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DEPARTMENT OF PUBLIC WELFARE
OFFICE OF LEGAL COUNSEL**

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DATE: March 20, 1998

SUBJECT: Public Comment - #14-441
Child Protective Services Regulations

TO: Richard Sandusky
Director, Regulatory Analysis
Independent Regulatory Review Commission

FROM: Ruth O'Brien *ROB.*
Senior Assistant Counsel

Attached are public comments received March 18 and 19, 1998 regarding the proposed Child Protective Services Regulations.

Attachment

cc: Scott Johnson
Niles Schore
Sharon Schwartz
Michael Rish

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
OFFICE OF LEGAL COUNSEL**

DATE: March 23, 1998

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SUBJECT: Public Comment - #14-441
Child Protective Services Regulations

TO: Richard Sandusky
Director, Regulatory Analysis
Independent Regulatory Review Commission

FROM: Ruth O'Brien *ROB.*
Senior Assistant Counsel

RECEIVED
MARCH 25 1998
INDEPENDENT REGULATORY REVIEW COMMISSION

Attached are public comments received March 20 and 23, 1998 regarding the proposed Child Protective Services Regulations.

Attachment

cc: Scott Johnson
Niles Schore
Sharon Schwartz
Michael Rish

98 MAR 18 AM 9:39
INDEPENDENT REGULATORY
REVIEW COMMISSION

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
OFFICE OF LEGAL COUNSEL**

DATE: March 16, 1998

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SUBJECT: Public Comment - #14-441
Child Protective Services Regulations

TO: Richard Sandusky
Director, Regulatory Analysis
Independent Regulatory Review Commission

FROM: Ruth O'Brien *RO'B.*
Senior Assistant Counsel

Attached are public comments received March 13, 1998 regarding the proposed Child Protective Services Regulations.

Attachment

cc: Scott Johnson
Niles Schore
Sharon Schwartz
Michael Rish

**COUNTY OF ALLEGHENY
DEPARTMENT OF HUMAN SERVICES**



Division of Children and Youth

Marc Cherna, Director
933 Penn Avenue, 5th Floor
Pittsburgh, PA 15222-3872
Ph: 412-350-5705 FAX: 412-350-3414
Email: accys@trfn.clpgh.org

Allegheny County Board of Commissioners
Bob Cranmer, Chairman
Larry Dunn
Mike Dawida

98 MAR 25 PM 3:42

RECEIVED
13
BEVERLY COMMISSION

Department of Public Welfare
P.O. Box 2675
Harrisburg, PA 17105-2675

ATTN : Joseph Spcar

ORIGINAL: 1928
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Sandusky
Legal (2)

Division of Program Planning and
Development

MAR 23 1998

Received
Re: _____

VIA FAX 717 787-0414

March 23, 1998

Dear Mr. Spcar:

This letter is being written in response to the Proposed Rulemaking published in the Pennsylvania Bulletin Saturday, February 21, 1998. Our first comment concerns the definition of Certified Medical Practitioner. The definition of this term is not included in the CPSL and the definition contained in the regulations does not include all registered nurses. Since many school nurses are RN's, as opposed to certified registered nurse practitioners, we believe the narrow definition would be unduly burdensome due to the number of school nurses involved in our cases.

Our second comment deals with the definition of county agency. Specifically, the definition states that the county Children & Youth social service agency is supervised by the Department. Perhaps it would be more clear to define the agency as being monitored by the Department, rather than supervised by it.

Our next concern is related to the first. Subsection 3490.55(h) indicates that the medical examination shall be performed by a Certified Medical Practitioner, if there is an indication of serious physical injury. Since in many current cases, this will have been performed by a school nurse, we believe a registered nurse should be included as a certified medical practitioner.

Our fourth concern deals with subsection 3490.91(a)(1). This subsection states that the name of the reporter may be released to county agencies and out of state agencies if they can assure the confidentiality of the identity of the reporter. This places county agencies in the very precarious position of determining whether other agencies can assure the confidentiality.

Our fifth comment deals with section 3490.92. Subsections (c) and (b)(5) appear to be

inconsistent. Subsection (c) indicates that if the complaint of abuse cannot be investigated by the county agency, the agency shall immediately transmit to the appropriate authorities. Subsection (b)(5) indicates that the county agency may not refer to law enforcement unless the abuse meets the requirements of paragraphs (2) and (3). Since section 6340 of the CPSL mandates referral to law enforcement officials for certain specified activities, perhaps section (b)(5) should not prohibit the agency from making referrals in other cases.

Our sixth concern is with subsections 3490.105 and 3490.106. The proposed regulations make a distinction between reports received prior to July 1, 1995. Section 6341(a)(2) of the CPSL makes no distinction based on the passage of the act. The act provides that "any person named as a perpetrator...may, within 45 days of being notified of the status of the report..." request the expunction. Based on the current enforcement of Meagan's Law, there should not be a question that the legislature can modify the prior legislation. The 45 day period should apply to all reports.

If you have any questions regarding these comments, please contact us at (412) 350-5701.

Sincerely,

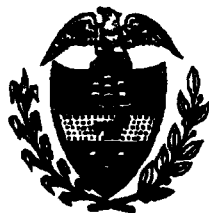


Marc Cherna,
Director

MAR 19 1998

Received:

Refer to: _____



RECEIVED
MARCH 20 1998 11:14

CHILDREN & YOUTH AGENCY

County of Butler

P.O. BOX 1208
TELEPHONE: (412) 284-6188

BUTLER, PA 16003-1208
TDD USERS CALL: (412) 284-8473

4

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March 19, 1998

Department of Public Welfare
P.O. Box 2675
Harrisburg, Pa. 17105-2675
Attention: Joseph L. Spears

Re: Proposed Changes to 3490
Regulations

Dear Mr. Spears,

This letter is in response to the proposed rulemaking changes in the CPSL published in the Pennsylvania Bulletin on February 21, 1998.

According to 3490.55 (a), the new regulations will make it mandatory that the subject child of an abuse investigation be seen within 24 hours of the receipt of the report. This is a change from the previous regulations which required that the child be seen as soon as possible. While I would agree that most of the time a child needs to be seen within 24 hours, my 18+ years of Children and Youth experience tells me that it is not always necessary. One must keep in mind that as 3490 is currently proposed, Childline will number an alleged physical abuse back two years and there is no time limit on sexual abuse. In some of these cases, the child may not necessarily need to be seen within 24 hours. An example which comes to mind is an abuse case where the alleged perpetrator is no longer living with the child or no longer has access to the child, i.e. an absent parent or paramour of the child's parent or a baby-sitter. I am concerned that the 24 hour rule, when the subject child is not in any danger of continued or further abuse, might put time restraints on the caseworkers that take away from their other immediate duties or cases in crisis. In addition, this proposed change takes away the discretion of the CPS supervisors to prioritize cases so that the children most at risk are serviced first.

My second comment concerns 3490.232 (g) which will requires that caseworkers in GPS cases make at least one home visit. Again, I would agree that a home visit is necessary in most cases but is not always necessary in every case. An example of a case

where a home visit might not be necessary is one where the case to be assessed is one of a parent/child conflict. About 1/4 of Butler County Children and Youth cases involve an adolescent who is out of control (by the parent's standard) and is in need of CYS assessment. These cases do not necessarily require a home visit as the parent will usually bring the child into the office where a preliminary assessment can be done. Subsequent contacts can be done via phone with the parents and school visits with the child. Once an assessment is completed, services are provided if necessary. In my opinion, a requirement for a home visit will take time away from other cases where multiple home visits may be necessary to complete a thorough assessment of the family's needs. Again, this proposed change takes away the discretion of the intake supervisor to prioritize cases and utilize caseworkers time to the greatest advantage of the truly neglected children.

I hope that you will consider my concerns and comments with respect to the proposed changes to 3490. I have worked in this field a long time and have seen the paperwork mount on the caseworkers to the point that just finding time to get into the field can be tough. I feel that the above mentioned 'requirements' will further limit their ability to use their time wisely and productively and meet the current time and paperwork requirements. I am also concerned that the proposed regulations takes away the supervisor's ability to structure the caseworker's limited time and energies to the best advantage of the children most at risk.

If you wish to contact me for further input, please feel free to contact me at any time.

Sincerely,

A handwritten signature in cursive script that reads "Katie Davis".

Katie Davis
Intake Supervisor



CITY OF PHILADELPHIA

03/19/98 11:19

OFFICE OF THE CLERK
REVENUE COMMISSION

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Mr. Joseph L. Spear
Department of Public Welfare
P.O.Box 2675
Harrisburg, PA 17105-2675

March 19, 1998

DEPARTMENT OF HUMAN SERVICES
1401 Arch Street Philadelphia, PA 19102

JOAN M. REEVES
Human Services Commissioner

MAXINE H. TUCKER
Deputy Commissioner
Children & Youth Division

JOYCE L. BURRELL
Deputy Commissioner
Juvenile Justice Services

RUSSELL J. CARDAMONE, JR.
Deputy Commissioner
Administration and Management

8

Re: Proposed Rulemaking - Chapter 3490 Child
Child Protective Services, PA Bulletin,
Vol. 28, No. 8, February 21, 1998.

Dear Mr. Spear:

Thank you for the opportunity to review DPW's proposed regulations pertaining to Child Protective Services. The following represent comments, questions, and concerns that are offered regarding the proposed rulemaking and for future discussion purposes. Efforts were made to review the proposed regulations in the light of the regulatory reform initiative and minimum child safety and well-being. Comments are not in any priority order. Specific citations from the Bulletin are underlined while comments and questions are in italics.

Paperwork Requirements, paragraph 5, pg. 1082

- ▶ It is estimated that it takes approximately 20 minutes to complete the risk assessment process

It is assumed the State is referring to completing the form. This needs to be clearer.

- ▶ Protective service supervisors are required to complete an Individual Training Needs Assessment (ITNA) annually for each of their staff. It takes approximately 45 minutes to complete an ITNA.

This requirement contradicts the RTC contract. In the contract, everyone is required to complete the ITNA. The information in the ITNA is inaccurate for planning. It is supposed to be used to determine the training needs of workers. Please note that Philadelphia is currently the only county that can handle the ITNA information because we invested in our own ITNA program.

Additionally, completion of the ITNA more realistically takes 1 hour and 45 minutes.

3490.4 Definitions

- ▶ *The definition of recognized church or religious denomination, previously determined by IRS tax status, has been deleted from the proposed regulations (pg.1084). Under the definition of Child abuse (D,iii), how is bona fide religion being defined?*

3490.32 Childline reporting to the county agency

- ▶ *In reports calling for inter-county cooperation, the State will only provide leadership when involved counties cannot agree as to responsibility. I recognize that this is no different from the OCYF Bulletin but DPW needs to take a more defined role regarding assignment and conflict resolution.*

The Southeast Region's draft inter-county protocol appropriately addresses intervention and service delivery subsequent to conclusion of assessment. It is expected that Childline would identify the county responsible for investigating the CPS report.

3490.53 Functions of the county agency for child protective services

- ▶ (d) The county agency may not determine a child to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

The CPSL at § 6303.(b) (definition of child abuse) uses the phrase "no child shall be deemed to..." The intent of the repetition in the proposed regulations is not clear but would seem to indicate a higher standard. Perhaps by using the term "determine" it means that a report, for example, could not be indicated with a perpetrator by omission if the injury is environmental.

3490.61 Supervisory review and child contacts

This section is noteworthy for three reasons. First, the proposed regulations seem to take a step backwards with a lowering of the requirement for management oversight/ supervisory review from a minimum 10 day review requirement to a vague "... regular and ongoing basis ...". Secondly, is the inclusion of the requirement for a supervisory review of the FSP 10 days after it is completed.

Depending on the State's definition of review will a supervisor's approval of and sign-off on the risk assessment done at the conclusion of the investigation indicate review? Will the supervisors signed approval of the CY-48 serve to document review? Per CYD policy, supervisors are required to sign-off on FSPs. Will this satisfy documentation requirements of the 10 days FSP review? Do these review requirements adequately address minimum child safety and well-being?

Third, is the requirement for post investigation intervention which has been raised from a minimum of monthly contacts to a minimum, for high risk cases, of "...face-to-face contacts ... with the parent and the child ... no less often than once a week ..." While this will not require changes to CYD policy or practice it is matter of curiosity that DPW felt it necessary to intrude this far into county agency practice and to establish such a performance indicator I can't help but wonder what the documentation requirements are going to be and what the inspection process will be.

3490.71 Guardian ad litem or court designated advocate

- ▶ When appropriate, because of the age or mental and emotional condition of the child the guardian ad litem in addition to representing the best interests of the child shall also determine the wishes of the child concerning the proceedings and shall communicate this information to the court.

Should the state provide a maximum age for a child whose wishes concerning the proceedings could be determined by the guardian ad litem? We may have situations in which a teenager is not in agreement with the guardian ad litem's determination of their wishes.

Confidentiality

3490.91 Persons to whom child abuse information shall be made available

- ▶ a(1) The name of a person who made the report or cooperated with the investigation may be released to Pa. county agencies and out-of-state CPS agencies if they have a legitimate need to know

It would be helpful to have "legitimate" defined more clearly.

General Requirements for Child Protective Services

3490.105b Request by a non perpetrator subject to amend an indicated report of child abuse received after June 30, 1995.

This is a new section which allows a non-perpetrator to request amending inaccurate information in a report but not the status determination. I would like to see added that the county agency be notified if the request has been granted and of any amendments that are made.

In a general note about requests to amend or expunge an indicated report the CPSL at § 6341 places the burden of proof for both perpetrators and school employees on the County agency. However, in the proposed rules at 3490.106g.(2) it is stated that the perpetrator has the burden of proof in an appeal of a refusal to amend or expunge an indicated report while at 3490.192 in

the proposed regulations the County agency has the burden of proof if a school employee appeals a refusal to amend or expunge a record.

I would like to know if this is a typographical error or, if not, why, given the process as well as the scope and level of the investigation of abuse perpetrated by a school employee, the burden of proof is on the county agency.

3490.231 Functions of the county agency for general protective services

- ▶ (4) Provide temporary, substitute placement in a foster family home, the home of a relative or residential child care facility for children in need of this care.

The use of the expanded definition of kinship care given used earlier in this document is absent here. I would like to see it used consistently throughout the regulations.

3490.232 Receiving reports and assessing the need for services

- ▶ 3d Otherwise, the county agency shall prioritize the response time for an assessment to assure that children who are most at risk receive an assessment first.

The proposed regulations do not provide time frames for initial assessments. I wonder if this will become a licensure issue.

- ▶ (f) The county may make unannounced home visits.

The draft regulations made a stronger statement in saying the county agency shall make one or more unannounced visits when there is reason to believe an announced visit would result in an inaccurate portrayal of the conditions. The proposed regulations leave it to the county's discretion to develop their own policy on this matter.

3490.233 Protective custody

Protective custody may be taken if the parents, after being advised that the child is in a medical emergency, will make no immediate arrangement for medically adequate alternative treatment. Would this include parents who fail to act on religious grounds?

3490.234a Notifications

This section removes the requirement that written notification of the receipt of the report be provided to the parent or guardian no later than 72 hours after the initial interview. The only requirement now is for verbal notification at the time of the initial interview. It is unclear why this was changed from the previous draft regulations.

3490.235 Services available through the county agency for neglected children

- ▶ (h) A periodic assessment of risk of harm to the child shall be conducted as required by the State-approved risk assessment process.

This regulation does not appear in the same section around child contact in the CPS section. It is the only reference to any risk assessment interval policy in this publication including §3490.321 and following on the Risk Assessment.

3490.312 Training program requirements for direct service workers

- ▶ B(7) The county agency shall determine the county agency's training year.

This section could be beneficial to the county agencies. For Philadelphia County however, our training year and RTC budget are in sync with the fiscal year.

- ▶ 8(I) For direct service workers who complete the CORE training during the county agency's training year, the county agency shall pro rate the number of required training hours that a direct service worker shall take in the county agency's training year schedule.

This section is not clear. To pro rate training hours in a large agency such as ours would be very difficult to implement.

- ▶ (10) The county agency may not allow an employee who fails to achieve or maintain certified status to perform direct service duties.

This section offers no remedy for this situation for initial and ongoing certification. How can an employee make up the training and be returned to direct service duties? What happens if you don't complete 120 hours in the required time frame?

3490.313 Direct service worker certification requirements for supervisors who supervise direct service workers

As above, this section offer no remedy for supervisors who fail to meet requirements of the subsection.

3490.401 Transfer of cases

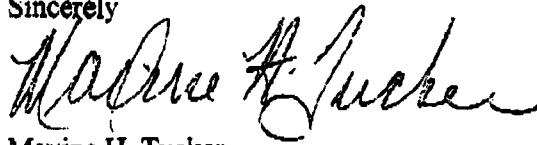
This is a completely new section specifying procedures for cases either under investigation or assessment or accepted for service whose families move to another county. Conspicuously absent is any regulations for families of children in custody who move to another county.

Four your information, this is not inconsistent with the proposed Southeast Region draft intercounty case transfer protocol. However, the time frames in the proposed regulations are more restrictive than the draft protocol.

Once again, thank you for the opportunity to respond to the proposed rulemaking. I hope my comments, questions, and concerns can form the basis for additional work on the proposed regulations.

If you have any questions regarding my letter, I would ask you to direct them to Wesley Brown, Policy and Planning Administrator at (215-686-9666) who has been a member of some of the work groups for Act 151.

Sincerely



Maxine H. Tucker,
Deputy Commissioner

MHT/wmb

cc: Joan M. Reeves, Commissioner
Rochelle Caplan, Operations Director
Dennis J. Fox, Director, Program Development and Support
Anne Shenberger, Regional Director, OCYF

1

CLINTON COUNTY COURT SERVICES
P.O. BOX 725
LOCK HAVEN, PA 17745
(717) 893-4055

Division of Program Planning and
Development

98 MAR 16 AM 9:39
ADVISORY COMMISSION
REVIEW COMMISSION

3-10-98

MAR 11 1998

Received:
Refer to: _____

Department of Public Welfare
Joseph L. Spear
P.O. Box 2675
Harrisburg, PA 17105

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Re: Proposed amendments to Chapter 3490


Dear Mr. Spear:

As I am sure you are aware, reports of child abuse can be extremely relevant in the disposition of matters involving the custody of children. Accordingly, I feel compelled to comment regarding the proposed procedure for judges to obtain child abuse information maintained by the Department (Section 3490.91(a)(5)). I believe that it is too cumbersome to require that judges submit written requests for information to the Department. Why can't this be done by telephone or fax? Also, why is it necessary for the court to contact the Department? It would probably be more efficient and simpler for the court to contact the county agency directly.

If the above suggestions cannot be implemented, I would request that the regulations at least clarify where the court is supposed to direct a written request for information. It is not very helpful to simply say that the court should contact the "Department".

Thank you for your time and attention.

