do!
25 We have raised expectations for our workers and

1 providers to make better decisions. (example:
2 saddest case/day one, parents incarcerated for two
3 days, children aged out of system) URGENCY matters!
4
5 **Lesson number two:** DON'T PLACE CHILDREN FOR
6 NON-SAFETY ISSUES! We have learned that children
7 need someone in their lives to be a resource, someone
8 who cares about them. Taking a child away from the
9 people they care about just doesn't work. In York
10 County, we were placing children for truancy,
11 parent-child conflicts, homelessness and other
12 non-safety related matters. Now, rather than spend
13 thousands of dollars a month to keep children in
14 placement, we can and do provide rental assistance
15 and case-management to assist parents with housing
16 and employment so they can keep their children. The
17 children and youth system was not set up for
18 government to be the parent. It is up to us to help
19 families find solutions and create their own plan.
20 Using a **family engagement process such as Family**
21 **Group Decision Making** allows families to stay out of
22 the system and teaches them to rely on family and
23 community to help them parent their children.
24 (example: placement of child and mom for makeup
25 fight) When children must be placed for safety,

1 finding family for a child, keeping siblings together
2 and removing barriers for this to occur is the best
3 possible solution. Placing a child in the care of a
4 stranger should be the last solution.
5
6 **Lesson number three:** FAMILY SERVICE PLANS NEED TO BE
7 REAL! Established goals and reviews of Family
8 Service Plans have been "boiler plate" -- meaning
9 that they all say the same thing. We have learned
10 that we have, as a system, set children and families
11 up to fail. Goals remain, "return home", for many
12 years, even when a child cannot possibly return home.
13 Family Service Plans set unrealistic expectations and
14 individual values get in the way of making
15 appropriate decisions for children and families.
16 (example: the twins kept in group home for 3 years,
17 MR mom case)
18
19 **Lesson learned number four:** WE CAN AND MUST "THINK
20 OUTSIDE THE BOX." I've learned a great deal since
21 leaving the legislature last year about the impact of
22 the laws we passed, the regulations promulgated from
23 the laws, and their effect on real families. While
24 well intended, the consequences of some of the
25 regulations can be devastating to children and

1 families. Let me share some examples with you: When
2 we passed the no-smoking ban, we were right to
3 include foster homes. However, with kinship care,
4 meaning care by a family member, we are wrong if we
5 keep a child from a family member because they smoke.
6 We also have regulations that spell out the number of
7 beds that are needed. Keeping a child from living in
8 a safe, loving environment because they have to sleep
9 on the couch just doesn't make sense.
10
11 **Lesson learned number five:** QUALITY NOT JUST
12 COMPETENCY. I worked for York County Children and
13 Youth Services from 1980-1987. And, up until the
14 time Richard came to York, the primary focus has been
15 on paperwork. We moved as an agency from caseworkers
16 to case managers. Case managers rely heavily on
17 providers while caseworkers are responsible to know
18 their families, engage their families, and assist
19 their families to plan for themselves. In the past
20 6 months, we have learned that quality counts.
21 Having all paperwork completed and in on time is
22 important, but not nearly as important as making good
23 decisions for the well being of our children and
24 families. Our culture and focus is changing. While
25 not an easy process, it is absolutely necessary.

1 National numbers tell us that children do not do well
2 in stranger care. From our own experience over the
3 past 6 months, we see our children aging out of the
4 system and returning to the homes and family that we
5 have kept them from.
6
7 Deputy Secretary Gold has been open to waivers of
8 regulations that don't make sense. Having him
9 monthly in our county has allowed us to use a
10 commonsense approach as we work with real children
11 and families. Our lessons learned are forcing us to
12 work smarter and more efficiently. We have a long
13 road ahead of us to bring about sustainable change
14 but thankfully we are moving in the right direction.
15
16 I want to thank the committee for giving me the
17 opportunity to share York County's experiences, and
18 again, thank you to DPW for what you have done and
19 continue to do for our York County Children and
20 Families.
21
22 * * *
23
24 EDUCATION LAW CENTER OF PENNSYLVANIA,
25 JUVENILE LAW CENTER, KIDSVOICE, SUPPORT CENTER FOR

1 CHILD ADVOCATES, AND LUCY JOHNSTON-WALSH, Penn State
2 Dickinson School of Law, Children's Advocacy Clinic,
3 Center on Children and the Law, submitted the
4 following written testimony:
5
6 In October of 2008, the President signed
7 into law the Fostering Connections to Success and
8 Increasing Adoptions Act ("Fostering Connections Act"
9 or "The Act"). The Act, which had bipartisan
10 support, is one of the most significant pieces of
11 child welfare legislation in the last decade. As
12 child advocacy agencies, we thank the Committee for
13 this opportunity to inform you about some of the
14 unprecedented opportunities that the Fostering
15 Connections Act provides children and families in
16 Pennsylvania. The Act provides the legislature an
17 excellent vehicle for reaffirming its commitment to
18 the children of the Commonwealth.
19
20 Moreover, in these tough fiscal times, it is
21 critical for the General Assembly to ensure that
22 Pennsylvania practice is in line with this new law so
23 that we may take advantage of every opportunity to
24 draw down federal child welfare funds. While our
25 child welfare system is dependent on a combination of

1 county, state, and federal funds, the Pennsylvania
2 system could not function without drawing down
3 Title IV-E funds. Pennsylvania receives a
4 54% reimbursement rate for the cost of placement and
5 related administration costs. Taking full advantage
6 of federal funding opportunities is essential to
7 ensuring that Pennsylvania receives a significant
8 portion of the funds it needs to serve abused and
9 neglected children.
10
11 We address specific sections of the
12 Fostering Connections Act that should be of interest
13 to the Committee, with an emphasis on where changes
14 in Pennsylvania law might be necessary.
15
16 **Mandates and Options that Promote Permanency**
17
18 » **Relative notification -- 42 U.S.C.A.**
19 **§ 671(a)(29)**
20
21 ° The Requirement
22
23 The Act requires that the county agency
24 exercise "due diligence to identify and provide
25 notice to" the youth's relatives within thirty days

