



House Children & Youth Sub-Committee

September 13, 2012

Good afternoon, Chairwoman Harper, committee members and staff. I am Sandy Moore and I serve as the Administrator for the Office of Children and Families in the Courts (OCFC). Prior to this I was a county Child Welfare Administrator, a Human Services Director and have twenty years of child welfare experience. The OCFC is a division of the Administrative Office of Pennsylvania Courts and was established by the Supreme Court of Pennsylvania in 2005 to oversee the federal Dependency Court Improvement Program. Having already addressed the committee on one occasion with Supreme Court Justice Max Baer, I'd like to thank you for this opportunity to address the committee again.

The OCFC supports the work of Pennsylvania Common Pleas judges who hear cases of child abuse & neglect, Child Welfare Administrators and others involved in the child dependency system. This support is guided by the Children's Roundtable Initiative, a three-tiered communication structure that includes local Children's Roundtables, Leadership Roundtables, and a State Roundtable. Judges, Child Welfare Administrators, legal and social work professionals and others are involved in all tiers of that structure with Supreme Court Justice Max Baer, Deputy Secretary Mackereth and me co-chairing the annual State Roundtable meeting ... the decision-making body for Pennsylvania's Dependency Court Improvement.

In the summer of 2006, at its inaugural meeting, State Roundtable members identified a need to shift our child dependency system from one that "tells people what to do" to one that "asks people what they need"; from a system that continues "child and family isolation" to one that "actively supports the involvement of the community in child protection, well-being and permanence".

SRT members also discussed the challenges inherent with using an adversarial court system to resolve family conflicts and keep children safe, agreeing that the adversarial court process works in criminal matters, works somewhat in civil matters, but simply does not work well at all in family matters.

Finally, they discussed the historical practice of providing the same or very similar services to every child and family that comes before them and the sad reality that Family Service Plans and Court Orders in many jurisdictions were offering the same services to all children and families regardless of need. They unanimously agreed that our work with families must be individualized to the specific needs of each child and each parent.

A colleague recently suggested to me that "...systems are perfectly designed to get the exact results they are getting. Getting better results means have a better design."

The traditional child welfare and adversarial court practice is filled with caring and dedicated professionals who want to help children and families. The system design however is flawed. It relies on people who are strangers to a child/family (social workers, attorneys, judges and others) to diagnose problems, debate whether the problems exist and if proven, prescribe solutions (typically parenting instruction, drug/alcohol treatment, and mental health assessment/treatment). This design doesn't work well. Indeed this design encourages families to be dependent on governmental systems, discourages individualism, and maintains isolation and secrecy which is incredibly dangerous for children.

The traditional child welfare system is designed to motivate positive change by having professionals identify what they believe to be wrong with a child or family and then telling that child or family what to do to fix what is "wrong". If you believe that to be an effective design for motivating change, I offer you this simple test. Go home tonight and tell your significant other everything that is "wrong" with them, then tell them what they need to do to fix what is wrong with them...then sit back and see how the rest of your evening goes. The process doesn't work with those we love and who love us...to assume it would work with strangers makes no sense. Yet this is typical of our current "helping process".

In 2006 that first State Roundtable identified six practices (some court related, some social work related) that they believed could positively impact the design of our child welfare system and ultimately increase positive outcomes. Family Finding (FF) and Family Group Conferencing (FGC) were two of those practices. Both promote a different design; a design that is grounded in the belief that children are safest when there are many eyes, ears and hearts involved in their lives; a design where children and families are not isolated, where problems are openly discussed, and where the larger family helps create and take ownership of solutions. FF and FGC widen the circle of involved, committed extended family and community members. FF identifies and brings into the planning process the healthiest members of a child's family (broadly defined) while FGC allows those persons an opportunity to develop their own plan (with agency acceptance of the plan required and court approval, if the court is involved).

As Judge Kim Berkeley Clark, of the Court of Common Pleas of Allegheny County, has said, "Listening to FGC participants discuss the worries they have for children, family strengths, and community assets, and then tapping their collective wisdom to develop and implement a plan makes sense. Bringing these "common sense" plans into the courtroom – plain and simple – works!"

Those plans "work" for many reasons, but one critical element is a portion of the planning process known as "private family time". As such, I'd like to take a moment to underscore and reiterate an important point made by Justice Baer when we previously testified. Key to FF and FGC working is the notion of "private family time". This is critical and it is included in your House Bill. Families talk and plan differently when professionals are in the room. Again, this component is contained in your House Bill and I am both appreciative and encouraged by its inclusion. Without this key component, the unintended consequence will be an undermining of the progress already made in our state.

Some may suggest FF and FGC aren't right for all families. Some might suggest private family time isn't necessary or that families will not want it. Clearly, in situations where safety cannot be assured, a FGC would not be appropriate. Your bill addresses this. On the other points, I can only speak from my own experience as a former child welfare administrator having supported hundreds of family group conferences, my experience observing family group conferences, and my experience being invited into private family time as a friend in two separate conferences (one for a struggling child and another for a friend with terminal cancer). From those vantage points, I have never heard of or experienced a family refusing private time. But, even if that were to occur, HB 2500, as written, addresses the issue by requiring the agency to "offer" a family conference (which implies a family can refuse such) and allowing families to identify who will participate in their private family time. Children and parents identify who they consider to be family and supportive.

FF and FGC as described, respectively, in House Bills 2499 and 2500 advocate an empowering settlement process for child welfare cases. Courts are very familiar and supportive of settlement processes. In the words of one Trial Judge "It's a no brainer!"

FF and FGC have been core elements of the Court Improvement work known as the Permanency Practice Initiative, which was established in 2006. As of today, 35 counties are voluntarily involved in the PPI. Those 35 counties care for 78% of children in out-of-home care. FF and FGC are not new concepts to Pennsylvania. HB 2499 and HB 2500 support the work of courts, child welfare agencies, and other concerned

persons. Most important, the enactment of HB 2499 and HB 2500 would create a network of safety for children that, done right, will outlive the agency and the court's involvement in their lives. We applaud and thank the committee for its work on these important issues.

In the words of several jurist:

"FF and FGC bring the collective voice of children, families, and communities into the dependency courtroom in an unprecedented manner. It encourages and supports children safely remaining in their own homes/communities and, when placement is needed to protect a child's safety, it encourages and supports the use of kinship resources thereby reducing any potential emotional trauma associated with placement."
Honorable Max Baer, Supreme Court Justice

"When you help a family, you help a child. FF and FGC does both."

- Honorable Jolene Grubb Kopriva, President Judge Blair County

"FGC isn't just what we should be doing; it's what we should have been doing all along."
Honorable Todd Hoover, President Judge Dauphin County