Sincerely,


Michael Angelelli
Solicitor, Clinton County
Children and Youth

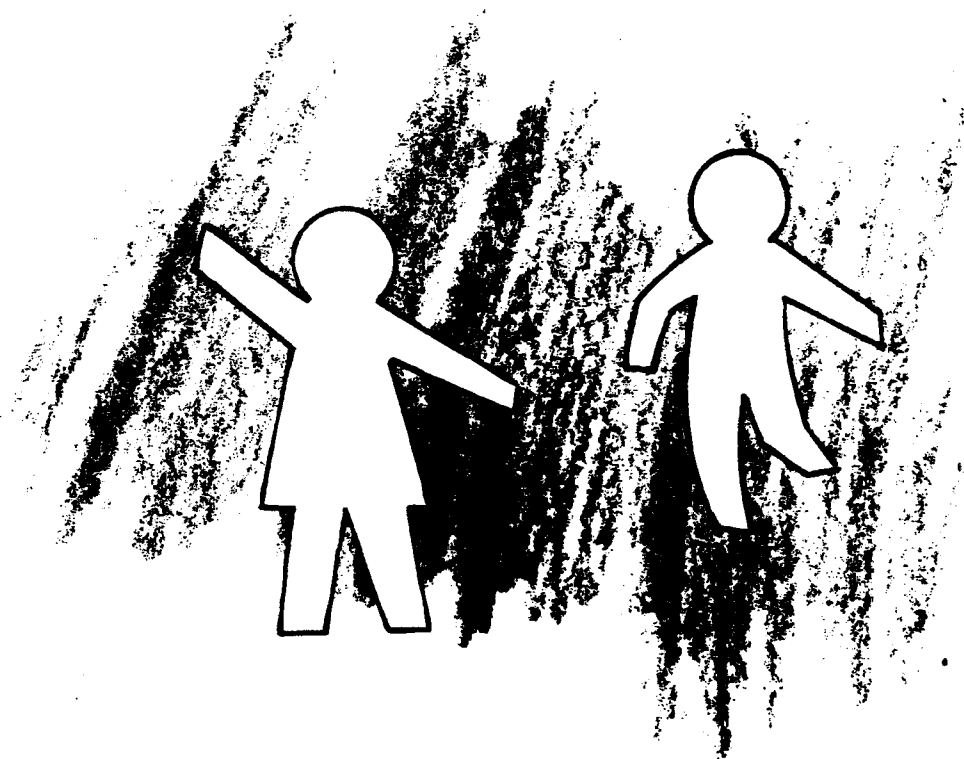
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CHILD ABUSE REPORT

'96





TO REPORT
SUSPECTED
CHILD ABUSE,

Call

CHILDLINE
800-932-0313

The Child Protective Services Law (CPSL) mandates the Department of Public Welfare to report annually to the Governor and General Assembly on the problem of child abuse in the Commonwealth. This is the 21st annual report which will provide information on our efforts to protect and treat children in the Commonwealth of Pennsylvania who were reported as victims of suspected abuse and neglect in 1996.

Extensive revisions to Pennsylvania's child protection laws were adopted in December 1994. The 1994 legislation established a three-phase implementation process which started in July 1995 and will continue through 1997. An ongoing cooperative effort among different levels of government and disciplines will continue to be needed to effectively implement these revisions. Details of these changes are provided in the sections titled *Changes to the Child Protective Services Law and Reporting and Investigating Student Abuse*.

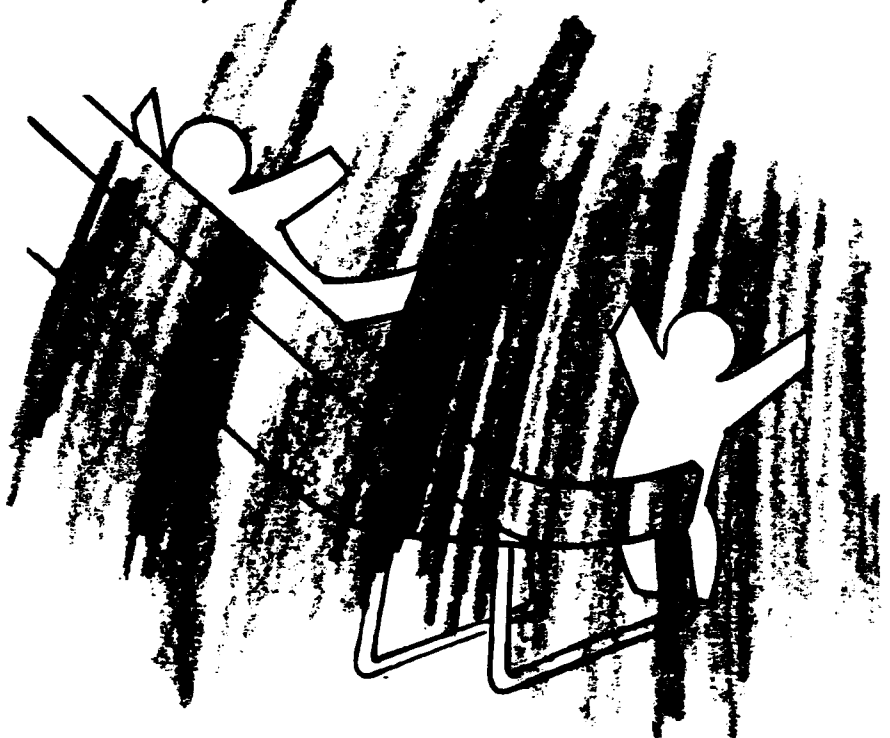
One of the most encouraging facts presented in this year's report is that there was a 46 percent decrease in the number of child deaths caused by abuse. The number of suspected reports of child abuse dropped 1.8 percent. The substantiation rate decreased 2.5 percent. While this data is encouraging, we must take care not to be lulled into complacency by it, but continue to focus on identifying and preventing child abuse.

Recognition and gratitude are given to all reporters of suspected abuse, staff of county children and youth agencies who investigate these reports, and the other professionals who help protect abused and neglected children. It requires a cooperative effort to protect children and prevent child abuse.

Department of Public Welfare

21st Annual Child Abuse Report

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COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

A MESSAGE FROM THE GOVERNOR

For many children, growing up represents a life full of wondrous adventure—filled with dreams of their favorite superhero or perfect princess. Unfortunately, for countless other children, growing up is depicted as a life of wondering—wondering if the screaming, if the hitting, if the pain will ever go away.

Children who become victims of abuse and neglect can only wonder what it must be like to grow up in a safe and loving environment. The lives of these young victims have been turned upside down with little hope for the future.

We continue to make progress in the fight to protect our children. The most promising improvement over the previous year is that the number of children who died at the hands of their abusers was cut nearly in half. In addition, substantiated reports of abuse dropped to the lowest level in 13 years and confirmed reports of sexual abuse decreased by 11 percent from 1995.

However, while many incidents of abuse and neglect have declined, the fact remains that the numbers are still sobering. We must expand our public and private efforts and create more innovative approaches to prevent abuse from tearing apart the lives of Pennsylvania's most valuable asset—our children.

An emphasis on strengthening partnerships between state and local community leaders to meet the complex needs of families and children will be key in eradicating the scourge of child abuse. Through grassroot initiatives—such as the Governor's Partnership for Safe Children—we can address vital issues of abuse and neglect at the community level where they begin.

Protecting the lives of our children, strengthening families, and developing safe communities are obligations and challenges that I take very seriously. I urge everyone across the Commonwealth to join me in this effort. Together, we can ensure that our children have the opportunity to experience a life full of wondrous childhood adventures.

Sincerely,

A handwritten signature in cursive script that reads "Tom Ridge".

TOM RIDGE
Governor



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
P.O. BOX 2675
HARRISBURG, PENNSYLVANIA 17105-2675

(717) 787-2600 / 3600

FEATHER O. HOUSTOUN
SECRETARY

Dear Fellow Pennsylvanian:

As Secretary of the Department of Public Welfare, one of the most daunting tasks I have is reporting the senseless acts of abuse and neglect inflicted on our children. For me, nothing is more tragic than to hear a story of an innocent child abused by a trusted adult.

In the past year, Pennsylvania has built upon its recent successes in limiting the frequency of these troubling stories. Among the revisions to the state's child-protection laws, mandatory background checks are now required for individuals who apply for jobs as school employees having direct contact with students. The new law changes also mandate the Department of Public Welfare to establish a training and certification program for child protective service workers.

These legislative efforts, coupled with strong partnerships between the state and local community groups to address abuse and neglect, have netted some positive results. Most notably, the 33 children who died as a result of abuse represent a nearly 50 percent decrease over the previous year. There were also 443 fewer reports of suspected child abuse in Pennsylvania last year and substantiated reports of abuse dropped to the lowest level in 13 years. In addition, reports of confirmed sexual abuse fell 11 percent from 1995.

While I am pleased to report these decreases, it is imperative to not become lulled into complacency. We must remain focused on identifying and preventing abuse that destroys the lives of our children, our families and our communities.

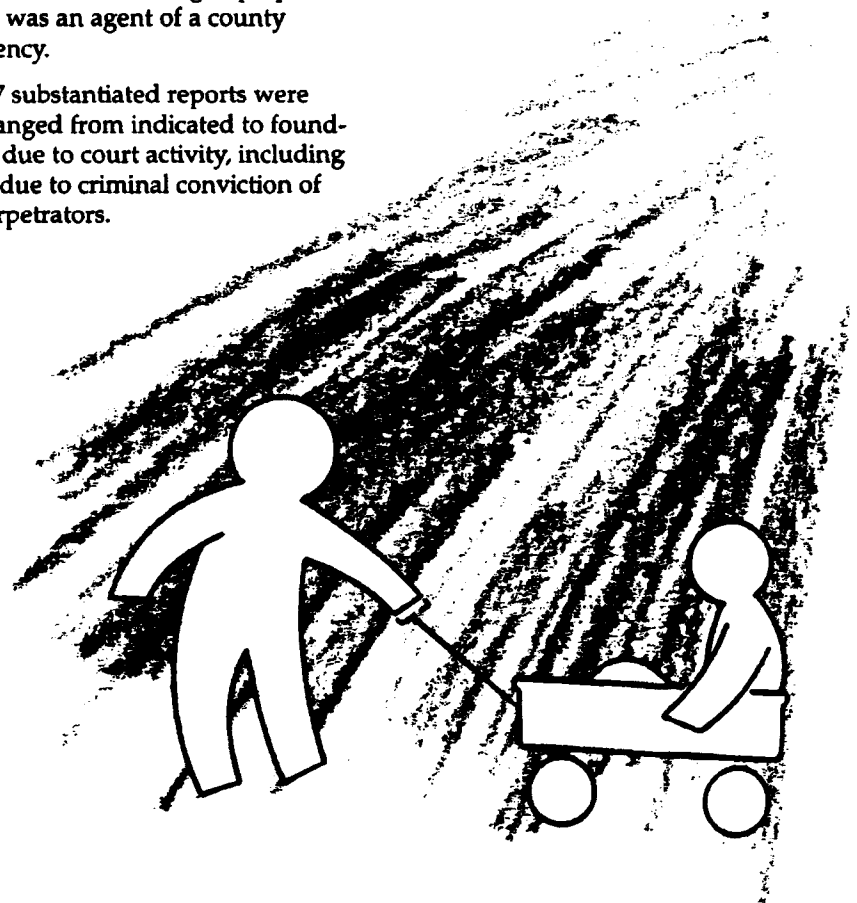
To help eradicate child abuse and neglect, the Governor and I will continue to work with lawmakers in developing legislation that is focused to this end. We will also continue successful grassroots efforts, such as the Governor's Partnership for Safe Children, to create solutions that will give all of our children a chance to be safe no matter where they live. By working with people closest to the problems in our neighborhoods and communities, we can develop resolutions to end the horrific cycle of abuse where it begins.

All in all, our efforts will be guided by one fundamental premise—our children and our families are our future. For the sake of Pennsylvania's future, I encourage your vigilant support to end the blight of abuse and help us create childhood stories with happy endings.

Sincerely,

Feather O. Houston
Secretary of Public Welfare

- 23,666 reports of suspected child abuse were received in 1996, a decrease of 1.8 percent from 1995.
- 6,183 reports were substantiated in 1996—708 less than in 1995 and the lowest in 13 years.
- Of the 6,183 reports of confirmed abuse, 5,889 children were listed as abuse victims (some children were involved in more than one incident of abuse).
- The percentage of reports that were substantiated in 1996 was 26.1 percent, down from 28.6 percent in 1995.
- 33 children died from abuse in 1996—28 less than in 1995.
- 887 (14.3 percent) substantiated reports of abuse in 1996 involved children who had been abused before.
- 3,743 (61 percent) substantiated abuses in 1996 involved girls; 2,440 (39 percent) abuses in 1996 involved boys.
- 2,113 (78 percent) sexually abused children in 1996 were girls; 608 (22 percent) sexually abused children in 1996 were boys.
- 34.2 percent of all substantiated reports involved sexual abuse, a decrease of 10.7 percent from 1995.
- The percentage of reports that were substantiated in which children reported themselves as victims was 32.3 percent (193 reports).
- 8,541 children were removed from the setting where the alleged or actual abuse occurred.
- 187 substantiated reports involved children abused in a child care setting.
- 31 of Pennsylvania's 67 counties received more reports in 1996 than in 1995.
- 7,548 (31.9 percent) reports were made to law enforcement officials for possible criminal investigation and prosecution.
- 67.5 percent of all perpetrators had a parental (mother, father, step-parent, paramour) relationship to the child.
- 191,149 individuals seeking approval as foster or adoptive parents, employment in a child care service or in a public or private school requested clearance through ChildLine.
- 614 persons requesting clearance for employment, foster care or adoption were on file at ChildLine as perpetrators of child abuse.
- Staff in the regional offices of the Department's Office of Children, Youth and Families investigated 1,273 reports (an increase of 238 reports) of suspected abuse in cases where the alleged perpetrator was an agent of a county agency.
- 107 substantiated reports were changed from indicated to founded due to court activity, including 73 due to criminal conviction of perpetrators.



INVESTIGATING CHILD ABUSE

Act 151 of 1994 expanded the definition of child abuse by adding two types of abuse (imminent risk of physical or sexual abuse), and by adding (as a type of possible perpetrator) a person who provides mental health diagnosis or treatment. The act narrowed the definition by limiting physical injury and imminent risk of physical injury or sexual abuse to recent acts (those that occurred within two years of the date of the report). Mental injuries, sexual abuse or physical neglect conditions do not have a time limit for reporting. Pennsylvania law defines child abuse as any of the following when committed upon a child under 18 years of age by a perpetrator:

1. Any recent act or failure to act which causes nonaccidental serious physical injuries.
2. An act or failure to act which causes nonaccidental serious mental injury or sexual abuse or exploitation.
3. Any recent act, failure to act or series of such acts or failures to act which causes an imminent risk of serious physical injury or sexual abuse or sexual exploitation.
4. Serious physical neglect which endangers a child's life or development or impairs the child's functioning.

Reports of suspected abuse are received by the Department of Public Welfare's (DPW) ChildLine and Abuse Registry (800-932-0313), which is the central repository for all investigated reports. Individuals who, in the course of their employment, come into contact with children are mandated to report suspected abuse when seeing a child whom they suspect to be abused. In addition, any person may report suspected abuse.

Investigations are conducted by Child Protective Services (CPS) staff of the county children and youth agencies. When the alleged perpetrator is an agent or employee of the

county children and youth agency, the investigation is conducted by the regional office staff of the Department's Office of Children, Youth and Families. The investigation must determine within 30 days whether the report is:

- **FOUNDED**—there is a judicial adjudication that the child was abused;
- **INDICATED**—the CPS staff finds abuse has occurred based on medical evidence, the CPS investigation or an admission by the perpetrator; or
- **UNFOUNDED**—there is a lack of evidence that the child was abused.

In this annual report, "founded" and "indicated" reports of abuse will be referred to as "substantiated" reports. Amendments of 1994 now require that substantiated reports be kept on file in both the Statewide Central Register of child abuse and local county children and youth agencies until the victim reaches 23 years of age. If the date of birth or

social security number of the perpetrator is known, then that person's information is indefinitely kept on file by ChildLine. Unfounded reports must be destroyed within 120 days.

Status of Evaluation and Rate of Reporting and Substantiation by County, 1995-1996—Table 1

In 1996, 23,666 reports of suspected child abuse were received at ChildLine and investigated by staff of a county children and youth agency or regional staff of the Department of Public Welfare's Office of Children, Youth and Families (see Table 1). This is a 1.8 percent decrease from 1995. Investigations found 26.1 percent to be substantiated; 73.6 percent were unfounded and 0.2 percent were still pending due to county court proceedings. Eight out of every 1,000 children living in Pennsylvania were reported as victims of suspected child abuse in 1996. The rate of reporting suspected child abuse ranged from 1.7 reports per 1,000 children in Elk County to 19.3 reports per 1,000 children in McKean County.