1 of the youth's removal from his/her parent's custody.
2 The agency must inform these relatives of any
3 programs, services, and subsidies for which they may
4 be eligible that would enable them to care for the
5 child. The aim of this provision is to quickly put
6 in place family and child resources so as to avoid
7 placement altogether or at least reduce time in
8 placement. Ensuring timely and effective
9 notification could greatly decrease state and county
10 costs by reducing the number of children in
11 placement.
12
13 ° The Needed Legislative Change
14
15 No provision in the Juvenile Act or state
16 child welfare regulations speaks to relative
17 notification and, thus, this requirement needs to be
18 made clear in our law.
19
20 **» Sibling Placement -- 42 U.S.C.A. § 671(a)(31)**
21
22 ° The Requirement
23
24 The Act now requires that reasonable efforts
25 be made to place siblings together unless it is

contrary to the safety and well being of either sibling. Keeping siblings together after they have been removed from their parents' home helps maintain continuity and stability for these youth and minimizes the trauma and dislocation of removal. Compelling testimony by current and former foster youth regarding the frequency and impact of their separation from their siblings was an impetus to this federal provision.

° The Needed Legislative Change

Our state law and regulations do not mention the preference for placing siblings together. This new federal requirement needs to be embedded in our state law and regulations to be fully effective and enforceable.

» **Federal Support of Kinship Guardianship -- 42 U.S.C.A. § 673(d)**

° The Option to Draw Down Federal Funds

The Fostering Connections Act gives states the option to receive federal reimbursement for

1 kinship guardianship payments made to relative
2 caretakers when the agreement between the agency and
3 the relative contains elements specified in the Act.
4 Currently the state uses its own funds to provide
5 subsidies to relative caregivers who take
6 guardianship of youth from foster care. Taking this
7 option would allow Pennsylvania to save funds by
8 sharing the cost with the federal government.
9
10 ° The Needed Legislative Change
11
12 The Department of Public Welfare issued a
13 Bulletin or Permanent Legal Custodianship and
14 Subsidized Permanent Legal Custodianship in
15 August 2003, with a further clarification issued in
16 January of 2006. The Bulletin lays out the majority
17 of the elements required for a subsidized relative
18 guardianship agreement. These elements are almost
19 identical to what would be required to create a
20 reimbursable kinship guardianship agreement, except
21 for the explicit requirement in the Act to consult
22 with children who are age 14 or older. Since
23 Pennsylvania has supported subsidized kinship
24 guardianships through its bulletins, it should be a
25 simple matter to embed current policy -- along with

1 the consultation requirement -- in state law or
2 regulations.
3
4 **Improving Educational Stability and Achievement**
5
6 » **Promotion of School Stability and Immediate**
7 **Enrollment -- 42 U.S.C.A. § 675(1)(G)**
8
9 ° The Requirement
10
11 Children in the foster care system often do
12 not receive the educational stability and support
13 they need. Many move frequently from school to
14 school and experience enrollment delays. This
15 results in a disproportionately high drop out rate
16 for foster youth and barriers to self-sufficiency.
17 To dismantle these barriers to educational
18 achievement, the Fostering Connections Act requires
19 the child welfare agency to coordinate with local
20 education agencies to ensure that children remain in
21 the school in which they are enrolled at the time of
22 placement unless that would not be in the child's
23 best interests. 42 U.S.C.A. 675(1)(G). If it is not
24 in the child's best interest, the state must ensure
25 the child's immediate enrollment in a new school and

1 that the child's educational records are promptly
2 forwarded. 42 U.S.C.A. 675(1)(G). The Act also
3 increases the availability of federal funding that
4 may be used to cover education-related transportation
5 costs for children in foster care. 42 U.S.C.A.
6 675(4)(A).
7
8 ° The Need for Legislative Change
9
10 This new federal requirement must have a
11 state law correlate to ensure implementation. The
12 Fostering Connections Act places a clear mandate on
13 the child welfare agency, but it is less clear about
14 the requirements on school districts. Without state
15 legislation, school districts may not be able to
16 fulfill the Act's provisions. Additionally, clear
17 legislation is needed to clarify how the child
18 welfare agency will make the rights a reality, such
19 as how the agency will ensure that children have the
20 transportation needed to remain in the appropriate
21 school.
22
23 **Preparing Youth Aging Out of Care to be**
24 **Self-Sufficient, Contributing Members of Society**
25

1 » **Transition Plan -- 42 U.S.C.A. 675(5)(H)**
2
3 ° The Transition Plan Requirement
4
5 The law requires that at least 90 days
6 before the youth is to be discharged that:
7
8 a caseworker on the staff of the State
9 agency, and, as appropriate, other
10 representatives of the child provide the
11 child with assistance and support in
12 developing a transition plan that is
13 personalized at the direction of the
14 child, includes specific options on
15 housing, health insurance, education,
16 local opportunities for mentors and
17 continuing support services, and work
18 force supports and employment services,
19 and is as detailed as the child may
20 elect.
21
22 This provision responds to concerns that far too many
23 older youth are aging out of foster care to
24 homelessness and poor outcomes. The aim is to ensure
25 that a youth is not discharged from the child welfare

1 system until a proper plan is put in place. This
2 provision is in the public interest because it
3 ensures accountability in the child welfare system,
4 protects the investment of taxpayers in the child
5 welfare system, and protects the welfare of children
6 who have been parented by the child welfare system
7 until adulthood.
8
9 ° The Needed Legislative Change
10
11 There is no state statutory or regulatory
12 provision that requires that a plan be created or
13 presented prior to a youth's discharge from foster
14 care. Such a requirement is needed in state law to
15 give force to this federal mandate.
16
17 » **Receiving Federal Funds for Youth until Age 21**
18 **-- 42 U.S.C.A. § 675(8)(A)**
19
20 ° The Option to Draw Down Federal Funds
21
22 Current Pennsylvania law allows youth to
23 stay in the child welfare system until age 21 if they
24 are in a course of treatment or instruction. 42 Pa.
25 C.S.A. § 6302. Before the enactment of the Fostering

