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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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April 9, 1998

Mr. John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, Harrisstown 2
Harrisburg, PA 17101

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Dear Chairman McGinley:

As past members of the House Aging and Youth Committee's Select Subcommittee on House Resolution No. 127, we are providing you with comments submitted to the Department of Public Welfare regarding its proposed changes to the protective services regulations, as published in the Pennsylvania Bulletin on February 21, 1998. There are two proposed sections that impact directly on some problems identified in the Select Subcommittee's recent report on certain aspects of Pennsylvania's child protective services system.

Our comments and questions are as follows:

(1) Section 3490.61(c)(1) and Section 3490.235 (g)(1) of the proposed regulations.

The current regulations regarding contact with a child accepted for child protective services generally require that caseworkers see the child as often as necessary, but not less than once a month for certain time frames. There are no minimal visitation requirements in the existing general protective services regulations at 55 Pa Code, Chapter 3480.

In obtaining testimony and examining various cases related to abused and neglected children, it was the conclusion of the Select Subcommittee that increased visitation requirements in all high risk cases is one systemic improvement that may have a significant impact on the prevention of future child deaths. For any child who is still residing in a dangerous home and who is assessed at high risk for abuse or neglect, the minimal requirement for face-to-face contacts should be no less often than once a week.

After the subcommittee's hearings and discussions about this issue, we are heartened to see that the Department's proposed regulations contain weekly visitation requirements for every child assessed at high risk. However, we question who must make the required weekly face-to-face contacts. Will it be the county agency caseworkers, other service providers, or a combination of both? We recommend that this be clarified in the regulations, with minimal visitation requirements on the part of county agencies clearly outlined.

In addition, it is our understanding that some county children and youth agencies have commented on this aspect of the proposed regulations, indicating that the fiscal impact section may not fully reflect the costs associated with increased visitation requirements. Does the Department have a breakdown of the number of high risk cases (child protective services and general protective services) in each county? Will there be additional state and county costs associated with a weekly visitation requirement; and, if so, what are those costs?

(2) Section 3490.401 of the proposed regulations.

A problem which seemed to plague many of the cases we examined, and which was discussed by testifiers, was the nomadic tendency of some of the parents involved with county agencies. In fact, the case prompting the introduction of H.R. 127 underscored the lack of any standardized requirements for the transfer of information when a family receiving services from one county agency moved to another county. We also discovered a problem with families who move without leaving a forwarding address during a child abuse investigation or the provision of services by a county agency.

With regard to families who move from one county to another whose addresses are known, we were told that many counties have already incorporated into their own policies and practices a protocol adopted by the Pennsylvania Children and Youth Administrators. We are therefore supportive of the Department's inclusion of requirements regarding intercounty transfer of cases from a referring county to a receiving county.

In addition, the subcommittee was told that families who move are frequently the more serious cases and the cases where children die. Given the testimony we received about the serious risks involved with families who deliberately move to avoid a county agency investigation or services, we are very troubled by the proposed subsection 3490.401(f).

This subsection appears to permit receiving county agencies to keep information on file without actually pursuing the matter when the referring county does not know the

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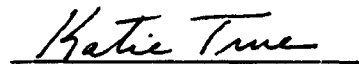
parent's new street address. Minimal requirements should exist that outline the obligation of both counties to work towards locating the family for the purpose of: (a) assisting the referring county in completing its child abuse investigation and/or (b) permitting the receiving county to accept the family for services if the referring county was providing protective services prior to this move. Information about its efforts to locate the family should be documented and retained by both agencies.

Also, the meaning of the sentence, "The receiving county shall accept and keep the information on file if the child or parents are subsequently referred to the receiving agency" is unclear. How long must counties keep the information on file before expunging this information because of a lack of referrals? One week? One month? One year?

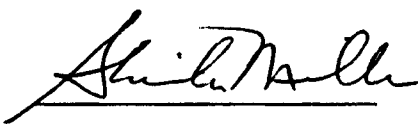
We suggest that this subsection needs additional clarification and strongly recommend that this subsection be amended to outline minimal requirements for county agencies' efforts in locating missing families. The very lives of vulnerable children may be at risk if this subsection remains unchanged.

We are providing these comments for your information and would be happy to forward to you any response to our letter.

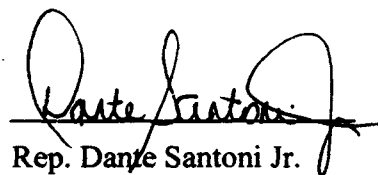
Sincerely,



Rep. Katie True



Rep. Sheila Miller



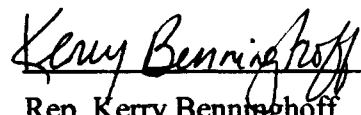
Rep. Dante Santoni Jr.



Rep. P. Michael Sturla



Rep. Allan Egolf



Rep. Kerry Benninghoff

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cc: Commissioner Alvin Bush
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Commissioner John F. Mizner
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Richard M. Sandusky, Director of Regulatory Analysis, IRRC
Representative Leonard Gruppo, Majority Chairman, House Aging and Youth Committee
Representative Kevin Blaum, Minority Chairman, House Aging and Youth Committee
All Members, Select Subcommittee on House Resolution No. 127