Chart 1
1996

SOURCE OF ABUSE REFERRALS

By Category

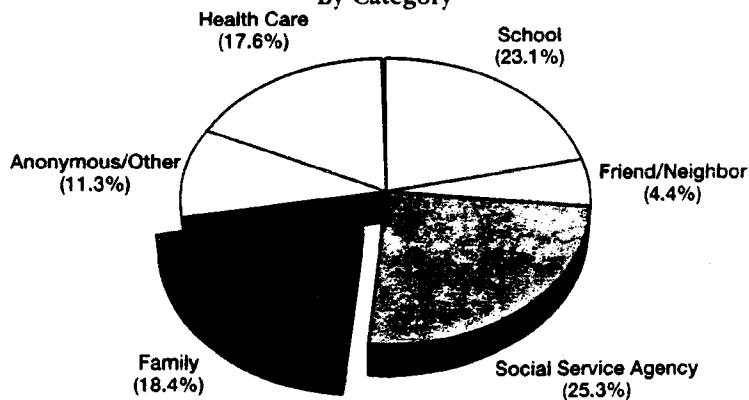


Table 1

STATUS OF EVALUATION AND RATE OF REPORTING AND SUBSTANTIATION BY COUNTY 1995-1996

COUNTY	TOTAL*		SUBSTANTIATED**				NUMBER OF REPORTS PER 1000 CHILDREN		NUMBER OF SUBSTANTIATED REPORTS PER 1000 CHILDREN	
	1995	1996	1995	%	1996	%	1995	1996	1995	1996
	ADAMS	205	187	54	26.3%	44	23.5%	9.8	8.9	2.6
ALLEGHENY	1894	1737	635	33.5%	487	28.0%	6.5	5.9	2.2	1.7
ARMSTRONG	147	173	42	28.6%	62	35.8%	8.5	10.0	2.4	3.6
BEAVER	262	223	85	32.4%	66	29.6%	6.0	5.1	1.9	1.5
BEDFORD	93	87	17	18.3%	18	20.7%	7.9	7.4	1.4	1.5
BERKS	1051	986	207	19.7%	180	18.3%	12.4	11.6	2.4	2.1
BLAIR	368	334	99	26.9%	52	15.6%	11.5	10.5	3.1	1.6
BRADFORD	175	132	51	29.1%	38	28.8%	10.7	8.1	3.1	2.3
BUCKS	709	664	116	16.4%	82	12.3%	5.0	4.7	0.8	0.6
BUTLER	310	222	56	18.1%	36	17.1%	8.0	5.7	1.4	1.0
CAMBRIA	226	241	52	23.0%	47	19.5%	6.2	6.7	1.4	1.3
CAMERON	7	13	5	71.4%	6	46.2%	5.0	9.2	3.5	4.3
CARBON	90	129	27	30.0%	42	32.6%	6.8	9.9	2.1	3.2
CENTRE	110	95	41	37.3%	28	29.5%	4.5	3.9	1.7	1.1
CHESTER	600	541	109	18.2%	107	19.8%	6.1	5.5	1.1	1.1
CLARION	96	48	21	31.8%	10	20.8%	7.0	5.1	2.2	1.1
CLEARFIELD	155	113	41	26.5%	19	16.8%	8.1	5.9	2.1	1.0
CLINTON	58	57	23	39.7%	20	35.1%	6.8	6.7	2.7	2.3
COLUMBIA	113	116	28	24.8%	18	15.5%	8.2	8.4	2.0	1.3
CRAWFORD	289	298	72	24.9%	69	23.2%	12.9	13.3	3.2	3.1
CUMBERLAND	280	278	72	25.7%	66	23.7%	6.3	6.3	1.6	1.5
DAUPHIN	517	477	184	31.7%	113	23.7%	8.8	8.1	2.8	1.9
DELAWARE	891	854	204	22.9%	198	20.8%	6.6	7.1	1.5	1.5
ELK	32	15	7	21.9%	7	46.7%	3.6	1.7	0.8	0.8
ERIE	457	508	147	32.2%	142	28.0%	6.3	7.0	2.0	2.0
FAYETTE	304	352	71	23.4%	76	21.6%	8.8	10.2	2.1	2.2
FOREST	14	18	1	7.1%	8	44.4%	13.4	17.2	1.0	7.6
FRANKLIN	100	94	13	13.0%	25	26.6%	3.3	3.1	0.4	0.8
FULTON	25	29	11	44.0%	6	20.7%	7.0	8.2	3.1	1.7
GREENE	108	112	50	46.3%	34	30.4%	10.7	11.1	4.9	3.4
HUNTINGDON	58	46	18	31.0%	10	21.7%	5.7	4.5	1.8	1.0
INDIANA	189	224	62	32.8%	54	24.1%	9.3	11.0	3.0	2.7
JEFFERSON	60	99	22	36.7%	25	25.3%	5.3	8.7	1.9	2.2
JUNIATA	47	35	12	25.5%	8	22.9%	8.8	6.5	2.2	1.5
LACKAWANNA	263	252	78	29.7%	59	23.4%	5.5	5.2	1.6	1.2
LANCASTER	707	725	171	24.2%	146	20.1%	6.0	6.2	1.5	1.2
LAWRENCE	168	173	34	20.2%	27	15.6%	7.4	7.6	1.5	1.2
LEBANON	210	215	69	32.9%	64	29.8%	7.5	7.6	2.5	2.3
LEHIGH	702	762	123	17.5%	147	19.3%	10.1	11.0	1.8	2.1
LUZERNE	562	526	158	28.1%	138	26.2%	7.9	7.4	2.2	1.9
LYCOMING	293	251	98	33.4%	86	34.3%	9.8	8.4	3.3	2.9
MCKEAN	213	227	75	35.2%	59	26.0%	18.1	19.3	6.4	5.0
MERCER	275	224	46	16.7%	49	21.9%	9.7	7.9	1.6	1.7
MIFFLIN	83	107	17	20.5%	22	20.6%	7.1	9.2	1.5	1.9
MONROE	192	330	42	21.9%	95	28.8%	6.6	11.4	1.4	3.3
MONTGOMERY	638	661	137	21.5%	125	18.9%	3.9	4.1	0.8	0.8
MONTOUR	51	47	6	11.8%	10	21.3%	11.4	10.5	1.3	2.2
NORTHAMPTON	598	613	96	16.1%	133	21.7%	10.0	10.3	1.6	2.2
NORTHUMBERLAND	271	274	78	28.8%	110	40.1%	12.5	12.6	3.6	5.1
PERRY	109	129	29	26.6%	18	14.0%	9.7	11.5	2.6	1.6
PHILADELPHIA	5395	5303	2216	41.1%	1988	37.5%	13.8	13.5	5.7	5.1
PIKE	53	55	11	20.8%	9	16.4%	6.0	6.2	1.2	1.0
POTTER	64	62	17	26.6%	22	35.5%	14.3	13.8	3.8	4.9
SCHUYLKILL	309	294	55	17.8%	55	18.7%	9.3	8.8	1.7	1.7
SNYDER	51	56	25	49.0%	25	44.6%	5.4	6.0	2.7	2.7
SOMERSET	117	94	38	32.5%	22	23.4%	6.2	5.0	2.0	1.2
SULLIVAN	16	10	2	12.5%	3	30.0%	11.6	7.3	1.5	2.2
SUSQUEHANNA	119	117	39	32.8%	48	41.0%	10.9	10.7	3.6	4.4
TIOGA	110	141	43	39.1%	45	31.9%	10.6	13.6	4.1	4.3
UNION	67	56	22	32.8%	27	48.2%	7.9	6.6	2.6	3.2
VENANGO	242	207	47	19.4%	38	18.4%	16.2	13.9	3.2	2.6
WARREN	84	67	24	28.6%	33	49.3%	7.6	6.1	2.2	3.0
WASHINGTON	329	335	70	21.3%	68	20.3%	7.1	7.2	1.5	1.5
WAYNE	94	104	25	26.6%	20	19.2%	9.0	9.9	2.4	1.9
WESTMORELAND	686	607	140	20.1%	98	16.1%	8.4	7.3	1.7	1.2
WYOMING	53	56	16	30.2%	19	33.9%	6.8	7.2	2.0	2.4
YORK	963	949	209	21.7%	170	17.9%	11.1	11.0	2.4	2.0
STATE TOTAL	24,109	23,666	6,891	28.6%	6,183	26.1%	8.4	8.2	2.4	2.1

* The total includes 61 reports that were submitted "Pending Juvenile Court" or "Pending Criminal Action"

** Includes both founded and indicated reports.

NOTE: Rate per thousand 0-17 population based upon most recently available estimates.

The statewide average rate of substantiation was two reports per 1,000 children. The rate of substantiated reports per 1,000 children ranged from 0.6 in Bucks County to 7.6 in Forest County.

For 1996 the substantiation rate—the percentage of suspected reports which were confirmed as abuse—was 26.1 percent, a decrease of 2.5 percent from 1995. The rate in 27 counties was at or above this average. Forty counties were below the average. The range was from 48.2 percent in Union County to 12.3 percent in Bucks County.

In Pennsylvania 61 percent of the substantiated victims were girls, while 39 percent were boys. The higher number of substantiated reports involving girls is partially explained by the fact that 78 percent of reports of sexual abuse, the most prevalent type of abuse, involved girls and 22 percent involved boys. This has been a consistent trend for several years in Pennsylvania.

Also, 54 percent of the total number of reports of suspected abuse involved girls and 46 percent involved boys. Nationally, in 1993, the most recent year for which national statistics are available, 51 percent of the reports involved girls, 45 percent involved boys and 5 percent were unknown.

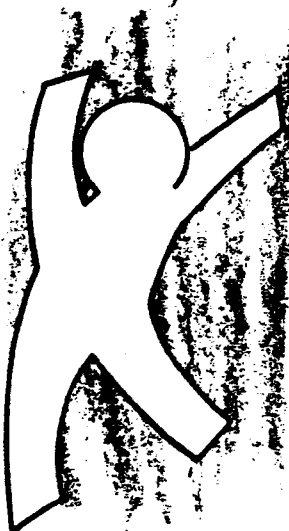
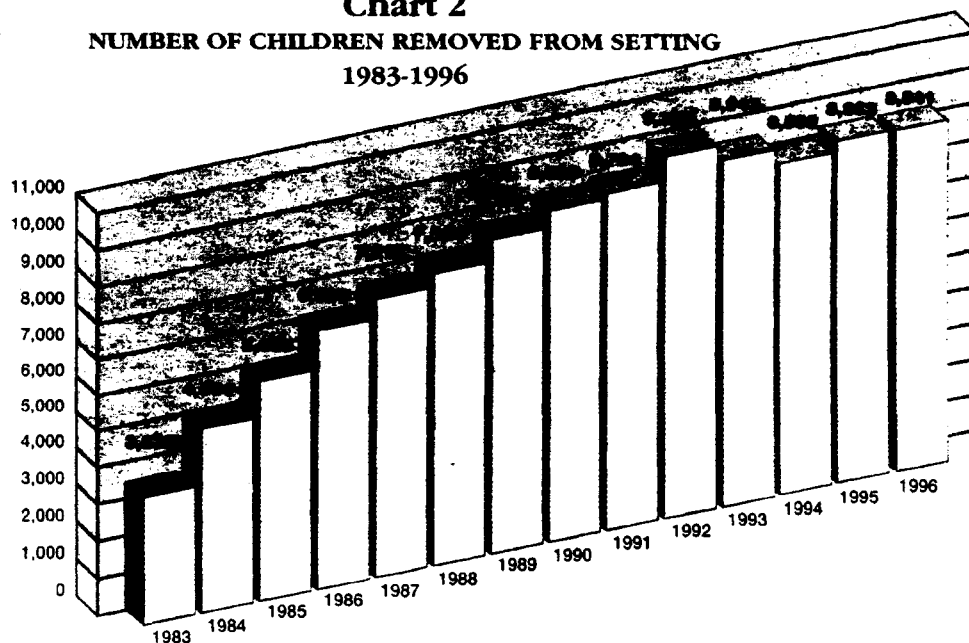


Table 2
REFERRAL SOURCE BY STATUS
DETERMINATION AND CHILDREN PLACED
1996

REFERRAL SOURCE	TOTAL	SUBSTANTIATED	CHILDREN REMOVED
Anonymous	1,189	121 10.2%	153
Child-Self Referral	597	193 32.3%	354
Perpetrator-Self Ref.	78	46 59.0%	44
Parent/Guardian	2,576	679 26.4%	1,176
Sibling	143	49 34.3%	67
Relative	1,042	223 21.4%	372
Friend/Neighbor	1,031	137 13.3%	264
Babysitter	93	13 13.9%	29
Landlord	9	2 22.2%	4
Private Doctor/Nurse	593	177 29.8%	244
Dentist	13	1 7.7%	1
Private Psychiatrist/ Psychologist	462	138 29.9%	166
Public Health Dept.	45	22 48.9%	13
Hospital	3,042	1,121 36.9%	1,358
Law Enforcement	1,629	729 44.8%	879
School	5,457	1,108 20.3%	1,062
Day Care Staff	379	49 12.9%	56
Clergy	29	9 31.0%	13
Residential	580	95 16.4%	271
Coroner	8	3 37.5%	3
Courts	76	16 21.1%	34
Public MH/MR Agency	728	187 25.7%	251
Other Public/Private Social Ser. Agency	2,973	757 25.5%	1,317
Other	894	308 34.5%	410
TOTAL	23,666	6,183 26.1%	8,541

Chart 2
NUMBER OF CHILDREN REMOVED FROM SETTING
1983-1996



The average age of children reported as victims of suspected abuse in Pennsylvania was nine years, compared to seven years for children nationally. The average age of the children confirmed as victims in Pennsylvania was also nine years.

Referral Source by Status Determination and Children Placed, 1996—Table 2

Individuals whose occupation or profession brings them into contact with children are required by law to report suspected child abuse to ChildLine when they have reason to suspect that a child coming before them has been abused (see Table 2). In 1996, 68 percent of all of the

reports of suspected abuse were made by mandated reporters. Of all substantiated reports, 71 percent were made by mandated reporters.

Of the children who moved or were removed from the setting in which the abuse occurred, 66 percent were referred by mandated reporters.

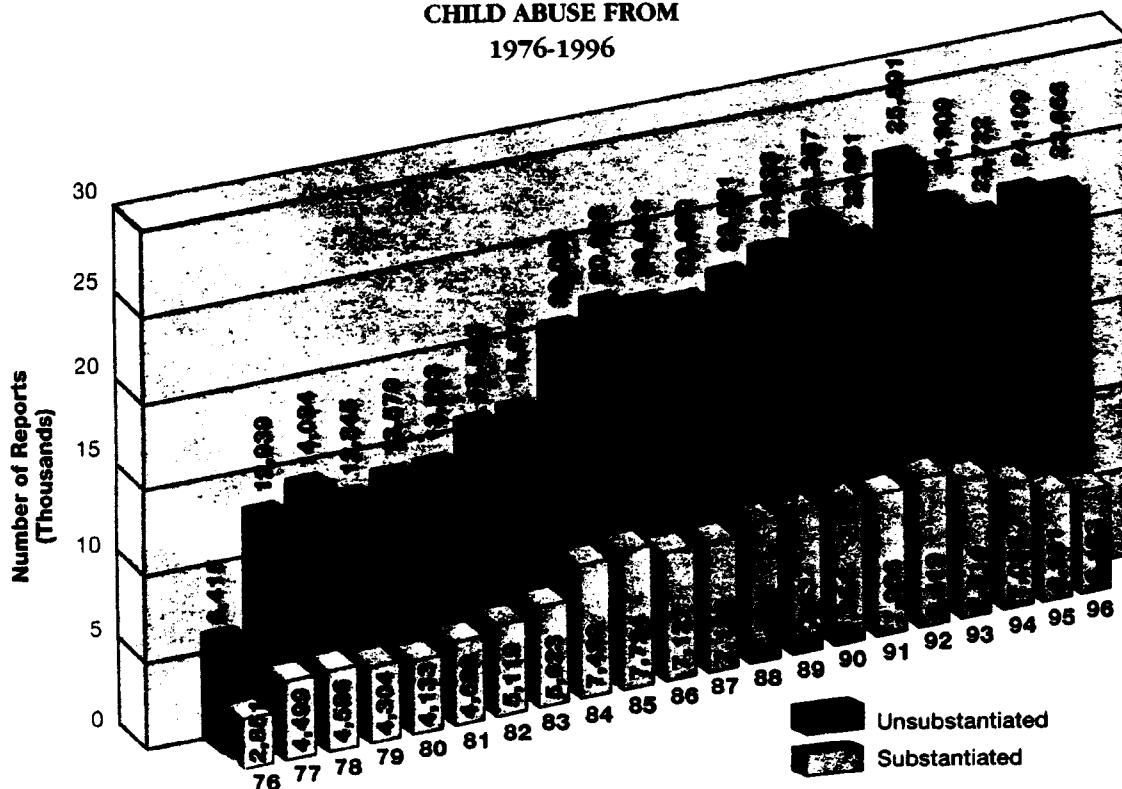
Health care personnel, including psychologists, made 17.6 percent of the reports; school personnel made 23.1 percent (see Chart 1). Nationally, in 1993, medical personnel made 10.7 percent and school personnel made 16.3 percent of the total number of reports of suspected abuse.

Of the 1,189 alleged victims of abuse reported anonymously, 13 percent moved or were removed from

the setting where the abuse occurred. Of the 597 children who reported themselves as being abused, 32.3 percent were confirmed as being abused; 354 of them moved or were removed from the setting in which the abuse occurred.

The number of children relocated from the setting where they were abused decreased four percent from 1995 (see Chart 2). It is also interesting to note that 59 percent of the total (up from 33 percent in 1983) number of children relocated were determined not abused.

Chart 3
CHILD ABUSE FROM
1976-1996



EXTENT OF CHILD ABUSE

Injuries by Age (Substantiated Reports), 1996—Table 3

Substantiated cases of child abuse are recorded in the Statewide Central Register. Some children receive more than one injury; therefore, the total number of injuries, 9,762, exceeds the number of substantiated reports, 6,183 (see Table 3).

For the second year, the number of sexual injuries decreased, from 5,221 in 1995 to 4,939 in 1996—a five percent drop. Sexual injuries account for 51 percent of all substantiated injuries, with sexual assault accounting for 53 percent of all sexual abuse.

Children in Pennsylvania sustained nine percent fewer injuries in 1996 than in 1995. Substantiated physical injuries decreased from 4,608 in 1995 to 3,940 in 1996. Bruises accounted for 42 percent of all physical injuries. In 1996, substantiated mental injuries decreased by four percent and substantiated physical neglect decreased 11 percent.

The reporting of alleged incidents regarding imminent risk of physical or sexual abuse began on July 1, 1995. In 1996, three percent of the substantiated reports involved imminent risk. Sixty-seven percent of these types of reports involved risk of serious physical injury and 33 percent involved risk of sexual abuse or exploitation.

Fatalities by Age (Substantiated Reports), 1996—Table 4

There was a 46 percent decrease in child fatalities in 1996. Thirty-three children died due to abuse compared to 61 in 1995. Ninety-one percent of the deaths were of children under five years of age. According to a 1991 national survey prepared by the National Committee for the Prevention of Child Abuse, 79 percent of the child abuse fatalities involve children under age five. Chart 4 shows the number of deaths in the county where they occurred. In 1996,

there was 1 child death per 100,000 children in Pennsylvania.

As shown in Chart 5, most deaths involve the mother (15 deaths) as perpetrator or co-perpetrator, a decrease of 2.8 percent from 1995. Fathers (10 deaths) and paramours (six deaths) were the next most frequent categories. The following types of perpetrators were also involved in child deaths in 1996: babysitter (three deaths), grandparent (two deaths), legal guardian (two deaths), and stepmother (one death).

Physically abusive acts causing deaths included the following:

1. Blunt force trauma (9)
2. Suffocation (7)
3. Shaken baby syndrome (3)
4. Gunshot (2)
5. Stabbing (1)
6. Burns (1)
7. Strangulation (1)
8. Complications from a fracture (1)

Chart 4

1996 CHILD ABUSE RELATED DEATHS BY COUNTY

Allegheny.....	3
Butler.....	1
Cumberland.....	1
Delaware.....	1
Elk.....	1
Erie.....	5
Fayette.....	2
Lehigh.....	1
Lycoming.....	1
Monroe.....	1
Montgomery.....	1
Northumberland.....	1
Philadelphia.....	11
Schuylkill.....	1
Wayne.....	1
York.....	1
State Total.....	33

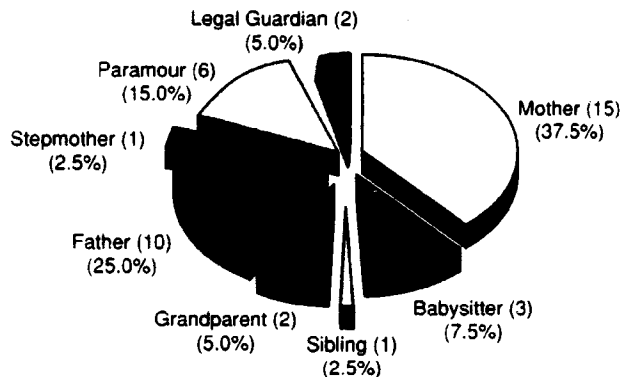
The victims were not necessarily active with or previously known to the county children and youth agencies.