1 Connections Act, states could only obtain Title IV-E
2 reimbursement for youth in care until age 18, or age
3 19 if the youth was still in high school.
4 Consequently, Pennsylvania expended state and local
5 funds to continue youth in care until 21.
6
7 Federal law now permits a state to draw down
8 federal Title IV-E funds for youth until age 21 if
9 the state amends its definition of a child to
10 correspond with the language of the Act. This
11 provision was enacted in response to the overwhelming
12 data showing that youth greatly benefit from more
13 time in foster care to complete their education and
14 master their independent living skills. Pennsylvania
15 law is already ahead of that of many states because
16 it acknowledges that allowing youth to remain in care
17 until they are prepared for adulthood is the right
18 thing to do. But Pennsylvania law must be amended to
19 comply with the Act. The good news is that taking
20 this option will result in *immediate* cost savings to
21 the state, as the federal government will share the
22 cost of care. The state will also realize long-term
23 savings as these youth are less likely to rely on
24 state assistance as adults.
25

1 Moreover, this option can expedite
2 permanency for youth who may have otherwise remained
3 in placement until adulthood, as it also allows
4 adoption and relative care subsidies to continue
5 until the youth turns 21. Before the Fostering
6 Connections Act, the subsidies ended at 18, creating
7 a disincentive for foster parents to adopt or become
8 guardians of their foster children. By assuring
9 continued support for the youth, it is more likely
10 that foster parents will adopt or assume
11 guardianship.
12
13 ° The Needed Legislative Change
14
15 To draw down federal funds for these older
16 youth, state law and regulation will have to be
17 changed to track the Fostering Connections Act, which
18 defines a "child" as follows:
19
20 An individual who is under age 21, was
21 adjudicated dependent before reaching age 18,
22 and is engaged in at least one of the
23 following:
24
25 1. Completing secondary education or an

1 equivalent credential.
2 2. Enrolled in an institution which
3 provides post-secondary or vocational
4 education.
5 3. Participating in a program actively
6 designed to promote, or remove
7 barriers to employment.
8 4. Employed for at least 80 hours per
9 month.
10
11 OR
12
13 an individual who is under age 21, was
14 adjudicated dependent before reaching age 18,
15 and is incapable of doing the activities above
16 due to a documented medical or behavioral
17 health condition.
18
19 *****
20
21 The undersigned child advocates once again
22 thank the committee for this opportunity to share our
23 legal analysis of the mandates and options created by
24 Fostering Connections. If you have any questions or
25 require additional information, please feel free to

1 contact Jenny Pokempner, Esq., at Juvenile Law
2 Center, at 215-625-0551 or by email at
3 jpokempner@jlc.org.
4
5 * * *
6 **SUBMITTED DOCUMENTS**
7
8 NATIONAL GOVERNORS ASSOCIATION CENTER FOR
9 BEST PRACTICES submitted the following document:
10
11 **The Fostering Connections Act -- PL 110-351**
12
13 **Kinship Provisions** -- Effective October 7, 2008
14 • Optional Title IV-E Kinship Guardianship
15 Assistance FMAP match available for Title IV-E
16 eligible children in certain relative
17 guardianship placements (see PL 110-351 for
18 further guidance and requirements).
19 • Required state plan amendment for notice to
20 relatives of their options to care for a child
21 within 30 days of a child's removal.
22 • State plan requirement to explicitly permit a
23 case-by-case waiver to relatives for non-safety
24 foster care licensing requirements.
25

1 **Grant Opportunities** -- Effective October 7, 2008
2 • Family Connections Matching Grants available for
3 states to implement kinship navigator programs,
4 family finding, family group decision-making,
5 and residential family treatment programs.
6 Application information pending from ACF.
7
8 **Older Youth** -- Effective October 7, 2008 unless
9 otherwise specified
10 • State requirement to develop 90 day transitional
11 plan for youth aging out;
12 • Amendment of Chafee Foster Care Independence
13 Program and Education and Training Vouchers to
14 include youth leaving foster care after age 16
15 for guardianship or adoption;
16 • State option to extend IV-E Foster Care,
17 Adoption and Guardianship up to age 21 with
18 effective date of October 10, 2010.
19
20 **Training** -- Phase in beginning October 7, 2008
21 • Extension of claiming abilities for states
22 regarding IV-E training costs to include
23 relative guardians, private child welfare agency
24 staff, court personnel, attorneys, guardians
25 ad litem, and court appointed special advocates.

1 **Adoptions** -- Effective October 7, 2008 unless
2 otherwise specified
3 • Reauthorization of Adoption Incentives Program
4 Extension with increases in incentive amounts;
5 updated "baseline";
6 • State plan requirement to inform adoptive
7 parents of the Adoption Tax Credit;
8 • De-link of adoption assistance program from the
9 Aid to Families with Dependent Children (AFDC)
10 requirements -- Phase in beginning 2010.
11
12 **Other IV-E and IV-B Plan Requirements** -- October 7,
13 2008
14 • Assurance that any child qualifying for
15 Title IV-E is in school full-time or is
16 incapable of attending school based on a
17 documented medical condition;
18 • Plan for ensuring the educational stability of
19 each child;
20 • Requirement to make reasonable efforts to place
21 siblings removed from their home in the same
22 placement or to facilitate visitation unless it
23 is contrary to the safety or well-being of the
24 child;
25 • Health oversight and coordination plan required

