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My name is David Fair, and I am the Deputy Chief Executive Officer at Turning Points for Children (Turning Points), a Public Health Management Corporation subsidiary operating in Philadelphia. Turning Points is the largest provider of child welfare services in Philadelphia County, offering various prevention and intervention services to more than 4,000 children annually.

This testimony is submitted in support of [House Bill 2213 \(Limitation of Liability for Social Service Providers\)](#) and House Bill 2214, [Making Indemnification Language Unenforceable in Governmental Contracts with Private Children and Youth Social Service Agencies and Children Residential Services](#).

Turning Points operates four Community Umbrella Agencies (CUA) in Philadelphia. CUAs are community-based agencies subcontracted with and operating under the license of Philadelphia's Department of Human Services (DHS). Turning Points CUAs are responsible for direct case management services for families in four of ten regions in Philadelphia; five other community organizations provide CUA services in the rest of the city. For a more detailed description of how the CUA system differs from other counties' child welfare systems, please refer to Appendix I, where I have submitted testimony from Dawn Holden Woods, former CEO of Turning Points.

Virtually all children receiving child welfare services in Philadelphia are supported by CUA case managers and other CUA staff, most of them at Turning Points. Since 2013, Turning Points has provided child welfare support to upwards of 15,000 children and their families, and in some instances, incidents have occurred that have led to legal claims against our agency. These claims – usually for several million dollars each – are made against the CUA agency directly primarily because by statute Pennsylvania limits liability for the county agency and in our case specifically Philadelphia DHS. When immunity exists for those except the private agency, the lawsuits will target those with no limitation of financial liability. It's not a matter of who or what entity is responsible, it becomes a matter of who has the ability to pay. And unfortunately, pay-outs imply blame in the public's eye, which further threatens the positive impact of agencies like Turning Points.

So far, every significant lawsuit against Turning Points has been settled by our insurance carriers for large financial amounts in order to avoid further legal action and even higher costs. However, the growth in cases against Turning Points and other agencies throughout the Commonwealth has led many insurers to reduce or eliminate their coverage for child welfare agencies generally. While some CUA providers have been able to secure coverage for general and professional liability coverage in alternative markets, it is getting more difficult to obtain insurance even in those markets. Even when insurance coverage can be obtained, the costs of such coverage have become insurmountable.



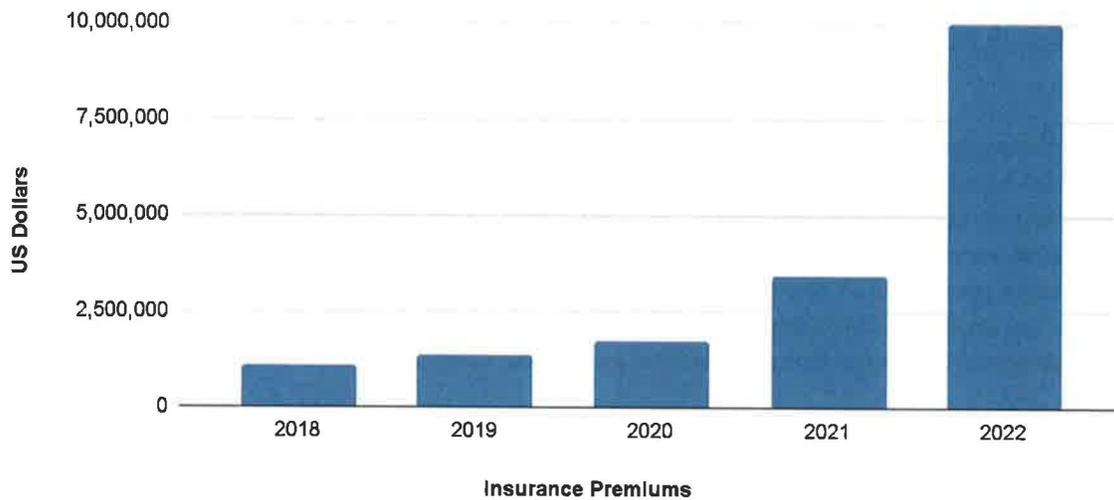
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For example, from 2020 to 2021, Turning Points’ own insurance premiums increased by 98%. As the chart demonstrates, our insurance costs have skyrocketed each year for the last five years.