Chart 5

1996

RELATIONSHIP OF PERPETRATOR TO CHILD

When the child died due to abuse



Lack of supervision or medical care causing deaths included:

1. Drowning (2)
2. Burns (1)
3. Malnutrition and heat exhaustion (1)
4. Drug overdose (1)
5. Attack by dog (1)
6. Fall out of car (1)
7. Gunshot (1)

Note: More than one perpetrator may be involved in one death.

None of the victims of child fatalities had records of previous abuse. However, in eight of the child death cases there were prior histories of child abuse involving persons other than the victim, as follows:

1. Prior history on siblings (5)
2. Prior history on parent as a perpetrator (1)

3. Prior history on perpetrator who was abused as a child (1)

4. Prior history on a non-parent perpetrator (1)

Table 3
INJURIES, BY AGE GROUP
(Substantiated Reports)
1996

TYPE OF INJURY	TOTAL INJURIES	AGE GROUPS				
		UNDER AGE 1	AGE 1-4	AGE 5-9	AGE 10-14	AGE 15-17
PHYSICAL INJURIES	3,940	315	617	1,217	1,013	778
Burns/Scaldings	180	21	89	54	13	3
Fractures	182	84	47	17	6	28
Skull Fractures	48	35	9	1	1	0
Subdural Hematoma	41	22	7	6	3	3
Bruises	1,639	51	232	586	483	307
Welts/Ecchymosis	527	14	58	200	168	87
Lacerations/Contusions/Abrasions	613	16	76	181	185	155
Wounds/Punctures	58	3	13	11	11	20
Brain Damage	11	7	2	1	1	0
Poisoning	7	2	2	2	1	0
Asphyxiation/Suffocation	17	8	1	4	3	1
Internal Injuries/Hemorrhage	53	17	17	10	3	6
Dismemberment	2	0	0	1	1	0
Sprains/Dislocations	20	0	2	2	6	10
Drugs/Alcohol	53	5	6	2	9	31
Drowning	5	1	4	0	0	0
Other	486	29	52	139	139	127
MENTAL INJURIES	118	0	3	31	51	33
SEXUAL INJURIES	4,938	10	265	1,504	1,814	1,348
Rape	552	1	16	153	213	169
Statutory Rape	398	2	12	99	167	118
Incest	369	1	24	112	129	103
Involuntary/Voluntary Deviate						
Sexual Intercourse	826	2	46	280	296	202
Sexual Assault	2,637	4	163	822	946	702
Promoting Prostitution	43	0	0	10	15	18
Pornography	114	0	4	28	48	34
PHYSICAL NEGLECT	432	118	150	98	43	23
Malnutrition	15	8	5	2	0	0
Failure to Thrive	75	48	21	6	0	0
Lack of Supervision	159	29	80	39	10	1
Medical Neglect	161	32	41	46	31	11
Other	22	1	3	5	2	11
IMMINENT RISK	333	38	92	103	67	33
Physical	224	36	72	56	38	22
Sexual	109	2	20	47	29	11
TOTAL OF SUBSTANTIATED INJURIES	9,762	481	1,127	2,963	2,988	2,213

Relationship of Perpetrator to Child by Age of the Perpetrator (Substantiated Reports), 1996—Table 5

Occasionally, more than one perpetrator is involved in an incident of abuse (see Table 5). Therefore, the number of perpetrators (6,839) exceeds the number of substantiated incidents (6,183) (see Table 1).

Mothers and fathers continue to comprise the largest group of perpetrators, 3,473, or 51 percent. Most abusive mothers (42 percent) were between the ages of 30 and 39. Most abusive fathers (44 percent) fell into the same age group.

The relationship of the perpetrator to the child was parental in 67 percent of the reports. Parental relationships include mothers, fathers, stepmothers, stepfathers and paramours. Twenty percent of the remaining perpetrators were other relatives; nonrelatives comprised 12.3 percent (see Chart 6). Other relatives include siblings, grandparents, aunts, uncles, and cousins.

Relationship of Perpetrator by Type of Injury (Substantiated Reports), 1996—Table 6

Since some perpetrators cause more than one injury, more injuries are recorded than the total number of substantiated reports (see Table 6).

Parents were responsible for 48 percent of all injuries to abused children in 1996 (see Table 6). While mothers and fathers were almost equally responsible for abuse overall, mothers were more frequently responsible for causing physical injuries and neglect than fathers. Fathers were responsible for sexual abuse two times more than mothers.

Among nonrelated perpetrators, babysitters were responsible for the highest number of injuries to children. Of the abuse by babysitters, 83 percent was sexual. A high incidence of sexual abuse by babysitters is a consistent trend over the years.

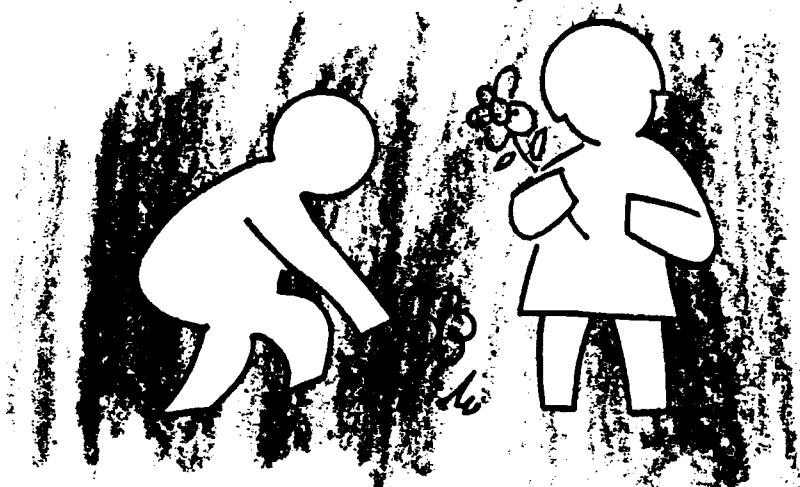


Table 4
FATALITIES, BY AGE GROUP
(Substantiated Reports)
1996

AGE GROUP	TOTAL SUBSTANTIATED REPORTS		CHILD DIED		RATE 100 SUBSTANTIATED REPORTS	
	1995	1996	1995	1996	1995	1996
Under Age 1	364	313	21	15	5.8	4.8
Age 1-4	874	776	18	15	2.1	1.9
Age 5-9	2,085	1,916	12	2	0.6	0.1
Age 10-14	2,035	1,843	6	1	0.3	0.1
Age 15-17	1,533	1,335	4	0	0.3	0.0
State Total	6,891	6,183	61	33	0.9	0.5

Chart 6
1996

PROFILE OF PERPETRATORS
Pennsylvania Percentages

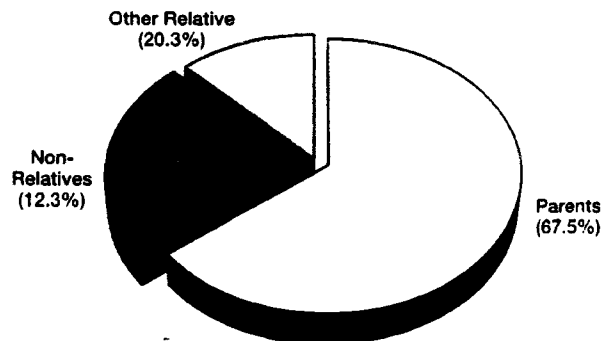


Table 5
RELATIONSHIP OF PERPETRATOR TO CHILD BY AGE OF THE PERPETRATORS
(Substantiated Reports)
1996

RELATIONSHIP	TOTAL PERPS	AGE 10-19	AGE 20-29	AGE 30-39	AGE 40-49	AGE 50+	AGE UNAVAILABLE
Mother	1,942	105	810	820	162	24	21
Father	1,531	34	333	674	375	74	41
Sibling	300	248	45	1	0	1	5
Step-mother	33	3	11	14	4	0	1
Step-father	422	0	71	224	90	22	15
Paramour	685	22	220	269	93	26	55
Foster Parent	59	0	8	23	14	11	3
Residential Staff	42	0	29	7	3	3	0
Day Care Staff	12	1	3	2	2	4	0
Legal Guardian	67	0	5	17	18	24	3
Babysitter	660	104	153	176	107	81	39
Teacher	0	0	0	0	0	0	0
Household Member	521	128	127	118	53	58	37
Grandparent	227	0	1	9	36	164	17
Aunt	53	11	12	15	4	8	3
Uncle	212	23	47	79	25	19	19
Cousin	71	41	19	5	2	2	2
Other Relative	2	1	1	0	0	0	0
Other	0	0	0	0	0	0	0
TOTAL	6,839	721	1,895	2,453	988	521	261

In Pennsylvania in 1996, foster parents, residential child caring staff and child day care staff were responsible for one percent of the 10,924 injuries received by abused children.

Number of Reports of Reabuse by County, 1996—Table 7

The CPSL established a Statewide Central Register of all founded and indicated reports of child abuse in order to detect prior abuse of a child or prior history of abuse inflicted by a perpetrator. Upon receipt of a report at ChildLine, the caseworker searches the Statewide Central Register to see if any subject was involved in a previous substantiated report or one that is under investigation.

During the course of investigating a report, it is possible that other past unreported incidents of suspected abuse become known. Although such reports would be reflected as reabuse of the child, it is often multiple incidents of abuse involving one or more victims who were not known to the protective services system prior to the "trigger" reports. These would be reported to ChildLine and handled as separate reports. These statistics on reabuse should be understood within this context.

In 1996, there were 2,695 reports of alleged repeated abuse of children investigated in the Commonwealth (see Table 7). This is a two percent decrease from 1995 and represents a

steady decrease since 1994.

The substantiation rate for all reports received in 1996 was 26.1 percent. The substantiation rate for reports of repeated abuse was 14.3 percent.

Chart 7 shows the number of children abused more than once listed by age. Three children were abused at least twice before their first birthday. The substantiation rate in descending order for each age group was 40 percent for children age one to four, 35 percent for children age five to nine, 33 percent for children under age one, 33 percent for children age 10 to 14, and 30 percent for children age 15 to 17.

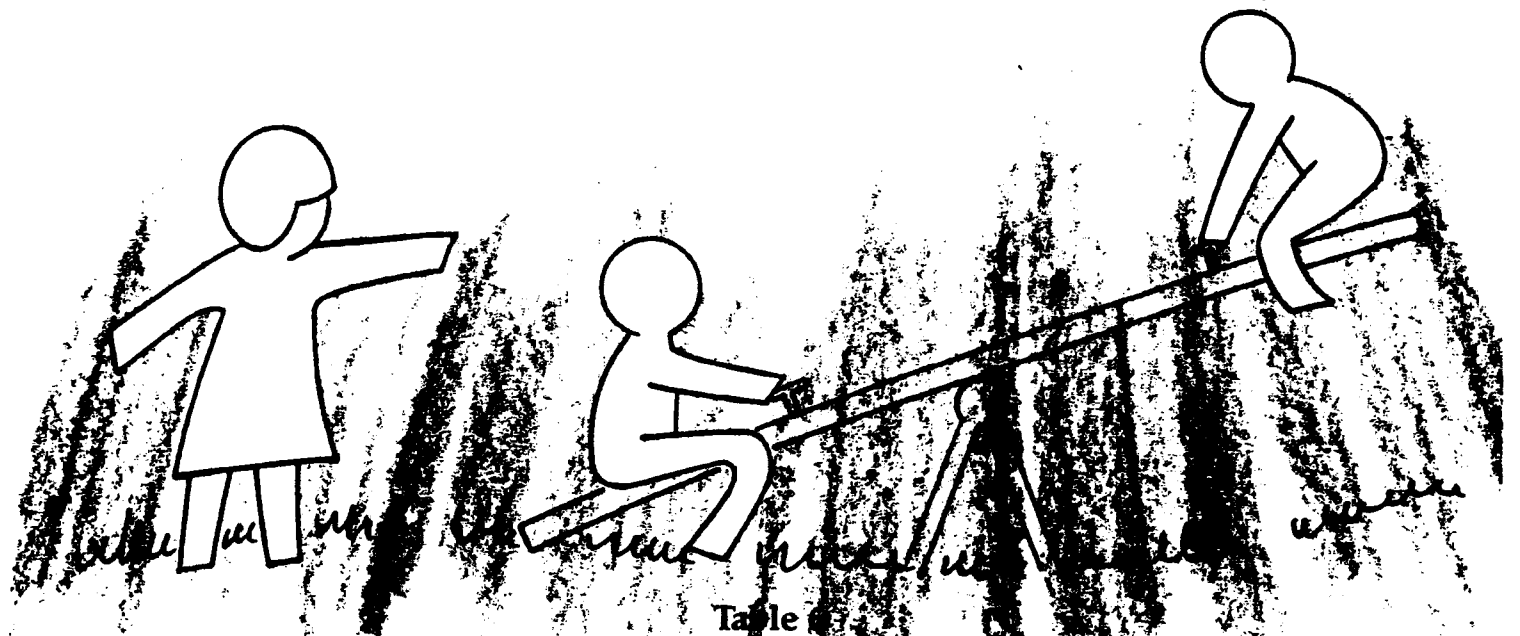


Table 6
RELATIONSHIP OF PERPETRATOR BY TYPE OF INJURY
(Substantiated Reports)
1996

TYPE OF INJURY	MOTHER	FATHER	SIBLING	STEP MOTHER	STEP FATHER	PARENT	CHILD	RELATIVE	DAY CARE	LEGAL GUARDIAN	BABY SITTER	TEACHER	PEER	GRANDPARENT	ADULT	UNCLE	COUSIN	OTHER RELATIVE	ROW TOTAL
PHYSICAL INJURIES	1,714	1,193	88	44	213	454	42	32	2	88	182	0	177	78	47	38	18	2	4,338
Burns/Scaldings	104	27	4	1	2	20	4	0	0	2	19	0	3	8	4	2	2	0	202
Fractures	99	71	3	0	8	26	2	4	0	2	7	0	3	3	0	0	0	0	228
Skull Fractures	32	19	1	0	0	5	0	0	0	0	2	0	0	0	0	0	0	0	59
Subdural Hematoma	20	18	0	0	1	5	0	0	0	0	3	0	1	2	2	0	0	0	52
Bruises	651	508	33	21	102	199	22	5	1	24	61	0	76	31	18	17	6	1	1,776
Welts/Ecchymosis	215	164	3	6	36	55	4	2	0	13	19	0	24	11	2	5	3	0	562
Lacerations/Abrasions	280	171	10	8	34	76	5	2	1	10	11	0	21	13	9	5	3	1	660
Punctures/Bites	30	11	2	1	1	5	1	0	0	0	1	0	6	0	1	0	1	0	60
Brain Damage	5	5	1	0	0	1	0	0	0	0	2	0	0	0	0	0	0	0	14
Poisoning	4	1	1	0	0	0	1	0	0	0	0	0	1	1	0	0	0	0	9
Asphyxiation/Suffoca.	9	6	0	0	1	1	0	0	0	0	1	0	0	0	0	1	0	0	19
Int. Injuries/Hemorr.	27	19	0	0	1	9	0	0	0	0	5	0	2	2	1	1	0	0	67
Dismemberment	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2	0	0	0	3
Sprains/Dislocations	10	5	0	0	1	2	0	0	0	0	2	0	1	0	0	0	1	0	22
Drugs/Alcohol	11	9	0	0	1	1	2	14	0	1	16	0	2	2	0	0	0	0	59
Drowning	3	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	4
Other	214	159	2	7	24	48	1	5	0	8	13	0	37	5	8	7	2	0	540
MENTAL INJURIES	62	86	8	1	4	7	7	8	8	1	1	0	1	2	2	8	8	0	163
SEXUAL ABUSE	448	973	588	8	488	878	28	17	8	21	888	0	634	284	28	382	118	1	1,486
Rape	39	95	74	0	56	68	3	2	0	3	114	0	84	22	1	44	22	0	627
Statutory Rape	36	85	18	2	55	57	1	2	0	2	105	0	44	23	1	29	10	0	470
Incest	47	151	106	2	2	5	0	0	0	1	3	0	3	35	5	53	3	0	416
Deviate Sex. Intercourse	78	132	107	2	79	89	4	1	0	4	189	0	109	42	4	71	23	0	934
Sexual Assault	223	482	248	2	245	332	17	12	8	10	522	0	377	148	14	174	57	1	2,872
Promoting Prostitution	7	6	1	0	2	6	0	0	0	0	7	0	4	7	0	4	1	0	45
Pornography	18	22	6	0	10	13	1	0	0	1	28	0	13	7	3	7	2	0	131
PHYSICAL NEGLECT	344	184	8	8	4	7	8	12	2	12	18	0	3	11	7	1	1	8	529
Malnutrition	15	6	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	22
Failure to Thrive	70	28	0	0	0	0	1	0	0	1	1	0	0	2	0	0	0	0	101
Lack of Supervision	113	28	0	0	2	5	1	1	2	6	13	0	2	3	4	0	1	0	181
Medical Neglect	137	43	0	0	1	1	3	0	0	5	2	0	0	4	3	1	0	0	200
Other	9	1	0	0	1	0	0	11	0	0	0	0	1	2	0	0	0	0	25
IMMEDIATE RISK	222	82	2	8	12	38	1	3	1	4	16	0	11	12	2	1	1	8	418
Physical	134	69	1	0	6	17	1	3	1	0	6	0	8	4	2	1	1	0	252
Sexual	88	23	1	0	6	13	0	0	0	4	10	0	5	8	0	0	0	0	158
GRAND TOTAL	2,788	2,427	622	53	682	1,868	81	84	13	88	1,183	0	828	387	86	422	138	3	10,923

CHILD PROTECTIVE SERVICES

Table 7
REPORTS OF REABUSE, BY COUNTY
1996

COUNTY	TOTAL SUBSTANTIATED ABUSE	TOTAL SUSPECTED REABUSE	TOTAL SUBSTANTIATED REABUSE	PERCENT*
ADAMS	44	25	7	15.9%
ALLEGHENY	487	235	77	15.8%
ARMSTRONG	62	15	5	8.1%
BEAVER	68	19	3	4.5%
BEDFORD	18	13	3	16.7%
BERKS	180	95	21	11.7%
BLAIR	52	49	9	17.3%
BRADFORD	38	8	4	10.5%
BUCKS	82	47	4	4.9%
BUTLER	38	20	4	10.5%
CAMBRIA	47	25	5	10.6%
CAMERON	6	3	3	50.0%
CARBON	42	15	5	11.9%
CENTRE	28	11	4	14.3%
CHESTER	107	31	10	9.3%
CLARION	10	4	2	20.0%
CLEARFIELD	19	8	1	5.3%
CLINTON	20	9	5	25.0%
COLUMBIA	18	15	1	5.6%
CRAWFORD	69	36	10	14.5%
CUMBERLAND	66	22	10	15.2%
DAUPHIN	113	52	19	16.8%
DELAWARE	198	88	24	12.1%
ELK	7	3	2	28.6%
ERIE	142	68	20	14.1%
FAYETTE	76	50	17	22.4%
FOREST	8	0	0	0.0%
FRANKLIN	25	3	1	4.0%
FULTON	6	6	2	33.3%
GREENE	34	10	3	8.8%
HUNTINGDON	10	3	0	0.0%
INDIANA	54	28	7	12.9%
JEFFERSON	25	8	1	4.0%
JUNIATA	8	6	2	25.0%

*The rate is the percentage of substantiated reports of reabuse out of the total substantiated abuse.