1 for all children IV-E eligible.
2
3 **Tribal Provisions** -- October 1, 2009
4 • Federally recognized Indian tribes, Tribal
5 organizations and Tribal consortia now eligible
6 for direct Title IV-E funding for foster care,
7 adoption assistance, and kinship guardianship
8 assistance.
9 • Tribal technical assistance and IV-E plan
10 development grant opportunities (beginning
11 October 7, 2008).
12
13 * * *
14
15 PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE
16 submitted the following documents:
17
18 **SPECIAL TRANSMITTAL**
19
20 **SUBJECT:** Fostering Connections to Success and
21 Increasing Adoptions Act of 2008
22
23 **TO:** County Children and Youth Social Service
24 Agencies
25 Private Children and Youth Social Service

1 Agencies
2 County Children and Youth Fiscal Officers
3
4 **FROM:** Richard J. Gold
5 Deputy Secretary for Children, Youth and
6 Families
7
8 **PURPOSE:**
9 The purpose of this transmittal is to inform
10 public and private children and youth agencies about
11 the enactment of recent Federal legislation and the
12 impact, on agency operations and practice, of those
13 mandated portions of this legislation that are
14 immediately effective.
15
16 **BACKGROUND:**
17 On October 7, 2008, President George W. Bush
18 signed the Fostering Connections to Success and
19 Increasing Adoptions Act of 2008, (Public Law
20 110-351), into law. While this transmittal concerns
21 only those immediately effective mandates that do not
22 require Pennsylvania legislative change, the new law
23 makes several other significant amendments to the
24 Social Security Act. Some of the delayed changes
25 will be state-choice options for each state's

1 Title IV-E plan, such as expanding the possibility
2 of Title IV-E maintenance payments for youth up to
3 age 21, and implementation of a relative guardianship
4 program. The law also extends and expands adoption
5 incentives to fiscal year 2013, and gradually
6 de-links adoption assistance from Aid to Families
7 with Dependent Children (AFDC) eligibility. Agencies
8 may access the full provisions of the law by linking
9 to the Program Instruction issued by the
10 Administration for Children and Families (ACF) at:
11 http://www.acf.hhs.gov/programs/cb/laws_policies/
12 policy/pi/2008/pi0805.htm.
13
14 **DISCUSSION:**
15 Many requirements of this new law became
16 effective upon enactment, on October 7, 2008.
17 Delayed implementation was possible only if State
18 legislation was necessary for compliance. After
19 careful review by the Office of Children, Youth and
20 Families (OCYF), it was determined that no
21 legislation would be needed. Therefore, immediate
22 implementation of the mandated portions of the law is
23 necessary.
24
25 OCYF will continue conducting analyses of

1 the fiscal and programmatic implications of the state
2 plan options created by the new law to determine
3 which, if any, options Pennsylvania will incorporate
4 into future Title IV-E State Plans. To be clear,
5 these Title IV-E reimbursable options are not
6 available for counties to exercise on a basis
7 independent of the State-wide plan.
8
9 Also, to be determined is which departmental
10 policy clarifications and bulletins may need to be
11 updated or developed to fully implement all relevant
12 requirements of the new law. To that end, OCYF will
13 be consulting with the Pennsylvania Department of
14 Education (PDE), other DPW program offices, the
15 Educational and Juvenile Law Centers (ELC and JLC) to
16 insure the integrity of further guidance. OCYF has
17 also submitted questions to the Administration for
18 Children and Families (ACF) for clarification on
19 particular issues. Additional guidance and policy
20 updates should be anticipated.
21
22 In the meantime, it is necessary for both
23 county children and youth and provider agencies to be
24 aware of, and to take implementation steps towards,
25 the immediate practice requirements. Some of these

1 have been ingrained in county and State practice
2 prior to the passage of this legislation, and will
3 not be new to agencies. For those that are new, and
4 required Pennsylvania's compliance on the effective
5 date, no licensing actions will be taken against
6 agencies for failure to comply between the effective
7 date of October 7, 2008, and 60 days from the date of
8 this special transmittal. Unless specifically noted,
9 agencies can be cited for non-compliance for any
10 portions of these steps that are currently required
11 practice.
12
13 Following are the plan requirements under
14 Title IV-B and Title IV-E of the Social Security Act
15 as amended by the new federal legislation, and
16 effective as of October 7, 2008, unless otherwise
17 noted, as well as OCYF interim instruction for
18 practice implementation:
19
20 Notification of Adult Relatives
21
22 • *Requirement* -- Due diligence must be
23 exercised to identify all adult relatives
24 within 30 days of a child's placement,
25 notify them that the child has been or is

1 being removed, and explain to them their
2 options to participate in the care and
3 placement of the child. Identification of
4 relatives as prospective kinship resources
5 is not a new policy, and agencies will
6 continue to be held accountable for the
7 identification of, and search for,
8 appropriate relative resources. Through
9 OCYF Bulletin #00-03-03, Kinship Care
10 Policy, certain notifications were already
11 required, but notification requirements
12 have been expanded. The 30 day time frame
13 for notification requirement *is* a new
14 practice for agencies, and agencies will
15 not be cited for failure to comply before
16 the 60th day following the effective date
17 of this transmittal.
18
19 • *Reference* -- The definition of 'relative'
20 in OCYF Bulletin #3140-04-05/3490-04-01,
21 Child Placements with Emergency Caregivers:
22 "someone related within the first, second
23 or third degree to the parent or stepparent
24 of the child who may be related through
25 blood or marriage and who is at least

1 21 years of age." *(Following clarification*
2 *from ACF, this definition may be expanded*
3 *to become consistent with the definition*
4 *related to removal home in The Code of*
5 *Federal Regulations which is as follows: A*
6 *specified relative is defined as any*
7 *relation by blood, marriage or adoption who*
8 *is within the fifth degree of kinship to*
9 *the dependent child. This includes*
10 *great-great-great grandparents and first*
11 *cousins once removed (children of first*
12 *cousins)).* The 'Emergency Caregiver'
13 bulletin also establishes the policy to
14 give first consideration for placement to
15 relatives of a child, and to document why
16 such placement was not possible, if it were
17 not. Also, reference the procedure for
18 approving kin for resource care in OCYF
19 Bulletin #00-03-03 Kinship Care Policy,
20 as well as OCYF Bulletin
21 #3130-03-01/3140-03-07, Permanent Legal
22 Custodian Policy. The new federal
23 requirement expands these existing policies
24 by requiring greater accountability for
25 agency efforts through the prescribed