Insurance Premiums for Five Philadelphia Community Umbrella Agencies



All of this is creating a crisis in children and family services in the Commonwealth. Without a legislative solution, many child welfare agencies, including both foster care and CUA agencies, will be forced to contemplate closing their doors and shifting the burden of direct child welfare services back to the government.

It should also be noted that in addition to drastic increases in insurance premiums, insurers are also reluctant to provide coverage because of the practice of “risk-shifting,” especially for CUAs. Due to the nature of the CUA system, Turning Points is often held liable for decisions that did not rest solely on the agency or an individual within the agency, but rather decisions that were made with a combination of stakeholders within the system itself. Due to pending litigation, I cannot go into the details of the cases.

HB2213 would limit the damages a plaintiff can be awarded, just as damages are limited for county agencies. This bill would mean that millions of dollars, currently being redirected from child and family services to legal and insurance fees, could be restored to support the children and families referred for care. We believe that HB2214 would also help stabilize the marketplace and encourage insurance companies to return to the child welfare market.



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Of course, victims of abuse and neglect deserve compensation for incidents and decisions that harm them. But the solution should not be to bankrupt the child welfare system in the process. Should this continue to occur, Turning Points and other child welfare providers will be put at financial and public perception risk that threatens their existence, likely putting an end to them completely as entities.

We look forward to working with the Committee and other legislators on this important issue.

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Appendix 1

My name is Dawn Holden Woods and I am the Chief Executive Officer for Turning Points for Children, a subsidiary of Public Health Management Corporation (PHMC), and the Managing Director of Child and Family Services for PHMC. Turning Points is the largest provider of child welfare services in Philadelphia County, offering a variety of prevention and intervention services to more than 5,000 children. Thank you for the opportunity to submit written testimony to the Children and Youth Committee today.

Today, my testimony will provide a brief overview and history of Community Umbrella Agencies in Philadelphia and how they differ from other counties' child welfare systems. I will then address the continuum of care model that Turning Points for Children implements.

Community Umbrellas Agencies or CUA's were created by Mayor John Street's administration in 2013. CUA's are community-based agencies hired by Philadelphia's Department of Human Services (DHS) that are responsible for direct case management services for families in certain regions. Currently, the city has [ten CUAs](#) located across Philadelphia. In Philadelphia, DHS operates the 24/7 child abuse hotline, conducts investigations, helps to identify placements, works on data and performance management and preventative services.

In 2015, the city of Philadelphia in partnership with CUA's started a major reform called [Improving Outcomes for Children](#) (IOC). IOC changed how cases were managed to ensure that CUA's were responsible for case management and DHS is responsible for oversight and prevention. Each year, DHS publishes [CUA's scorecards](#) to evaluate and improve outcomes to help children involved with child welfare success. The CUA's scorecards allow DHS's to learn best practices and work with individual CUA's on additional supports. These scorecards measure permanency, safety, safety visitations, case planning, court hearings, supervision, assessments health and education, finance, and workforce. Included in this testimony is the most recent 2020 report.

As the Chief Executive Officer for Turning Points for Children (TPFC), I oversee the Community Umbrella Agency (CUA) for CUAs 3, 5 9, and 10. [Turning Points for Children](#) provides a continuum of care for children and families, including services preventing child abuse and neglect, in-home



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services for families at risk, and foster care services aimed at reunifying families and assuring permanency for children. We are a subsidiary of [Public Health Management Corporation](#).

TPFC is the leading foster care management agency in Philadelphia. We provide services and interventions to more than 5,000 children, which is nearly half of the total number of children and youth in Philadelphia who receive foster care or in-home services. One program I would like to focus on specifically is LifeSet. Nearly 25% of youth who age out of foster experience homelessness. Our LifeSet program provides essential services for foster youth aging out of care by providing rent assistance, job training, and other resources to help them find security. Since the program started in September 2017, LifeSet has helped 236 youth secure housing, meet educational goals, find employment, make meaningful connections, and find mental healthcare resources. Through this program, we started a Housing Prep program that offers 12-week, two-hour sessions that help attendees develop skills to live independently.

Thank you for taking the time to read this testimony. I look forward to working with you in the future.