COUNTY	TOTAL SUBSTANTIATED ABUSE	TOTAL SUSPECTED REABUSE	TOTAL SUBSTANTIATED REABUSE	PERCENT*
LACKAWANNA	59	33	8	13.6%
LANCASTER	146	45	11	7.5%
LAWRENCE	27	24	7	25.9%
LEBANON	64	23	10	15.6%
LEHIGH	147	71	21	14.3%
LUZERNE	138	45	12	8.7%
LYCOMING	86	41	15	17.4%
McKEAN	59	34	12	20.3%
MERCER	49	20	4	8.2%
MIFFLIN	22	10	1	4.5%
MONROE	95	38	15	15.8%
MONTGOMERY	125	69	14	11.2%
MONTOUR	10	10	2	20.0%
NORTHAMPTON	133	49	19	14.3%
NORTHUMBERLAND	110	51	27	24.5%
PERRY	18	18	3	16.7%
PHILADELPHIA	1988	710	308	15.5%
PIKE	9	2	0	0.0%
POTTER	22	12	6	27.3%
SCHUYLKILL	55	45	12	21.8%
SNYDER	25	15	5	20.0%
SOMERSET	22	13	5	22.7%
SULLIVAN	3	2	2	66.7%
SUSQUEHANNA	48	20	11	22.9%
TIOGA	45	24	10	22.2%
UNION	27	9	4	14.8%
VENANGO	38	20	5	13.2%
WARREN	33	7	3	9.1%
WASHINGTON	68	31	11	16.2%
WAYNE	20	12	3	15.0%
WESTMORELAND	98	71	11	11.2%
WYOMING	19	2	0	0.0%
YORK	170	91	19	11.2%
STATE TOTAL	6,163	2,686	687	14.3%

Role of the County Children and Youth Agencies

Counties are required by the County Code to establish a children and youth agency to protect children from abuse and neglect. The CPSL requires children and youth agencies to investigate reports of suspected child abuse, provide protection from repeated abuse, and provide rehabilitative services to children and parents to "preserve and stabilize life wherever appropriate." The county children and youth agencies prepare annual plans describing how they will implement the law. Input on the plan is provided by the county court, law enforcement agencies, other community social services agencies and the general public.

Chart 7
1996
REABUSE BY AGE

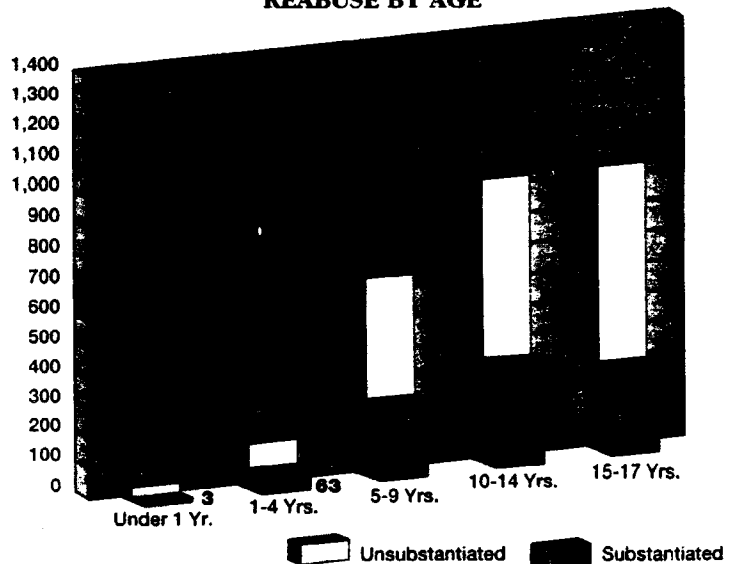


Table 8
NUMBER OF CASES INVESTIGATED WITHIN 30 AND 60 DAYS
1996

COUNTY	0-30	30-60	OVER 60 (Expunged)		COUNTY	0-30	30-60	OVER 60 (Expunged)	
ADAMS	138	21	0	0.0	LYCOMING	154	90	0	0.0
ALLEGHENY	507	1,041	8	0.5	MCKEAN	130	94	0	0.0
ARMSTRONG	80	86	1	0.6	MERCER	180	30	1	0.5
BEAVER	108	101	0	0.0	MIFFLIN	78	28	0	0.0
BEDFORD	64	22	0	0.0	MONROE	221	69	4	1.4
BERKS	666	296	1	0.1	MONTGOMERY	358	213	0	0.0
BLAIR	297	34	0	0.0	MONTOUR	34	13	0	0.0
BRADFORD	63	67	0	0.0	NORTHAMPTON	519	71	0	0.0
BUCKS	324	289	0	0.0	NORTHUMBERLAND	223	48	0	0.0
BUTLER	151	52	0	0.0	PERRY	67	37	1	0.8
CAMBRIA	178	59	0	0.0	PHILADELPHIA	2,487	2,515	64	1.3
CAMERON	11	2	0	0.0	PIKE	18	33	3	5.9
CARBON	91	31	0	0.0	POTTER	44	13	0	0.0
CENTRE	244	25	1	1.1	SCHUYLKILL	188	103	0	0.0
CHESTER	33	15	0	0.0	SNYDER	22	29	0	0.0
CLARION	48	66	1	0.9	SOMERSET	66	20	2	2.3
CLEARFIELD	40	15	0	0.0	SULLIVAN	9	1	0	0.0
CLINTON	58	49	5	4.7	SUSQUEHANNA	63	32	0	0.0
COLUMBIA	234	45	2	0.7	TIOGA	99	37	0	0.0
CRAWFORD	188	85	0	0.0	UNION	52	2	0	0.0
CUMBERLAND	341	113	0	0.0	VENANGO	158	30	4	2.1
DAUPHIN	364	506	2	0.2	WARREN	36	31	0	0.0
DELAWARE	12	3	0	0.0	WASHINGTON	155	188	0	0.0
ELK	299	193	0	0.0	WAYNE	80	20	0	0.0
ERIE	182	159	0	0.0	WESTMORELAND	497	68	0	0.0
FAYETTE	12	0	0	0.0	WYOMING	29	11	0	0.0
FOREST	69	22	0	0.0	YORK	526	396	2	0.2
FRANKLIN	28	1	0	0.0					
FULTON	56	52	4	3.7	COUNTY TOTAL	13,689	9,212	122	0.5
GREENE	30	12	4	9.5	REGIONAL INVESTIGATIONS				
HUNTINGDON	187	34	1	0.5	CENTRAL	118	36	0	0.0
INDIANA	79	17	3	3.1	NORTHEAST	189	66	0	0.0
JEFFERSON	18	17	0	0.0	SOUTHEAST	163	352	1	0.2
JUNIATA	120	98	0	0.0	WESTERN	228	142	0	0.0
LACKAWANNA	334	379	0	0.0	REGIONAL TOTAL	678	596	1	0.1
LANCASTER	133	36	0	0.0	STATE TOTAL	13,736	9,808	123	0.5
LAWRENCE	107	102	0	0.0					
LEBANON	196	496	8	1.2					
LEHIGH	377	129	0	0.0					
LUZERNE									

Number of Cases Investigated Within 30 and 60 Days, 1996—Table 8

The CPSL requires the CPS staff and regional staff in the Department's Office of Children, Youth and Families to complete child abuse investigations within 30 days from the date the report is received at ChildLine. If the summary report of an investigation is not postmarked for submission to ChildLine within 60 days, the report is considered unfounded and expunged.

In 1996, 58 percent of the investigations were completed within 30 days (see Table 8); 41 percent within 60 days and 0.5 percent after 60 days. For the fourth consecutive year the number of investigations completed after 60 days increased over the previous year.

Services Planned and Provided, 1996—Table 9

The county children and youth agency is required to provide the services which follow for the prevention and treatment of child abuse.

The frequency with which these services were provided is shown in Table 9.

Multidisciplinary Teams (MDT)

Local professionals and nonprofessionals and the CPS staff:

- develop treatment plans for abused children and their families;
- recommend improvements in service delivery; and
- identify and pursue resources to fill service gaps in the community.

Parenting Education Classes

Programs for parents on the responsibilities of parenthood.

Protective and Preventive Counseling Services

Counseling and therapy for individuals and families to prevent further abuse.

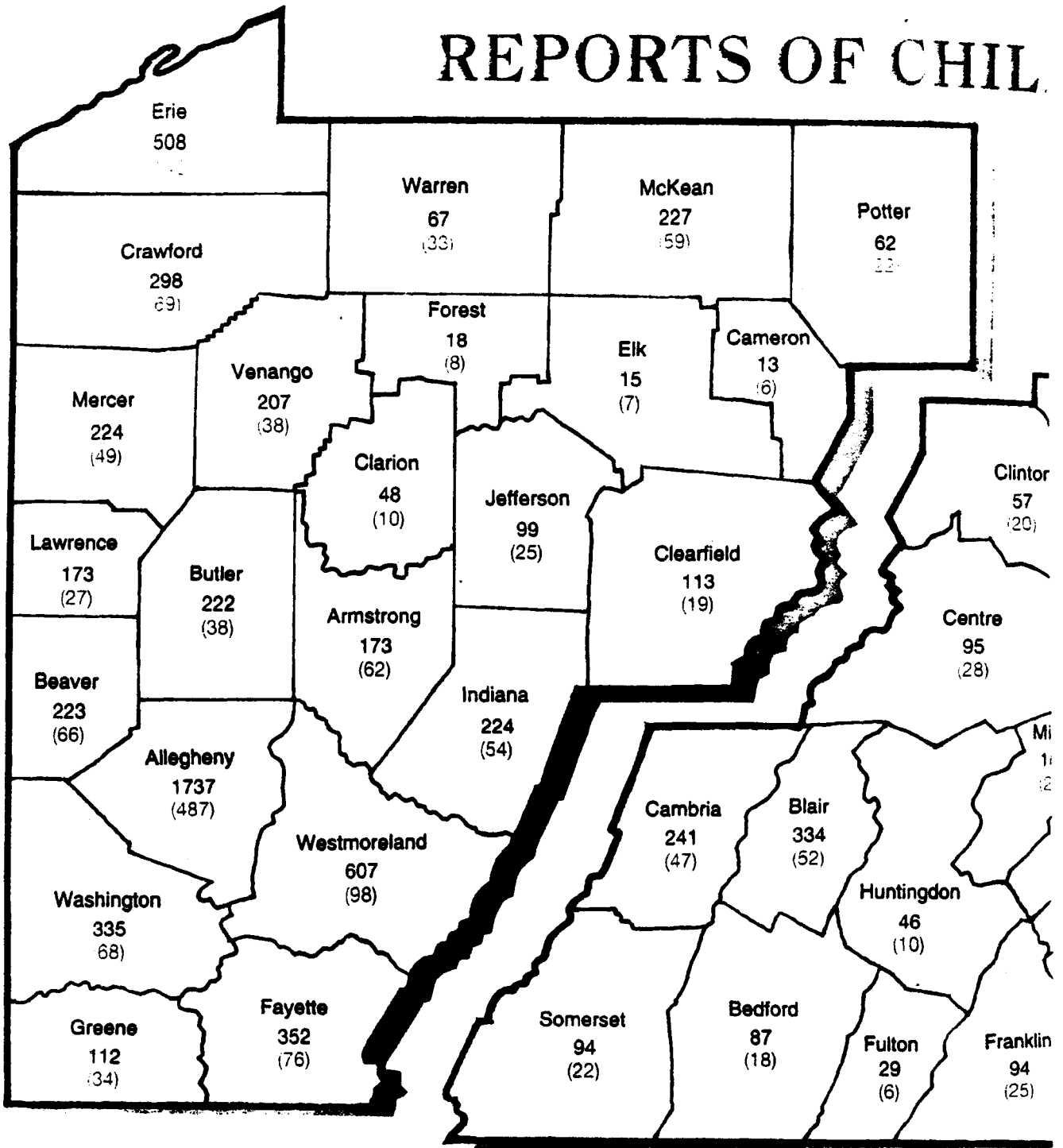
Emergency Caregiver Services

Temporary substitute care and supervision of children in their homes.

Emergency Shelter Care

Residential or foster home placement of children taken into protective custody after being removed from their homes.

REPORTS OF CHIL



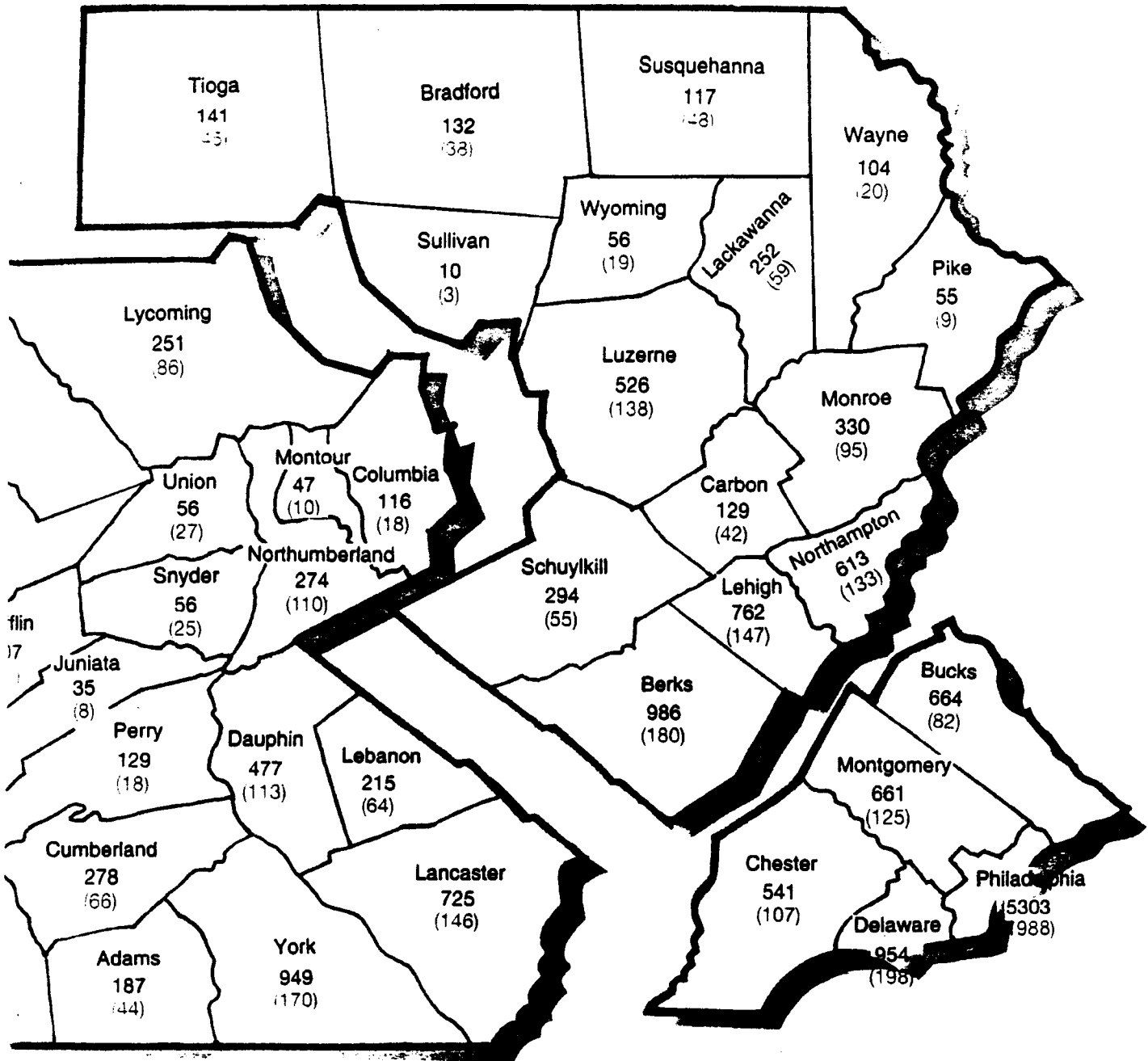
TOTAL SUSPECTED CASES.....23,666



TOTAL SUBSTANTIATED CASES6,183



ABUSE BY COUNTY



REGION	SUSPECTED CASES	SUBSTANTIATED CASES
CENTRAL	4,979	1,155
NORTHEASTERN	4,507	1,031
SOUTHEASTERN	8,123	2,500
WESTERN	6,057	1,497

Emergency Medical Services

Emergency medical services for children suspected of being abused, provided only with parental consent or by court order.

Preventive and Educational Programs

Programs to increase public awareness and willingness to identify victims of suspected child abuse and to provide necessary community rehabilitation.

Self-Help Groups

Groups of former or potentially abusive parents organized to help reduce abuse through mutual support and help.

During the investigative phase of CPS intervention, counseling by the CPS staff is the most frequently used social service to help stop abuse and protect children. County children and youth agencies have increased the services provided to abused children and their families over the last few years in response to the increasing complexity of the problems they encounter.

Role of the Regional Offices

The Department's Office of Children, Youth and Families has regional offices in Philadelphia, Scranton, Harrisburg and Pittsburgh. Regional staff monitor, license and provide technical assistance to public and private child care agencies and facilities. Their responsibilities include:

- investigating child abuse when the suspected perpetrator is a county children and youth agency employee or one of its agents;
- monitoring counties' implementation of the CPSL;
- assuring the regulatory compliance of agencies and facilities by investigating complaints and conducting annual inspections;

- assisting counties in the interpretation and implementation of CPS regulations; and
- reviewing and recommending approval of county needs-based plans and budget estimates.

Regional Investigations of Agents of the Agency, 1995-1996—Table 10

Section 6362(b) of the CPSL requires the Department to investigate reports of suspected child abuse "when the suspected abuse has been committed by the county agency or

any of its agents or employees" An agent of the county children and youth agency is anyone who provides a children and youth social service for, or on behalf of, the county agency. They include foster parents, residential child care staff and staff of other agencies providing services for children and families.