1 30 day notification process.
2
3 • *Instruction* -- At a minimum, 'due
4 diligence' should involve interviews with
5 all household members, including school-age
6 children, preferably prior to any
7 placement, to identify, by order of the
8 family's preference, any relatives with
9 whom the child has an ongoing relationship,
10 any relatives in the child's community and
11 other relatives outside of the child's
12 community. Names and contact information
13 should be collected. If the family is
14 unable to provide contact information, the
15 agency should use other family finding
16 tools, including the Federal Parent Locator
17 Service, now available as a result of this
18 legislation.
19
20 Attachment A, "Summary to Kinship
21 Caregivers", of OCYF Bulletin #00-03-03,
22 has been revised to serve as a letter of
23 notice that includes information about home
24 approval opportunities and requirements.
25 This written notification to identified

relatives must occur within 30 days of the child's removal from the home, to inform them of their opportunity to become a resource for the child. Registered mail is suggested. Documentation of interview results and contact efforts must be in the family and child record.

- *Note* -- The requirement to identify and notify adult *relatives* does not obviate the existing OCYF policy requirement, as stated in OCYF Bulletin #00-03-03, to also identify adults who qualify as 'kin': God parents, members of Tribe or clan or someone with a "significant positive relationship with the child or the child's family". Agencies should make every attempt to identify the most appropriate kin or relative who can best meet the child's need for stability and family connection.

Licensing Waivers for Relatives

- *Provision* -- The new law explicitly

1 permits case-by-case waiver request review
2 of non-safety licensing standards for
3 relative resource homes being studied for
4 approval to provide foster care for related
5 children. Data on the use of waivers to
6 approve relative homes will be gathered for
7 a report to be submitted by Health and
8 Human Services within two years of the
9 effective date of the legislation. This
10 provision will not require a new practice
11 or policy for agencies, since agencies
12 currently have the option to request such
13 waivers for any prospective resource home.
14
15 • *Reference* -- Per §3700.5, (relating to
16 waivers). As required, an agency must
17 present information to the effect that the
18 waiving of the specific regulatory
19 requirement will have no adverse effect on
20 any children placed in the home, and that
21 the objective of the requirement will be
22 assured in an alternate fashion.
23
24 • *Instruction* -- Agencies are encouraged to
25 be mindful of the expectation to keep

1 children in relative homes whenever
2 feasible, and are encouraged to use the
3 waiver request process, to facilitate home
4 approval in a timely fashion. Efforts to
5 eliminate home approval barriers, such as
6 alternate means to meeting training
7 requirements, should also be considered.
8
9 Placing Siblings Together
10
11 • *Requirement* -- Reasonable efforts must be
12 made to place siblings together or, if not
13 possible, to facilitate ongoing contacts,
14 unless contraindicated for safety or
15 well-being reasons. This requirement does
16 not reflect a new philosophy for agencies,
17 but rather codifies the need for agencies
18 to be structured and accountable for their
19 practice of it.
20
21 • *Instruction* -- When removing siblings from
22 home, provided there is no contraindication
23 for doing so, agencies must make every
24 attempt to find an approved or approvable
25 resource home that is able to accommodate

1 all siblings, both physically and
2 dispositionally, even if a waiver request
3 is needed to do so. *'Every attempt'* in
4 this context means considering all kin,
5 relative and provider agency homes that
6 will allow the children to remain in or as
7 close to their home community as possible.
8 Efforts to keep the children together
9 should be documented in the record. If the
10 agency is unable to place siblings
11 together, efforts to keep them as proximal
12 to each other as possible should be made,
13 following the same instruction for home
14 search. A case plan with contact
15 frequency, location and participants must
16 feature opportunities for regular sibling
17 face-to-face visitation, at no less
18 frequency than once per month. Visits may
19 be coincident with parent/guardian
20 visitation, if appropriate and
21 convenient. Case plans should also
22 include a phone contact schedule to assist
23 siblings in maintaining their familial
24 connection.
25

1 Educational Stability/School Travel Reimbursement
2
3 • *Requirement* -- The child's case plan must
4 include provisions to assure the
5 educational stability of the child while in
6 foster care. The new law requires that the
7 agency work in partnership with the local
8 school district to allow the child to
9 remain in the child's home school when
10 doing so is in the child's best interests;
11 this provision includes reimbursement for
12 reasonable travel to and from the child's
13 home school. Again, this requirement does
14 not reflect a new philosophy for agencies,
15 but rather codifies the need for agencies
16 to be structured and accountable for their
17 practice of it.
18
19 • *Reference* -- OCYF Bulletin
20 #3130-08-01/3140-08-03, Educational
21 Stability and Continuity for Children in
22 Substitute Care. By §3130.67(b)(iv),
23 (relating to placement planning), agencies
24 are to take a child's proximity to school
25 and appropriateness of the educational

1 placement into account when placing a
2 child. *By the new federal legislation, the*
3 *cost of reasonable travel to and from*
4 *school, to enable a child to remain in the*
5 *same school, may now be included as an*
6 *allowable foster care maintenance cost.*
7
8 • *Instruction* -- When developing the Child's
9 Permanency Plan, agencies must include
10 documentation of efforts to keep the child
11 in his or her previous school, including
12 efforts to arrange for transportation
13 (e.g., reimbursement to a foster parent,
14 coordination with school district,
15 navigating public transportation options,
16 etc.). Documentation should also include
17 how the current school enrollment meets the
18 child's educational needs. Only when it is
19 not in the child's best interest to remain
20 in their home school should the child be
21 enrolled immediately in the school where
22 their placement is located. Additionally,
23 the case plan should include how visits and
24 appointments will be made during non-school
25 hours whenever possible. County agencies