**Table 9
SERVICES
1996**

SERVICES	CHILD		PARENT		PERPETRATOR		TOTAL
	PL*	PR**	PL*	PR**	PL*	PR**	
Counseling	6,090	9,667	5,717	8,906	5,129	7,059	42,568
Referral to Self-Help Group	431	497	693	716	602	570	3,509
Referral to Intra-Agency Services	1,886	2,601	1,922	2,506	1,572	1,803	12,290
Referral to Community Services	2,417	3,742	2,520	3,683	2,077	2,474	16,913
Homemaker/Caretaker Services			233	279	178	212	902
Instruction & Education for Parenthood			1,765	2,031	1,436	1,572	6,804
Emergency Medical Care	1,551						1,551
Other	289	1,283	232	932	207	739	3,682

	PL*	PR**	TOTAL
Multidisciplinary Team Case Review	607	912	1,519

*PL—Planned
**PR—Provided

Table 10
REGIONAL INVESTIGATIONS OF AGENTS OF VARIOUS AGENCIES

REGION	FOSTER HOMES				RESIDENTIAL FACILITY				OTHER				TOTAL			
	TOTAL		SUBSTANTIATED		TOTAL		SUBSTANTIATED		TOTAL		SUBSTANTIATED		TOTAL		SUBSTANTIATED	
	1995	1996	1995	1996	1995	1996	1995	1996	1995	1996	1995	1996	1995	1996	1995	1996
Central	44	84	10	20	60	53	5	4	8	15	2	2	112	152	17	26
			22.7%	23.8%			8.3%	7.5%			25.0%	13.3%			15.2%	17.1%
Northeast	86	88	19	12	79	125	8	19	14	22	1	0	179	235	28	31
			22.1%	13.6%			10.1%	15.2%			7.1%	0.0%			15.6%	13.2%
Southeast	209	230	31	35	187	253	12	13	30	33	3	2	426	516	46	50
			14.8%	15.2%			6.42%	5.1%			10.0%	6.1%			10.8%	9.7%
Western	136	130	27	31	158	206	1	4	24	32	11	5	318	370	39	40
			19.9%	23.8%			0.6%	1.9%			45.8%	15.6%			12.3%	10.8%
TOTALS	475	532	87	98	484	639	26	40	76	102	17	9	1035	1273	130	147
			18.3%	18.4%			5.4%	6.3%			22.4%	8.8%			12.6%	11.5%

In 1996, regional staff investigated 1,273 reports of suspected abuse involving agents of the county children and youth agencies, an increase of 23 percent from 1995 (see Table 10). Reports in residential facilities increased 32 percent. Those involving foster homes and other agent settings also increased by 12 percent and 34 percent respectively. Only two counties conducted more investigations than the Department.

The overall substantiated rate of abuse of children in substitute care was 11.5 percent, compared to 26.1 percent for children in their own home. For foster homes the rate increased from the 1995 substantiation rate by 0.4 percent. For residential facilities the substantiation rate increased by 0.9 percent and for all other agent settings the rate decreased by 13.6 percent.

Type of Abuse of Children in Substitute Care by Region (Substantiated Reports), 1996—Table 11

Because some children receive several injuries, the total number of injuries, 225, exceeds the total number of substantiated reports, 147 (see

Table 11). There was a 20 percent increase in the number of injuries to children in foster care when compared to 1995, and a 59 percent increase in the number of injuries to children in residential care. Injuries to children in all other agent settings decreased by nine percent.

Table 11
TYPE OF INJURY OF CHILDREN IN SUBSTITUTE CARE, BY REGION (Substantiated Reports) 1996

PLACEMENT	REGION	TYPE OF ABUSE				TOTAL
		PHYSICAL	MENTAL	SEXUAL	NEGLECT	
FOSTER CARE	Central	5	0	20	0	25
	Northeast	5	2	13	0	20
	Southeast	20	0	42	2	64
	Western	15	2	17	3	37
RESIDENTIAL FACILITY	Central	4	0	1	0	5
	Northeast	15	0	5	11	31
	Southeast	9	0	9	1	19
	Western	3	0	1	0	4
OTHER	Central	2	0	1	0	3
	Northeast	0	0	0	0	0
	Southeast	9	0	2	0	11
	Western	1	1	4	0	6
TOTAL		68	5	115	17	225

CHILDREN ABUSED IN CHILD CARE SETTINGS

The CPSL requires the Department to report on the services provided to children abused in child care settings and the action taken against the perpetrators.

In 1996, there were 1,487 reports of suspected abuse of children in child care settings. A total of 187 (13 percent) were substantiated. The Department investigated 1,207 (81 percent) of the suspected reports because the alleged perpetrators were agents of county children and youth agencies.

Social services were planned and/or provided to all alleged victims involved in the investigated reports

when appropriate. Counseling was the most frequently provided service. One hundred and four children received emergency medical care for injuries they sustained. In 350 (24 percent) reports, information was referred to law enforcement officials for criminal investigation and prosecution, 144 of which were substantiated by the CPS investigation.

Of the 187 reports substantiated in a child care setting, the following services were provided or planned:

- Thirty children received emergency medical care.
- Eighty children received counseling.
- Six children were referred to self-help groups for victims.
- Thirteen children received intra-agency services.
- Two parents and three perpetrators received instruction in parenting skills.
- One perpetrator was referred to a self-help group.
- Eleven perpetrators were referred for other services in the community.
- Two cases were reviewed by a multidisciplinary team to determine the intensity of services needed in the family.

CLEARANCES FOR PERSONS WHO PROVIDE CHILD CARE AND FOR SCHOOL EMPLOYEES

The CPSL requires child care employees and applicants for school employment to obtain child abuse clearances from the Department to determine if they were a perpetrator of child abuse or an individual responsible for student abuse.

Section 6344 of the law prohibits child care agencies from employing any person who will have direct contact with children if the individual was convicted of certain criminal offenses (a list will follow) or was named as a perpetrator of a founded report of child abuse in the previous five years. An administrator may hire a person who was the perpetrator of child abuse in an indicated report or the individual responsible for an indicated report or report of founded student abuse, when the administrator feels that the person will not pose a threat to the safety of the children in the person's care and has not been convicted of certain criminal offenses.

Section 6355 of the law prohibits school administrators from employing anyone convicted of certain criminal offenses, named as the perpetrator of a founded report of child abuse or as the individual responsible for a founded report of student abuse. The administrator may hire a person listed as a perpetrator of child abuse in an indicated report or the person responsible for an indicated report of student abuse report, when the administrator feels the person will not pose a threat to the safety of students.

The law also requires that child care employees receive clearance from the Pennsylvania State Police to determine whether they have been convicted of any of the following crimes at any time in the past:

- kidnapping
- unlawful restraint
- rape
- statutory rape
- statutory sexual assault
- involuntary deviate sexual intercourse
- sexual assault
- indecent assault
- aggravated indecent assault
- indecent exposure
- incest
- concealing the death of a child
- endangering the welfare of children
- dealing in infant children
- prostitution and related offenses
- pornography
- corruption of minors
- sexual abuse of children
- criminal homicide
- aggravated assault
- harassment and stalking

Federal criminal history record checks by the FBI are also required for out-of-state residents seeking employment in child care and public or private schools in Pennsylvania.

Similar requirements exist for persons wishing to become foster parents or adoptive parents.

The law allows anyone, such as a babysitter, to request voluntary certification to provide proof to a child's parents that the individual is not on file as a perpetrator of child abuse or student abuse.

Child care employees include child day care employees, foster parents, adoptive parents, residential child care employees, juvenile detention center employees, juvenile delinquent residential program employees and juvenile probation officers. Child care service also includes employees in mental health, mental retardation, children and youth, drug and alcohol programs for children, and other programs registered, licensed or approved by the Department or those on contract with a county children and youth agency.

An applicant for school employment includes an individual who applies for a position as a school employee. It also applies to individuals who transfer from one position to another and contractors for schools.

In 1996, ChildLine received 191,149 requests for verification (an 84 percent increase over 1995) and processed 182,702 requests (a 79 percent increase over 1995). Of this number, 82,626 (45 percent) were seeking employment in a child care service; 68,522 (38 percent) were seeking school employment; 11,140 (6 percent) were seeking approval as foster parents; 9,857 (5 percent) were seeking approval for adoption; and 7,675 (4 percent) were requesting voluntary certification. The average amount of time to process each clearance was 14 days.

There were 614 (0.3 percent) applicants whose names were on file in the Statewide Central Register as perpetrators of child abuse in 791 reports; 755 reports were indicated (these do not prohibit hire) and 31 reports were founded but did not prohibit hire in a child care setting because the abuse occurred more than five years preceding verification.

Seven applicants had records which prohibited hire, five were based on Founded reports and two based on FBI reports.

The types of abuse committed include: physical, 66 percent; sexual 21 percent; neglect, 11 percent; mental, 1 percent; and imminent risk, 0.5 percent. Some incidents involved multiple types of abuse. In five percent of the reports, the abuse occurred in a child care setting. The number of male victims and the number of female victims were relatively equal. Nine incidents resulted in the child's death for 1996 applicants compared to three deaths for the 1995 applicants. In the 791 reports, applicants listed as perpetrators were mothers in 428 reports (54 percent) and fathers in 115 (15 percent). Of the remaining applicants listed as perpetrators, 122 (15 percent) were relatives and 137 (17 percent) were non-relatives. Some reports list more than one perpetrator. Most applicants were 31 to 40 years old. In 38 percent of the reports, law enforcement was notified.

In 1996, 111 applicants appealed the reports in which they were named as perpetrators. Eleven requests (10 percent) were granted and 27 (24 percent) were denied. Fifty-two are still under review, and 21 persons did not respond to the Department's request for more information.

The goal of requiring clearances in the CPSL is to protect children at school and who receive care away from their homes. Although slightly more than 0.3 percent of the applicants were identified as being perpe-

trators of prior abuse, it is not known how many potential employees do not submit an application because they know they are on file at ChildLine and choose not to pursue a career in child care or in a school setting.



EXPENDITURES FOR CHILD ABUSE PROGRAMS, 1996-TABLE 12

Table 12
COUNTY EXPENDITURES FOR CHILD ABUSE PROGRAMS
1996

COUNTY	TOTAL EXPENDITURES	COUNTY	TOTAL EXPENDITURES
ADAMS	\$ 246,373	LANCASTER	417,747
ALLEGHENY ¹	1,336,091	LAWRENCE ¹	50,941
ARMSTRONG	177,255	LEBANON	114,181
BEAVER	654,258	LEHIGH	1,079,923
BEDFORD	142,519	LUZERNE	454,680
BERKS	1,098,798	LYCOMING	287,458
BLAIR	196,743	MCKEAN	65,114
BRADFORD	95,947	MERCER	254,976
BUCKS	1,610,835	MIFFLIN	81,965
BUTLER	90,367	MONROE	217,481
CAMBRIA	271,531	MONTGOMERY	912,584
CAMERON	10,806	MONTOUR	46,388
CARBON	57,653	NORTHAMPTON	852,708
CENTRE	58,506	NORTHUMBERLAND	265,256
CHESTER	821,405	PERRY	125,069
CLARION	170,824	PHILADELPHIA	5,551,844
CLEARFIELD	63,191	PIKE ¹	34,127
CLINTON	84,634	POTTER	72,419
COLUMBIA	43,574	SCHUYLKILL	65,021
CRAWFORD	104,372	SNYDER	55,579
CUMBERLAND	293,655	SOMERSET	219,561
DAUPHIN	905,863	SULLIVAN	12,030
DELAWARE	1,073,212	SUSQUEHANNA	245,840
ELK	50,672	TIOGA	169,772
ERIE	1,312,767	UNION ¹	67,631
FAYETTE	161,186	VENANGO	115,674
FOREST	12,815	WARREN	97,359
FRANKLIN	18,788	WASHINGTON	363,728
FULTON	29,106	WAYNE	117,325
GREENE	66,320	WESTMORELAND	529,813
HUNTINGDON	43,051	WYOMING	28,207
INDIANA	124,287	YORK	455,051
JEFFERSON	41,854		
JUNIATA	68,367	TOTALS	\$25,347,417
LACKAWANNA	380,388		

Source: Unaudited 4th quarter, FY 1995-96, CY-370A reports as submitted by the county programs.

¹ Estimated data based on the county's 3rd quarter report as submitted.

State and county governments share in funding CPS programs. Funds for county services to abused children and their families increased to \$25,347,476 in 1996, \$1,757,812 more than 1995 (see Table 12). These costs include personnel expenditures associated with implementing the

law but do not include administrative or placement costs.

The Department uses State General Fund monies to operate ChildLine. The total expenditures for ChildLine included \$2,324,072 plus \$185,727 for the child care clearance program in 1996. Expenditures for

staff in the Office of Children, Youth and Families headquarters were \$179,754. Regional staff expenditures were \$999,846.

The total funding, excluding administrative and placement costs, to implement the CPSL in 1996 was \$29,036,875, a 9 percent increase from 1995.

SUPPLEMENTAL STATISTICAL POINTS

- As of December 31, 1996, there were 83,145 substantiated reports in the Statewide Central Registry.
- ChildLine received a total of 84,294 calls in 1996.
- Since 1976, ChildLine has received more than 634,000 calls.
- Of the total calls taken in 1996, 37,798 callers were provided information and referral services, with 8,706 of the referrals directed to the county children and youth agencies for general protective services.
- Of the 23,666 reports of suspected abuse, 55 percent were received initially by ChildLine staff and 45 percent were received initially by the county CPS staff.
- A total of 5,203 cases reported a contributing cause of abuse. The most frequently cited factors were vulnerability due to age or development of the child (25 percent), marginal parental skills and knowledge (21 percent), stress (13 percent), impaired judgement of the perpetrator (13 percent) and substance abuse (9 percent).
- Criminal charges were filed in 393 reports. Perpetrators were found guilty in 80 reports, plea bargained in seven reports, and plead *nolo contendere* in four reports.
- ChildLine provided 5,401 advance background checks to the county agencies regarding prospective caregivers being evaluated to receive emergency placements of children.
- Copies of child abuse reports were provided to 850 persons who were the subjects of those reports.
- The Secretary of the Department of Public Welfare received 1,021 requests for first-level appeals to amend or expunge reports; of those, 95 (9 percent) were granted, 273 (27 percent) were denied, and 547 (54 percent) were withdrawn or are still under review. One hundred and six (10 percent) of the requests were rejected due to ineligibility to appeal.
- The Department's Bureau of Hearings and Appeals received 395 requests for second-level appeals in addition to the 356 appeals pending from previous years; of those, 114 (29 percent) abuse reports were declared unfounded, and 50 (13 percent) remained substantiated and the remainder were still pending or withdrawn.



CHANGES TO THE CHILD PROTECTIVE SERVICES LAW

House Bill 1001 (Act 151) was enacted in 1994. The amendments to the Child Protective Services Law are to be implemented on specified dates. Following are the amendments which were implemented July 1, 1996:

July 1, 1996

- Background checks for child abuse history are required for an individual who applies for a position as a school employee who will have direct contact with students.
- A school employee named as a perpetrator of founded abuse of a non-student or of founded abuse of a student may not be hired in schools.
- Additional data on protective services must be submitted to the Department quarterly.
- Medical examinations must be performed when the investigation indicates a child is the victim of serious physical injury.
- The Department must establish a program of training and certification for protective services workers.
- Unfounded reports of abuse must be destroyed within 120 days after the date the report was received by the Department but may be retained by the county agency when a need for services exists.

Amendments which are pending implementation are as follows:

July 1, 1997

- The Department must issue regulations which direct county agencies to administer a program of general protective services (GPS) for children who require protection to prevent abuse, neglect or exploitation.

July 1, 1998

- Each county agency must adopt a state-approved risk assessment process to determine a child's need for protective services. This may be implemented earlier than 1998 if regulations are in effect before then.

Following is a list of amendments which were implemented July 1, 1995:

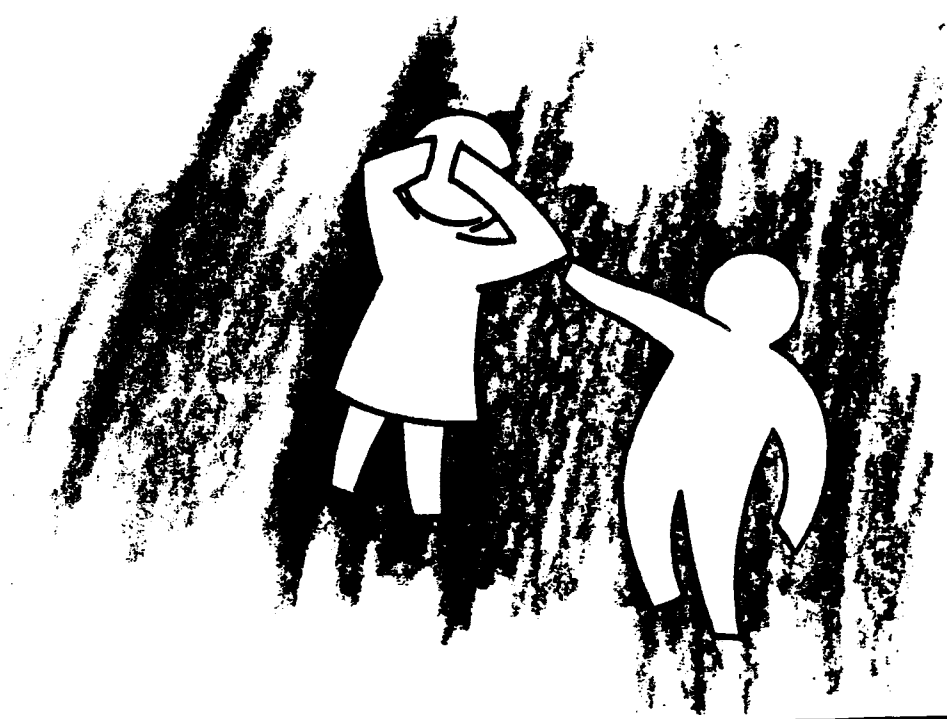
- The definition of child abuse has been expanded to include any recent (within two years) act, failure to act, or series of such acts or failure to act by a perpetrator that creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child.
- The definition of "persons responsible for the child's welfare" has been expanded to include a person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, control and supervision.
- School employees who have committed serious bodily injury, sexual abuse or sexual exploitation of a student will be identified as responsible for student abuse.
- A minimum age of 14 has been set as a criterion to establish as perpetrators those who are residing in the same home as the child but who are not responsible for the child's care.
- Mandated reporters must report or cause a report to be made when they have "reasonable cause to suspect," as opposed to "reason to believe," that a child coming before them in their professional or official capacity is an abused child.



- Ordained clergy are mandated to report suspected abuse, except when the information was obtained through confidential communication.
- Information maintained in the Statewide Central Register is to include factors which contributed to the abuse.
- The Statewide Central Register was expanded to include the results of any criminal prosecution.
- Unfounded reports may be retained by the county agency when a family needs services.
- Confidential information may be released to an authorized agency of another state that provides protective services to children.
- The Department may release the identity of a mandated reporter to law enforcement officials who must treat the reporter as a confidential informant.
- Law enforcement agencies may obtain relevant reports of child abuse when investigating certain serious crimes, including reports of missing children.
- Prospective adoptive parents may receive, through the county agency, sufficient information to help them make an informed decision to adopt a child who was abused.
- Reports and files must be released to a Court of Common Pleas in connection with any matter involving custody of a child.
- Perpetrators named in founded reports within five years prior to the application for clearance, or convicted of certain crimes at any time in the past, may not be employed in a child care setting.

County agencies must adopt the findings of juvenile courts with respect to the existence of child abuse.

- The Statewide Central Register must indefinitely retain the names of perpetrators of child abuse and school employees who are perpetrators of student abuse when their social security number or date of birth is known.
- The Department must conduct a study to determine the extent of reports of suspected child abuse that are knowingly false and malicious.
- The Department must study the advisability of adopting a protocol for screening anonymous reports of suspected abuse.
- Sanctions are provided for agencies, school districts or facilities that willfully fail to cooperate with the county agency or Department when conducting an investigation or assessing risk to a child.



REPORTING AND INVESTIGATING STUDENT ABUSE

Act 151 of 1994 provided a procedure to deal with students who are suspected of being abused by a school employee. Student abuse applies only to serious bodily injury and sexual abuse or sexual exploitation of a student by a school employee.

When a school administrator is informed of suspected student abuse by a school employee, the administrator is mandated to report immediately to law enforcement officials and the district attorney. If local law enforcement officials have reasonable cause to suspect, on the basis of an initial review, that there is evidence of serious bodily injury, sexual abuse

or sexual exploitation committed by a school employee against a student, the law enforcement official shall notify the county agency so it can investigate the alleged abuse or injury.

The county children and youth agency has 60 days in which to determine if the report is an indicated report for a school employee or an unfounded report. To the extent possible, the county agency should coordinate its investigation with that of the police. The child may be interviewed by the police and county agency together but the school employee can be interviewed by the police prior to any contact with the

county agency.

During 1996, 36 reports of student abuse were investigated. Of those, 11 were in the Southeast Region, 11 in the Northeast Region, seven in the Central Region, and seven in the Western Region. Of the 36 reports, 14 were indicated, 21 were unfounded, and one is still pending criminal court. Of the 14 children in indicated reports, 13 students were abused by a teacher and one by a technical supervisor. Eight students were between the ages of 15 and 18 and six students were between the ages of eight and 12. All indicated reports involved sexual abuse.

RISK ASSESSMENT

The Commonwealth of Pennsylvania recognized that a uniform method was needed to determine if a child was at risk of child abuse or neglect. When the Child Protective Services Law was amended by Act 151 of 1994, a mandate was included that county children and youth agencies use such a method.

A Risk Assessment Task Force was formed with staff from the Office of Children, Youth and Families and the Pennsylvania Children and Youth Administrators, Inc. The goal was to develop a method by which to determine if a child is at risk of child abuse or neglect and what is the probability of abuse. The model was developed after the county children and youth agencies had used three different models of risk assessment. Research was conducted by the Children's Division of the American Humane Association and the American Bar Association's Center on Children and the Law to evaluate the three models. The resulting model is called the Pennsylvania Model. All county children and youth agencies in Pennsylvania will be using this model by mid-1997.

The Pennsylvania Model of risk

assessment looks at the following factors:

- vulnerability of the child (such as age, handicaps, emotional factors);
- current and past abuse or neglect (last incident, severity and frequency of abuse or neglect);
- the extent of emotional harm to the child;
- factors related to the household members, caretakers and the perpetrators such as age, addiction, access to children, their prior abuse, relationship to children, cooperation, and parenting skills and age, emotional, physical and intellectual status; and
- factors related to the family such as stressors, family violence, family support systems, and the physical condition of the home.

Each factor is rated for each person. A level of risk is assigned to each factor. For instance, a baby will rate a high level of risk for vulnerability factor of the child while a 15-year-old without any handicaps or emotional problems would be rated a low risk. Obviously, a 15-year-old can take care of many of his or her needs

while a baby needs a caretaker to tend to all of his or her needs.

There are no numbers assigned in the model. It allows staff at the county agency to look at the child and his or her situation and make a decision based on the staff's opinion and judgement as to whether or not the child is at risk of child abuse or neglect and at what level or risk.

This kind of assessment means that all the county children and youth agencies are looking at the children reported to them in the same manner. The use of one model throughout the State will increase the thoroughness and consistency of the assessments that are made by children and youth professionals in Pennsylvania. An agency can prioritize which children need immediate attention and at what level of services.

With proper training and supervision, a worker in the agency can properly assign the level of risk to a child. Training on the model was provided throughout the State during 1996 to all county agency staff. All new workers will receive 12 hours of risk assessment training through the Pennsylvania Child Welfare Competency-Based Training and Certification Program.

In 1993, Pennsylvania entered into a relationship with the Annie E. Casey Foundation, one of the largest national philanthropies committed solely to the improvement of life for disadvantaged or abused children. The Foundation had chosen Pennsylvania as one of five states to pilot the Family to Family Foster Care Reform Initiative. The State was awarded a grant of \$2.5 million to support planning and implementation activities related to Family to Family.

Family to Family was conceived as a strategy to address several disturbing trends which were occurring across the country's public children and youth system. Developed by researchers, practitioners, foster parents and foundation staff, Family to Family is based on actual case studies and observations of those who have been working in the system for years. The picture of foster care that emerged as a result of this research was discouraging. More children than ever were entering out-of-home care, were staying in out-of-home care for longer periods of time, and were facing multiple disruptions while they remained in the system.

A related observation made by those who developed Family to Family was that decisions on where to place children and what services they would receive were based on available resources, not on the needs of the children. Thus, many children were being placed far from their birth families, preventing the social worker, foster parents and birth parents from forming the type of therapeutic relationship necessary to remediate the original problems leading to the placement of the child.

Family to Family established several core goals and measurable outcomes intended to breathe new life into the patterns of service delivery. Although the foster care system was the most obvious source of disparity between "what was and what should be," it was clear that any seri-

ous strategy to correct things would have to be related to the reform of the entire children and youth system. Even now Family to Family attempts to reach beyond the questions of how to improve foster care or how to recruit more foster parents. It urges all of the pilot sites to construct a more effective "gatekeeping" mechanism (i.e., placement prevention), and it encourages creative, community-based approaches to working with children in their own homes, the use of family foster care settings instead of institutional placements, and the placement of children in their own communities if removal from their own homes is necessary.

Family to Family has also assisted all of the sites to develop a self-evaluation capacity. Self-evaluation is a process through which agencies use available data to manage more effectively their resources and efforts when trying to achieve the above-mentioned goals. None of what Family to Family espouses could be considered a radical departure from traditional children and youth practices. In fact, the initiative actually attempts to reframe what is universally accepted as best practice principles.

The primary pilot sites for Family to Family have been Philadelphia, Columbia, Delaware, Lehigh and Northampton counties. Within the next year, the Office of Children, Youth and Families (OCYF) hopes to add three new counties—Bucks, Chester and Montgomery—which will make the entire Southeast region of the State a pilot site. The combination of State and foundation dollars, plus the significant amount of technical assistance provided by the Casey Foundation, has helped to push forward the agenda of the Initiative.

In all of the pilot sites, the county children and youth agencies have recruited and trained foster parents who are working along with birth parents. They have put together innovative approaches at placement

prevention right in the communities where most of the referrals originate. They have taken their self-evaluation and data management capacity beyond anything that has previously existed in the State. The Initiative has prompted the development of mutually complimentary relationships between the public children and youth agencies and the multi-talented private provider community.

The effects of the Family to Family Initiative are slowly being felt statewide as well. As OCYF and the county children and youth agencies move forward to develop a results-based management information process, the capacity for the entire system to be self-evaluating will become a reality. Likewise, as OCYF builds incentives for placement prevention into the needs-based budgeting guidelines, the system comes closer to encouraging the development of additional mechanisms for working with children in their own homes while still providing for their safety.

It might be another three to five years before the real impact of Family to Family can be measured. Nonetheless, this initiative, and the partnership among the State, the counties, private agencies and a major foundation, has given Pennsylvania's children and youth system the opportunity to challenge current practices and provide fresh directions to our child protection efforts.

DIRECTORY OF STATE AND COUNTY OFFICES

DEPARTMENT OF PUBLIC WELFARE OFFICE OF CHILDREN, YOUTH AND FAMILIES

HEADQUARTERS

Office of Children, Youth and Families
Department of Public Welfare
P.O. Box 2675
Harrisburg, PA 17105-2675
(717) 787-3984

ChildLine and Abuse Registry
Office of Children, Youth and Families
Hillcrest, 2nd Floor
P.O. Box 2675
Harrisburg, PA 17105-2675
(717) 783-8744

REGIONAL OFFICES

SOUTHEAST REGION

Office of Children, Youth and Families
1400 Spring Garden Street
502 State Office Building
Philadelphia, PA 19130-4088
(215) 560-2249
(215) 560-2823

WESTERN REGION

Office of Children, Youth and Families
701 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-2339

NORTHEAST REGION

Office of Children, Youth and Families
Scranton State Office Building
100 Lackawanna Avenue, 3rd Floor
Scranton, PA 18503
(717) 963-4376

CENTRAL REGION

Office of Children, Youth and Families
Hillcrest, 1st Floor
P.O. Box 2675
Harrisburg, PA 17105-2675
(717) 772-7702

COUNTY CHILDREN AND YOUTH AGENCIES

ADAMS COUNTY

Adams County Children and Youth Agency
318 West Middle Street
Gettysburg, PA 17325
(717) 337-0110

ALLEGHENY COUNTY

Allegheny County Children and Youth Agency
933 Penn Avenue
Pittsburgh, PA 15222
(412) 350-5701

ARMSTRONG COUNTY

Armstrong County Children and Youth Agency
310 South Jefferson Street
Kittanning, PA 16201
(412) 548-3466

BEAVER COUNTY

Beaver County Children and Youth Agency
Stonepoint Landing, Suite 201
500 Market Street, West Bridgewater
Beaver, PA 15009
(412) 775-4510

BEDFORD COUNTY

Bedford County Children and Youth Agency
204 South Juliana Street, Suite 201
Bedford, PA 15522
(814) 623-4804

BERKS COUNTY

Berks County Children and Youth Agency
County Services Center
633 Court Street, 11th Floor
Reading, PA 19601
(610) 478-6700

BLAIR COUNTY

Blair County Children and Youth Agency
411 Allegheny Street
Hollidaysburg, PA 16648-2094
(814) 695-5541 ext. 339

BRADFORD COUNTY

Bradford County Children and Youth Agency
220 Main Street
Towanda, PA 18848-1822
(717) 265-2154

BUCKS COUNTY

Bucks County Children and Youth Agency
4259 West Swamp Road
Doylestown, PA 18901-1042
(215) 348-6900

BUTLER COUNTY

Butler County Children and Youth Agency
Butler County Judicial Building, 2nd Floor
P.O. Box 1208
124 West Diamond Street
Butler, PA 16003-1208
(412) 284-5156

CAMBRIA COUNTY

Cambria County Children and Youth Agency
P.O. Box 686, Route 22
Ebensburg, PA 15931
(814) 472-5860

CAMERON COUNTY

Cameron County Children and Youth Agency
114 South Cherry Street
Emporium, PA 15834
(814) 486-3265

CARBON COUNTY

Carbon County Children and Youth Agency
69 Broadway, 3rd Floor
Jim Thorpe, PA 18229-2338
(717) 325-3644

CENTRE COUNTY

Centre County Children and Youth Agency
Willowbank Office Building
420 Holmes Street
Bellefonte, PA 16823
(814) 355-6755

CHESTER COUNTY

Chester County Children and Youth Agency
601 Westtown Road, Suite 310
West Chester, PA 19382-4526
(610) 344-5800

CLARION COUNTY

Clarion County Children and Youth Agency
500 Main Street
Clarion, PA 16214-1106
(814) 226-5150

CLEARFIELD COUNTY

Clearfield County Children and Youth Agency
650 Leonard Street
Clearfield, PA 16830
(814) 765-1541

CLINTON COUNTY

Clinton County Children and Youth Agency
P.O. Box 787, Garden Building
232 East Main Street
Lock Haven, PA 17745
(717) 893-4100 or 893-4102

COLUMBIA COUNTY

Columbia County Children and Youth Agency
26 West First Street
Bloomsburg, PA 17815-1105
(717) 389-5700

CRAWFORD COUNTY

Crawford County Children and Youth Agency
898 Park Avenue
Meadville, PA 16335
(814) 724-8380

CUMBERLAND COUNTY

Cumberland County Children and Youth Agency
Human Services Building, Suite 200
16 West High Street
Carlisle, PA 17013-2961
(717) 240-6120

DAUPHIN COUNTY

Dauphin County Children and Youth Agency
25 South Front Street
Harrisburg, PA 17101-2025
(717) 255-2870

DELAWARE COUNTY

Delaware County Children and Youth Agency
20 South 69th Street, 3rd Floor
Upper Darby, PA 19082
(610) 713-2000 or 713-2033

ELK COUNTY

Elk County Children and Youth Agency
P.O. Box 448
25 Morgan Avenue
Ridgway, PA 15853
(814) 776-1553

ERIE COUNTY

Erie County Children and Youth Agency
154 West Ninth Street
Erie, PA 16501-1303
(814) 451-6600

FAYETTE COUNTY

Fayette County Children and Youth Agency
130 Old New Salem Road
Uniontown, PA 15401
(412) 430-1283

FOREST COUNTY

Forest County Children and Youth Agency
Box 523, Highland Street
Tionesta, PA 16353
(814) 755-3622

FRANKLIN COUNTY

Franklin County Children and Youth Agency
Franklin County Human Services Building
425 Franklin Farm Lane
Chambersburg, PA 17201
(717) 263-1900

FULTON COUNTY

Fulton County Children and Youth Agency
219 North Second Street
McConnellsburg, PA 17233
(717) 485-3553

GREENE COUNTY

Greene County Children and Youth Agency
95 East High Street, Room 103
Waynesburg, PA 15370
(412) 852-5217 or 852-5245

HUNTINGDON COUNTY

Huntingdon County Children and Youth Agency
Court House Annex, 205 Penn Street
Huntingdon, PA 16652
(814) 643-3270 or 643-4231

INDIANA COUNTY

Indiana County Children and Youth Agency
Court House, 3rd Floor
Indiana, PA 15701
(412) 465-3895 or 465-3896

JEFFERSON COUNTY

Jefferson County Children and Youth Agency
155 Main Street
Jefferson Place
Brookville, PA 15825
(814) 849-3696

JUNIATA COUNTY

Juniata County Children and Youth Agency
11 North Third Street, Fry Building
Mifflintown, PA 17059
(717) 436-8991 ext. 224

LACKAWANNA COUNTY

Lackawanna County Children and Youth Agency
Lackawanna County Office Building
200 Adams Avenue
Scranton, PA 18503
(717) 963-6781

LANCASTER COUNTY

Lancaster County Children and Youth Agency
900 East King Street
Lancaster, PA 17602
(717) 299-7925

LAWRENCE COUNTY

Lawrence County Children and Youth Agency
430 Court Street
New Castle, PA 16101
(412) 658-2558

LEBANON COUNTY

Lebanon County Children and Youth Agency
401 Municipal Building
Eighth and Oak Streets
Lebanon, PA 17042
(717) 274-2801 ext. 2304

LEHIGH COUNTY

Lehigh County Children and Youth Agency
1037 Airport Road
P.O. Box 1548
Allentown, PA 18105
(610) 820-3064 or 820-3068

LUZERNE COUNTY

Luzerne County Children and Youth Agency
111 North Pennsylvania Boulevard
Wilkes-Barre, PA 18701
(717) 826-8710
Hazleton area: (717) 454-9740

LYCOMING COUNTY

Lycoming County Children and Youth Agency
Sharwell Building, 200 East Street
Williamsport, PA 17701
(717) 326-7895

McKEAN COUNTY

McKean County Children and Youth Agency
Court House
Smethport, PA 16749
(814) 887-3350

MERCER COUNTY

Mercer County Children and Youth Agency
8425 Sharon-Mercer Road
Mercer, PA 16137-1207
(412) 662-2703

MIFFLIN COUNTY

Mifflin County Children and Youth Agency
Court House, 20 North Wayne Street
Lewistown, PA 17044
(717) 248-3994

MONROE COUNTY

Monroe County Children and Youth Agency
730 Phillips Street
Stroudsburg, PA 18360-2224
(717) 420-3590

MONTGOMERY COUNTY

Montgomery County Children and Youth Agency
Logan Square, 1880 Markley Street
Norristown, PA 19401
(610) 278-5800

MONTOUR COUNTY

Montour County Children and Youth Agency
114 Woodbine Lane, Suite 201
Danville, PA 17821
(717) 271-3050

NORTHAMPTON COUNTY

Northampton County Children and Youth Agency
Governor Wolf Building, 3rd Floor
45 North Second Street
Easton, PA 18042-3637
(610) 559-3270

NORTHUMBERLAND COUNTY

Northumberland County Children and Youth Agency
370 Market Street
Sunbury, PA 17801
(717) 988-4237

PERRY COUNTY

Perry County Children and Youth Agency
Court House
P.O. Box 123
New Bloomfield, PA 17068
(717) 582-2131 ext. 212

PHILADELPHIA COUNTY

Philadelphia County Children and Youth Agency
UGI Building, 3rd Floor
1401 Arch Street
Philadelphia, PA 19102
(215) 686-6100

PIKE COUNTY

Pike County Children and Youth Agency
506 Broad Street
Milford, PA 18337
(717) 296-3446

POTTER COUNTY

Potter County Children and Youth Agency
North Street, P.O. Box 241
Roulette, PA 16746-0241
(814) 544-7315

SCHUYLKILL COUNTY

Schuykill County Children and Youth Agency
410 North Centre Street
Pottsville, PA 17901
(717) 628-1050

SNYDER COUNTY

Snyder County Children and Youth Agency
Court House
P.O. Box 217
Middleburg, PA 17842
(717) 837-4246

SOMERSET COUNTY

Somerset County Children and Youth Agency
212 East Main Street
Somerset, PA 15501
(814) 443-3618

SULLIVAN COUNTY

Sullivan County Children and Youth Agency
Sullivan County Court House
P.O. Box 157
Laporte, PA 18626-0157
(717) 946-4250

SUSQUEHANNA COUNTY

Susquehanna County Children and Youth Agency
County Office Building
31 Public Avenue
Montrose, PA 18801
(717) 278-4600 ext. 300

TIOGA COUNTY

Tioga County Children and Youth Agency
P.O. Box 766
Wellsboro, PA 16901
(717) 724-5766

UNION COUNTY

Union County Children and Youth Agency
1610 Industrial Boulevard, Suite 200
Lewisburg, PA 17837
(717) 522-1330

VENANGO COUNTY

Venango County Children and Youth Agency
1283 Liberty Street
P.O. Box 1130
Franklin, PA 16323
(814) 432-9743

WARREN COUNTY

Warren County Children and Youth Agency
27 Hospital Drive
North Warren, PA 16365
(814) 726-2100

WASHINGTON COUNTY

Washington County Children and Youth Agency
502 Court House Square
100 West Beau Street
Washington, PA 15301
(412) 228-6884

WAYNE COUNTY

Wayne County Children and Youth Agency
Court House Annex
Honesdale, PA 18431
(717) 253-5972 ext. 224

WESTMORELAND COUNTY

Westmoreland County Children and Youth Agency
303 Court House Square
Greensburg, PA 15601
(412) 830-3300

WYOMING COUNTY

Wyoming County Children and Youth Agency
P.O. Box 29
Tunkhannock, PA 18657
(717) 836-3131

YORK COUNTY

York County Children and Youth Agency
100 West Market Street, 4th Floor
York, PA 17401
(717) 846-8496





Tom Ridge
Governor

Feather O. Houstoun
Secretary

Office of Children Youth & Families
Jo Ann R. Lawer
Deputy Secretary

FAX TRANSMISSION COVER SHEET



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE**

OFFICE OF LEGAL COUNSEL

**Room 305, Health & Welfare Building
Harrisburg, PA 17120**

**Office (717) 783-2800
Fax (717) 772-0717**

We are FAXing to you _____ pages including cover

DELIVER TO: Mary Lou Harris

FAX #: 3-26621

OFFICE: IRRC

SENT BY: Myna Sacks

DATE: 8/12/98 **TIME:** _____

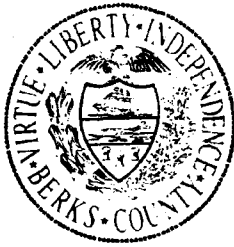
COMMENT

Here is the draft language which I hope resolves the IRRC concern regarding sexual abuse. I really appreciate your guidance and assistance.