1 are required to establish partnerships with
2 local school districts to facilitate the
3 requirement to assure educational stability
4 for children in care. In addition, OCYF
5 continues to work with the Pennsylvania
6 Department of Education (PDE) to insure the
7 educational needs of children and youth are
8 met, and will focus attention of these
9 provisions. The ELC will be providing
10 input to assist in determining the nature
11 of the coordination between agencies and
12 the child's home school district.
13
14 Assurance of School Attendance
15
16 • *Requirement* -- Assurances must be made
17 that each child, of compulsory school age,
18 who is receiving Title IV-E foster care,
19 adoption or guardianship maintenance
20 payments (should Pennsylvania choose the
21 subsidized kinship guardianship option), is
22 a full-time student or is incapable of
23 attending school due to a documented
24 medical condition. Home schooling, meeting
25 state requirements, will qualify. This

1 requirement is new in that it includes
2 populations of children who have an ongoing
3 fiscal relationship with children and youth
4 *only*, but are no longer active cases.
5
6 • *Instruction* -- Agencies are already
7 required to maintain a child's education
8 records in the child's record, per
9 55 Pa. Code §3130.43(c)(10) (relating to
10 family case records). Currently, however,
11 there is no mechanism to collect updated
12 school information on children receiving
13 adoption subsidies, (or guardianship
14 subsidies, should Pennsylvania choose the
15 subsidized kinship guardianship option).
16 While the revised Title IV-E manual will be
17 addressing this issue, in the meantime,
18 counties must include a question relative
19 to school attendance in the annual contact
20 with adoptive families receiving subsidy
21 for a child of compulsory school age.
22 Adoption subsidy agreements must now
23 include the specific expectation that the
24 adoptive parents will notify the agency if
25 a child of compulsory school age is no

1 longer a full-time student, as well as the
2 expectation that this information will be
3 requested annually during the agency's
4 required contact. OCYF is requesting
5 guidance from ACF regarding the issue of
6 family non-response to annual contacts.
7
8 Personalized Transition Plan
9
10 • *Requirement* -- Case plan for the child
11 must include a personalized transition plan
12 for youth emancipating from
13 federally-defined foster care during the
14 90 days prior to the planned emancipation
15 at age 18 or later. This requirement is
16 new for agencies.
17
18 • *Reference* -- §3130.67(b)(11), (relative to
19 placement planning), enjoins county
20 agencies to consider transition planning
21 for children age 16 and older who are in
22 foster care, and will be moving to
23 independent living. *The new requirement*
24 *moves beyond 'consideration' to 'requiring'*
25 *within 90 days of discharge, and creates*

1 *greater accountability. The new*
2 *requirement also mandates that the*
3 *transition plan be reviewed by the court*
4 *before the youth is discharged from care.*
5
6 • *Instruction* -- As part of the Child
7 Permanency Plan, agencies must develop a
8 youth-directed transition plan designed to
9 meet the specific needs of any child in
10 agency custody for whom there is a case
11 plan to discharge the child from agency
12 custody at age 18 or later. The transition
13 plan must be done within the 90 days prior
14 to the anticipated court discharge, and
15 must include elements of ongoing or planned
16 permanency connections, as well as plans to
17 meet the child's housing, education,
18 service, financial, physical and behavioral
19 health needs and any other needs identified
20 by the youth. Current service providers
21 should be included in the planning to
22 insure needed transitions to adult services
23 will occur. This plan must be reviewed by
24 the court prior to discharge.
25

1 • *Note* -- The plan must also include
2 notification to the youth of the option to
3 request the court to allow the youth to
4 remain in care, provided the youth is
5 engaged in a secondary or postsecondary
6 educational or vocational program or, an
7 alternate course of instruction or
8 treatment.
9
10 Extension of Services to Youth Achieving Permanency
11 at Age 16+
12
13 • *Provision* -- The law amends the
14 Chafee Foster Care Independence Program
15 (CFCIP) and the Education and Training
16 Grant (ETG) Program explicitly to extend
17 benefits to youth who exit foster care and
18 enter into kinship guardianship or adoption
19 after turning age 16. While Pennsylvania
20 has used the flexibility of these two
21 programs to include these children as part
22 of the population served, the change in the
23 law will allow federal monies to now be
24 used for the full range of service
25 benefits, including room and board for

1 those children exiting care to permanent
2 situations after age 16. Up until now,
3 state and local monies were the only source
4 of room and board support for that
5 population. The law does not specify that
6 guardianship or adoption be subsidized in
7 order for the youth to qualify.
8
9 • *Instruction* -- Prior to the finalization
10 of the kinship guardianship or adoption for
11 a child age 16 or older, the agency must
12 provide written notification to both the
13 child and the permanent caregiver(s) of the
14 child's eligibility for CFCIP and ETG
15 benefits; the notification must include
16 information about the programs, how to
17 access them and the fact that the child can
18 initiate access up to age 21. There should
19 be signed documentation in the child's
20 record that this information package was
21 provided.
22
23 Health Oversight/Coordination Plan
24
25 • *Requirement* -- The Title IV-B Plan

1 requirement was amended to insure that
2 States and Tribes coordinate with the State
3 Medicaid agency to develop an oversight
4 plan for coordination of all health care
5 services, including mental and dental, for
6 children in foster care. Currently,
7 children in foster care are tracked through
8 the Early and Periodic Screening, Diagnosis
9 and Treatment (EPSDT) Program, with county
10 assistance offices working closely with
11 children and youth.
12
13 • *Reference* -- OCYF Bulletin #99-94-03,
14 "EPSDT Protocol for Children in Placement",
15 as well as §3700.51 (relating to medical
16 and dental care) and §§3800.141-149
17 (relating to child health).
18
19 • *Instruction* -- Children in foster care
20 should continue to receive periodic
21 physical and behavioral health screenings,
22 as well as dental and vision exams,
23 according to the schedules delineated in
24 these policy and regulatory cites.
25 Agencies should review their practice

1 protocols to insure that evidence of health
2 plan coordination is included in the
3 child's record.
4
5 Federal Adoption Tax Credit
6
7 • *Requirement* -- Title IV-E agencies must
8 inform prospective adoptive parents of the
9 adoption tax credit. This requirement is
10 new for agencies.
11
12 • *Instruction* -- The revised Title IV-E
13 manual will include information about this
14 issue, and the model Adoption Assistance
15 Agreement will insure information delivery
16 to prospective adoptive parents of children
17 eligible for subsidy. However, this credit
18 applies to all adoptions, not only those
19 subsidized. Agencies must insure that
20 prospective adoptive parents are provided
21 with information about their possible
22 eligibility to claim adoption tax credit,
23 and agencies must document in the record
24 that the information was provided.
25

- *Note* -- OCYF will develop a model form to be disseminated with the issuance of a more formalized policy directive. In the meantime, it is recommended that agencies develop a simple form that prospective adoptive parents can sign, acknowledging that they have been informed about the adoption tax credit. The form should note that adoptive parents should consult with their tax advisor if they have questions. Including the Internal Revenue webpage link on the form may be helpful: http://www.irs.gov/taxtopics/tc607.html.

Promotion of Adoption of Children With Special Needs

- *Requirement* -- The law makes changes to the adoption assistance program by de-linking the adoption assistance program from the AFDC requirements and by changing other program requirements, with most changes taking effect beginning **October 1, 2009.**

- *Instruction* -- The phase-in is based on

1 whether the child is defined as "an
2 applicable child", which primarily relates
3 to the age of the child in the year the
4 adoption assistance agreement becomes
5 effective. The revised program rules apply
6 to children who turn 16 or older and for
7 whom an adoption assistance agreement is
8 entered into in Federal Fiscal Year 2010
9 (October 1, 2009 - September 30, 2010).
10 Each subsequent year the qualifying age to
11 apply the revised program rules decreases
12 by two years until children of any age may
13 be eligible, according to the revised
14 criteria, on October 1, 2017.
15
16 Children of any age who have been in
17 foster care for 60 consecutive months
18 (5 years) or who are a sibling to a child
19 who is eligible due to the sibling's age
20 (based on the requirements mentioned above)
21 or length of time in foster care
22 (60 consecutive months) are also exempt
23 from the AFDC requirement. In order to
24 comply with this requirement, siblings must
25 be placed in the same adoptive placement.

1 Further guidance is being requested from
2 ACF regarding whether siblings must be
3 placed in the same adoptive placement at
4 the same time in order to meet this
5 requirement.
6
7 Even though these children no longer need
8 to meet the AFDC requirement to be eligible
9 for Title IV-E funding, they must continue
10 to meet the special needs requirements:
11 free for adoption; special needs
12 characteristic; reasonable, but
13 unsuccessful efforts made to place the
14 child with appropriate parents without
15 providing adoption assistance.
16
17 *Starting* ***October 7, 2008,*** *children who*
18 *have special needs but who are not citizens*
19 *or residents of the United States and were*
20 *either adopted in another country or*
21 *brought to this country for the purposes of*
22 *adoption are categorically ineligible for*
23 *adoption assistance, except if the child*
24 *meets the eligibility criteria after the*
25 *disruption of the international adoption.*

Note -- The revised Title IV-E manual will include information about these issues.

Any questions regarding this transmittal should be directed to the appropriate OCYF Regional Office.

c: Ms. Sandra Moore (AOPC)
Mr. Charles Songer (PCYA)
Mr. James Anderson (JCJC)
Ms. Bernadette Bianchi (PCCYFS)
Mr. Connell O'Brien (PCPA)

* * *

COUNTY AGENCY LETTERHEAD

Notification for Kinship Caregiver Opportunity

You have been identified as a kinship relation to _____, a child who cannot remain in the care of his/her parent(s). This letter will serve as notice of your opportunity to express interest in being considered as a placement resource for _____. Please take the time to read over

1 the following information so that you may decide
2 whether or not you wish to pursue becoming an
3 approved caregiver for this child. We will be happy
4 to answer any questions you have about the
5 information provided, but you will need to respond to
6 us by this date, _____, in order to be
7 considered.
8
9 Kinship care is the full-time nurturing and
10 protection of a child who is separated from his/her
11 parents and placed in the home of a caregiver who has
12 an existing relationship with the child and/or the
13 child's family. In most cases, a kinship caregiver
14 is a relative of the child by blood or marriage, but
15 kin may also include members of a tribe or clan, a
16 godparent through a recognized church or someone who
17 has a significant relationship with the child or the
18 family.
19
20 When the county agency has legal custody of
21 a child, and out-of-home placement is made with a
22 kinship caregiver approved as a resource parent to
23 provide foster care for the child, the arrangement is
24 termed 'formal kinship care'. ('Informal kinship
25 care' occurs when families agree to private

1 arrangements for kin to provide care for a child, and
2 the county agency does **not** take legal custody of the
3 child.)
4
5 When a child is in the custody of the county
6 agency, and placement is planned with a kinship
7 caregiver, the caregiver must meet all of the foster
8 care approval requirements of the foster family care
9 agency as well as those set forth in Title 55 Pa.
10 Code, Chapter 3700 (relating to Family Foster Care
11 Agency).
12
13 Unless you are already an approved resource
14 parent, if you choose to become an approved caregiver
15 for the child, the county agency or a private foster
16 family care agency will complete an assessment of you
17 and your home. If the child who is in the custody of
18 the county agency was placed with you on an emergency
19 basis, in order for the child to remain in your care,
20 resource parent approval must occur **within 60 days**.
21 The county agency or private foster family care
22 agency will assist and guide you through this
23 process. If you are approved as a resource parent,
24 you can receive foster care maintenance payments for
25 the care of the child.

1 You must meet the following **minimum** foster
2 care requirements set forth in Chapter 3700 in order
3 to become an approved resource parent:
4
5 • Be at least 21 years of age;
6 • Have a medical appraisal performed by a
7 licensed physician to establish that you
8 are physically able to care for the child
9 and are free from communicable disease;
10 • Complete a criminal background record,
11 including an FBI check, and child abuse
12 clearance to determine the existence of
13 certain criminal offenses and/or history of
14 child abuse;
15 • Undergo at least two interviews with a
16 caseworker. The purpose of these
17 interviews is to enable the agency to
18 assess the following:
19 -- your ability to provide care, nurturing
20 and supervision to the child and to
21 protect the child from abuse or neglect;
22 -- your mental and emotional stability;
23 -- your supportive ties within the
24 community;
25 -- your own relationships;

1 -- your ability to work in partnership
2 with the agency, the child and his/her
3 family; and
4 -- your ability to discipline the child
5 without using physical or corporal
6 means;
7 • Consent to agency inspection of your house
8 to make sure it meets all of the
9 requirements for foster family residences,
10 including:
11 -- safety caps on electrical outlets;
12 -- poisonous materials marked and not
13 accessible to children;
14 -- an operable portable fire extinguisher;
15 -- heating devices which have been
16 properly installed and maintained;
17 -- emergency telephone numbers posted
18 adjacent to the telephones;
19 -- operable smoke detectors;
20 -- separate and adequate bedroom space for
21 the child;
22 -- drinkable well water (if you have a
23 well, it must be tested);
24 -- an operable heating system; and
25 -- an operable telephone;

- Supply several references, (these may include your family physician, family members, neighbors and other unrelated persons);
- Complete an orientation program for new resource parents;
- Participate in six hours of agency approved training annually; and
- Cooperate with an annual re-evaluation.

To be an approved resource parent you must meet all of the above requirements. However, in any case in which a non-safety related requirement can not be met, making home approval difficult (a health problem, for instance), our office may request a waiver. A waiver request is possible for any regulatory requirement that would not affect the health, safety or rights of the child. Such a request would be submitted to the Department of Public Welfare for approval.

In some situations, we may conduct an initial home visit and assessment and recommend that the child be placed with you while a full home assessment is being completed. If such a placement

occurs, you must obtain criminal, FBI and child abuse clearances from the appropriate offices **immediately** upon placement of the child. Our agency will provide you with the necessary forms, and direction. *You are eligible for payment of the child's care during this period.*

If these clearances are not returned to you within **60 days** of the initial placement of the child, your home cannot be approved. During this 60 day period, the rest of the home assessment must also be completed. Again, if any portion of the assessment, including training requirements are not completed by the 60th day of placement, *your home cannot be approved.*

These timetables are important to remember.

Not all applicants are approved. If you do not, or your home does not, meet regulatory requirements at the time of the home assessment, we will notify you that we cannot approve you as a resource parent. If you are not approved as a resource parent, you have the right to appeal the decision to the Department of Public Welfare. Should

1 this situation arise, we would provide you with
2 notice of your right to appeal. If you are not
3 approved as a resource parent, the child may not be
4 able to remain in your care while in the legal
5 custody of the county agency unless ordered by the
6 court.
7
8 If you are not approved and still want to
9 provide care to the child, an option would be to
10 transfer custody of the child to you giving you legal
11 guardianship. Should this occur, financial support
12 and medical coverage may be available either directly
13 from the parents or through the County Assistance
14 Office (CAO). This would include Temporary
15 Assistance for Needy Families (TANF) benefits. The
16 phone number for the local CAO is _____. The
17 CAO worker will assist you in determining what
18 benefits are available. Our agency will remain
19 available to assist you in this process.
20
21 If you are approved as a resource parent,
22 you can expect the following to occur:
23
24 • You are eligible to receive the same
25 foster care maintenance payment as a

1 non-relative/non-kin resource parent for
2 the care of the child. In addition, a
3 Pennsylvania Medical Assistance Card or
4 HMO Membership Card may be available to the
5 child to cover medical costs.
6 • You may work with more than one
7 caseworker. One may be a coordinator who
8 will meet with you periodically after your
9 home assessment is completed to assist you
10 in understanding your role as a resource
11 parent with our agency and providing you
12 with support services. Another caseworker
13 may work with you, the child and the
14 child's parents towards the short and
15 long-term goals of placement and permanency
16 for the child. You will see one of these
17 workers at least monthly.
18 • You will be expected to be the primary
19 caregiver to the child and to work with the
20 agency and the child's family around
21 visitation and planning for the child.
22 This expectation includes participation in
23 service plans, ongoing team meetings, and
24 court hearings if requested. You will need
25 to keep the agency aware of all contact

between the child and his/her parents. You will care for the child as a parent would, working at all times to nurture and meet his or her developmental needs.

Formal kinship care, as is true for all types of substitute care, is intended to be *temporary*. Out-of-home placement allows the family a reasonable period of time to correct the circumstances that resulted in the placement of the child. The agency has a duty to work toward the most permanent home possible for the child in the most timely manner possible. As a result, the agency conducts **concurrent planning**, a practice that plans for family reunification while, at the same time, plans for an alternate permanency option. A permanency plan is developed as soon as a child is placed in foster care.

Permanency plan options include the following:

- return home;
- adoption;
- placement with a permanent legal

custodian;

- placement with a fit and willing relative; and
- another planned placement that is intended to be permanent.

The information provided to you is intended to assist you in making decisions regarding your willingness and ability to provide kinship care or permanency to the child(ren). Should you have further questions, you may contact the caseworker or supervisor listed below.

Caseworker:_____

Casework Supervisor:_____

Agency Phone #:_____

Date:_____

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings and that this is a correct transcript of the same.

_____
Debra B. Miller, Reporter