I think this language is consistent with the concerns you expressed. Please let me know if you have any questions. Under separate cover I am sending the 1997 Child Abuse Report. I am also faxing a CY 48 which is the current instrument to make a determination of child abuse.

CONFIDENTIALITY NOTE:

The documents accompanying this FAX transmission contain information that is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this FAX sheet. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the content of this FAXED information is strictly prohibited. If you have received this FAX in error, please notify us immediately by telephone so that we can arrange for the return of the original documents at no cost to you. Thank you.



Berks County Children & Youth Services

12

Randy L. Pyle, *Commissioner*
Glenn B. Reber, *Commissioner*
Mark C. Scott, *Commissioner*

Berks County Services Center
633 Court Street, 11th Floor
Reading, PA 19601-3588
Phone (610) 478-6700
Fax (610) 478-6799

George M. Kovarie, *Executive Director*

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MAR 25 11 32 AM '99
BERKS COUNTY SERVICES

March 19, 1999

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Division of Planning & Research
MAR 23 1999
Reference

Department of Public Welfare
Joseph L. Spear
P. O. Box 2675
Harrisburg, PA 17105-2675

Dear Mr. Spear:

I am responding to the publication of the Department of Public Welfare's Proposed Regulations amending the Pennsylvania Code, Title, 55, Chapter 3490, Protective Services.

For the record, the development and subsequent publication of these proposed regulations occurred without substantive and comprehensive input from county children and youth staff who will be responsible for implementing and adhering to the regulatory provisions set forth therein.

Berks County submits that the fiscal impact Section, A, public sector, is seriously flawed. This section delineates proposed appropriations based on previous expenditures and information provided to the department through the needs-based budgeting process. Specifics provided through needs-based budgeting and/or prior expenditures have no relationship to, and contain no information about the number of high risk cases accepted for service by county agencies. Consequently, the published appropriations for payments to counties (specifically sections 3490.61, 3490.235) cannot be reliably used to anticipate a realistic cost to counties or the state. By way of example, Berks County estimates that in meeting the requirements of these sections above, an additional 5 caseworkers, 1 supervisor and 1 clerical staff would need to be employed, as well as overhead expenses that reach over \$369,490. for this county alone. (See attached) Utilizing private providers in place of county staff to meet these requirements may be almost as costly when considering higher hourly rates, training requirements and CYS staff time necessary to monitor and document the delivery of privately provided services. By far, these sections carry the most costly implications for county agencies as they increase current regulatory requirements fourfold. At this writing, 190 cases accepted for services in Berks County have at least one child at high risk of maltreatment.

In that respect, clarification language should be added to this subsection to clarify and cross reference the method used to determine high risk status, such as the definition provided under requirements, (1) subchapter D (relating to risk assessment). This should specify that such assessment of risk is exclusively a county agency determination and such determination may or may not be solely based on the state approved risk assessment process, at the discretion of county agency, and as documented in the case file.

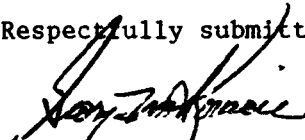
Subsection 3490.43, **Issuance of Bulletins**, refers to the dissemination of practice standards which have not been proposed, published or otherwise recognized by the state, counties, or private providers whose charge will be to implement such standards. There are potentially significant cost and logistical implications for the application of new practice standards and these require substantial cost analysis prior to formal adoption. Additionally, any such standards must be published and applied to all county agencies and not a product of individual county audits or reviews.

Subsection 3490.71 **Guardian ad Litem or Court Designated Advocate** should be amended to read, "Guardian ad Litem and Court Designated Advocate". Berks County Courts assign Guardian ad Litem/attorneys to all cases in dependency proceedings and additionally appoint Court Appointed Special Advocates (CASA) volunteers in select cases. The CASA Program is a locally operated, nationally sponsored child advocate program that operates in several Pennsylvania counties including Berks. This section needs to reflect the inclusion of both Guardian ad Litem and Court Appointed Special Advocates as legitimate recipients of case confidential information. This also applies to Subsection 3490.91, a, (1), (3).

Attached are the computations used by Berks to estimate the increased costs anticipated as a result of the proposed regulatory requirements which increase the frequency of face to face visits with all high risk children.

Thank you for the opportunity to respond to the regulations and please feel free to contact me if you require any additional clarification.

Respectfully submitted,



George M. Kovarie
Executive Director

GK/bg
Enc.

COMPUTATIONS USED TO DETERMINE INCREASED COSTS

DIRECT SERVICE HOURS AVAILABLE
THROUGH CASEWORKERS (ON AVERAGE)

Total Hours @ 40/Week, 52 Weeks/Year - 2080

<u>Non Client Specific Activity</u>	<u>Hours/Year</u>	<u>Source</u>
• Personal Leave & Vacation	134	Labor Contract
• Mandatory Training	20	CPSL
• Staff Meetings	24	Policy/Practice
• 1/2 Available Sick Time	80	Labor Contract, Estimate
• Holidays (14)	122	Labor Contracts
• Non Client Travel	52	Average Estimate
• Break Time	25	Labor Contract
• Court Waiting/Hearings	104	Avg. Estimate, Juvenile Act.
• Supervisory Meetings	52	3130 Regs / Policy
• Unit Meetings	24	Policy / Practice
	<u>637</u>	
	2080	
	- 637	
	1443 ÷ 52 = 27.75 Hours/Week	

Does Not Include: Personnel/Grievance/Union Activities
 Ad Hoc and Standing Staff Committees
 (i.e., Training, Policy & Practice
 New Program Development),
 Compensatory Time

27.75 Hours Per Week Direct Service to Caseload of 30 Families

Service Includes:

- Face-to-Face Contacts / Home Visits
- Writing Family Service Plans, Amendments, PAR's
- Risk Assessment Matrix & Summaries
- Petition Review Meetings
- All Phone calls to, from and for Client Families/Collaterals
- Travel To and From Client Family Locations

30 Cases ÷ 27.75 Hours = .93 Hours or 55 minutes per Client per week.

BERKS COUNTY CHILDREN & YOUTH SERVICES
PROPOSED 3490 REGULATION COMPLIANCE ASSESSMENT

HIGH RISK CASES AS OF 3/17/98	190
ADDITIONAL VISITS PER MONTH PER CASE	3.3

ADDITIONAL VISITS PER MONTH ALL CASES	627
AVERAGE TIME REQUIRED FOR VISIT IN MINUTES	55

TOTAL ADDITIONAL TIME IN MINUTES	34485
	60

TOTAL ADDITIONAL MONTHLY TIME IN HOURS	574.75
HOURS AVAILABLE FOR DIRECT SERVICE PER WEEK	27.75
WEEKS PER MONTH	4.3

HOURS AVAILABLE FOR DIRECT SERVICE PER MONTH	119.325

CASEWORKERS NEEDED TO COMPLY WITH REGULATIONS	5
CASEWORKER TO SUPERVISOR RATIO (5:1)	5

SUPERVISORS NEEDED	1
CLERICAL WORKERS NEEDED FOR 6 ADDITIONAL STAFF	1

IN-HOME SERVICES - 1998-99

SUPERVISOR 1

AVERAGE SALARY		\$36,500
SALARY FOR		\$36,500
BENEFITS @	31%	\$11,315
OVERHEAD @	35%	\$12,775

		\$60,590

CASEWORKERS - 5

AVERAGE SALARY		\$28,300
SALARY FOR ALL		\$141,500
BENEFITS @	31%	\$43,865
OVERHEAD @	35%	\$49,525
TRAVEL		\$35,000

		\$269,890

CLERICAL 1

AVERAGE SALARY		\$23,500
SALARY FOR ALL		\$23,500
BENEFITS @	31%	\$7,285
OVERHEAD @	35%	\$8,225

		\$39,010

GRAND TOTAL 7

SALARY FOR ALL		\$201,500
BENEFITS @	31%	\$62,465
OVERHEAD @	35%	\$70,525
TRAVEL		\$35,000

		\$369,490

=====



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MARCH 23 1998 11:42
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CENTRE COUNTY
CHILDREN AND YOL
An Agency of Centre Co

Post-It® Fax Note	7871	Date	3/23/98	# of pages	2
To	Joseph Spear	From	Terry Watson		
Co./Dept	DPW	Co.	Centre Co. CYS		
Phone #		Phone #	814-355-6755		
Fax #	717-787-0414	Fax #	814-355-6939		

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TDD # (814) 355-6768

14
TERRY L. WATSON
Director

Division of Program Planning and
Development

March 23, 1998

MAR 23 1998

Mr. Joseph L. Spear
Department of Public Welfare
P.O. Box 2675
Harrisburg, PA 17105-2675

ORIGINAL: 1928
COPIES: Harris
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Legal (2)

Received:
Referred to: _____

RE: Proposed Chapters 3480 and 3490

Dear Mr. Spear:

Centre County Children and Youth Services would offer the following comments on the proposed Protective Services Regulations:

- (1.) 3490.43 Issuance of bulletins - It should be clarified whether "performance standards" are suggested or mandatory, and that some sort of a review of proposed standards by OCYF and the Counties would occur prior to their issuance. This would also affect the cost of the Protective Service program.
- (2.) 3490.54 (b) Independent investigation of reports - If this section mandates that all indicated serious physical injuries must have a medical examination by certified medical practitioner, the cost of such examinations have not been factored into need-based budgets.
- (3.) 3490.61 Supervisory review and child contacts
 - (b) (2) (ii) - The term "oversight" needs to be clarified.
 - (c) 1 - Agencies did not have an opportunity to plan for this frequency of contacts for all "high risk" cases in order to staff the C&YS agency appropriately. A transition period would be necessary to implement this. Also, this section does not discuss if the family being seen "face-to-face" by other service providers on a once per week basis can be part of the case supervision for the family.

-2-

(4.) 3490.231 Functions of the county agency for general protective services -

(2) Should read, "Prevent, whenever possible, abuse, neglect, and exploitation of children".

(3) Should read, "Assist in overcoming problems that could result in dependency".

These sections must be realistic. We are not God.

(5.) 3490.232 Receiving reports and assessing the need for services -

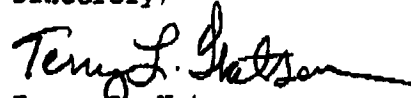
(f) A decision to accept for general protective services should be within 90 calendar days not 60. This is a much more practical time period.

(g) The last sentence of this section should state, "There shall be at least one home visit unless not warranted, based on the referral". There are times when another type of face-to-face contact obviates the need for a home visit.

(6.) 3490.234 Notifications - Sections (b) and (b) (1) name "the Department" as having responsibilities. It would appear that it should instead state "the county agency".

Thank you for the opportunity to comment on these important regulations. Feel free to contact me if you need further information.

Sincerely,



Terry D. Watson
Director

TLW/khd
CC: Charles Songer, PCYA
I:\khd\letters\spear.tlw

APR 16 1998
INDEPENDENT REGULATORY
REVIEW COMMISSION

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
OFFICE OF LEGAL COUNSEL**

DATE: April 15, 1998

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Legal (2)

SUBJECT: Public Comment - #14-441
Child Protective Services Regulations

TO: Richard Sandusky
Director, Regulatory Analysis
Independent Regulatory Review Commission

FROM: Ruth O'Brien *rob.*
Senior Assistant Counsel

Attached are public comments received April 14, 1998 regarding the proposed Child Protective Services Regulations.

Attachment

cc: Scott Johnson
Niles Schore
Sharon Schwartz
Michael Rish

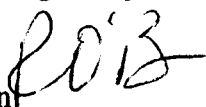
**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
OFFICE OF LEGAL COUNSEL**

ORIGINAL: 1928
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Legal (2)

DATE: March 25, 1998

SUBJECT: Public Comment - #14-441
Child Protective Services Regulations

TO: Richard Sandusky
Director, Regulatory Analysis
Independent Regulatory Review Commission

FROM: Ruth O'Brien 
Senior Assistant Counsel

Attached are public comments received March 23, 1998 regarding the proposed Child Protective Services Regulations.

Attachment

cc: Scott Johnson
Niles Schore
Sharon Schwartz
Michael Rish

RECEIVED
MARCH 25 1998
LEGAL COUNSEL



VIA FACSIMILE AND FIRST-CLASS MAIL

30 MAR 23 11:09:19

March 20, 1998

REGULATORY REVIEW COMMISSION

Joseph L. Spear
 Department of Public Welfare
 P.O. Box 2675
 Harrisburg, PA 17105-2675

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Legal Division
 400 North Third Street
 PO Box 2225
 Harrisburg, PA 17105-2225

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 Carolyn C. Dumaresq, EXECUTIVE DIRECTOR

Affiliated with the National Education Association

RE: Proposed Regulations for
 Child Protective Services Law

Dear Mr. *Joe* Spear:

As an initial matter, PSEA wishes to thank the Department for alerting us to the publication of the Department's proposed regulations for the Child Protective Services Law in the February 21 issue of the *Pennsylvania Bulletin* and for giving us the opportunity to comment on these regulations.

We do have a few comments that we wish to submit for your consideration. In sum, these comments translate to the following five issues:

- Process for handling reports of suspected abuse from parents about school employees—

Since the 1994 enactment of the amendments that now include school employees within the auspices of the Child Protective Services Law, we have received questions from our membership on the appropriate procedure for parents who wish to report suspected abuse by a school employee. In view of the fact that one of the major intents of the 1994 amendments was to institute a specific procedure for reporting and investigating reports of abuse by school employees (i.e. 23 Pa. C.S. §§ 6351-6353.4—Subchapter C.1), it is our interpretation that the legislature intended that process to be used for *all* reports and investigations of suspected abuse by school employees, regardless of whether the reports initially came from a school employee or a parent. Practically speaking, what would occur when a parent suspected abuse by a school employee is that the parent would report those suspicions to a school administrator and then the administrator, given what he/she knows of the school employee alleged to have committed the abuse as well as what he/she knows of the credibility of the parent and child involved, would assess whether he/she had reasonable cause to suspect that abuse occurred. If so, the administrator would be obligated to report that abuse to local law enforcement under section 6352 of the Child Protective Service Law. 23 Pa.C.S. § 6352 (West Supp. 1997).



Our read of the definition of "persons responsible for a child's welfare" in proposed regulation § 3490.2 is that the Department agrees with our interpretation of the law as it pertains to parental reports of school employee abuse, and as such, is making a distinction between *child abuse* (i.e. abuse perpetrated by a parent, babysitter, or day care staff person) and *student abuse* (i.e. abuse perpetrated on a child by a school employee).

Our assumption is furthered by our read of proposed regulation 3490.11, where it states that reports of *child abuse* (i.e. reports of parental, babysitter, or day care worker abuse) are reported to ChildLine. The necessary implication is that reports of *student abuse* (i.e. abuse by a school employee) are to be reported under the section of the Child Protective Services Law specifically pertaining to abuse by school employees. As stated above, we support such a procedure.

If our interpretation of these provisions is indeed what the Department intended, our concern is that the proposed regulations do not sufficiently clarify that parental reports of abuse by school employees are to go to the school administrators. Two suggestions we have for more clearly establishing this procedure are as follows:

- (1) Add a definition of "student" in the definitions listed in proposed regulation § 3490.2. The inclusion of the term "student" in the regulations will allow drafters to refer and to differentiate between "student abuse" and "child abuse" throughout the regulations.
- (2) Add a sentence to proposed regulation 3490.11 that specifies the reporting procedure for parents having reasonable suspicions of abuse by school employees. In particular, we would recommend the following language.

3490.11 Reporting suspected child abuse

A person may make a report of suspected child abuse to ChildLine or a county agency if the person has reasonable cause to suspect that a child has been abused. Reports shall be accepted by ChildLine or the county agency regardless of whether the person has identifies himself. A person having reasonable cause to suspect that a school employee has committed student abuse shall report the suspected student abuse to the school administrator, as defined in 55 Pa. Code § 3490.143.

If the Department has not intentionally provided that parental reports are to go to school administrators under 23 Pa.C.S. §§ 6351-6353.4, PSEA would strongly urge the Department to do so for the reasons expressed above. *See supra* discussion (relating to the General Assembly's provision of a specific, comprehensive procedure for reporting and investigating school employee abuse).

- Amend the definition of "school" as used in proposed regulation § 3490.131 to include public charter schools—

This past year, the Public School Code was amended to authorize the establishment of public charter schools. See Act 22 of 1997 (formerly S.B. 123). These schools thus need to be subject to the requirements of the Child Protective Services Law, especially considering section 1719-A(16) of the legislation, which requires that employees of charter schools secure clearance statements mandated under the Child Protective Services Law.

- Amend the definition of "position" so as to avoid narrow interpretations—

As you know, PSEA has previously raised concerns about the definition of "position", as it determines who will ultimately be responsible for obtaining clearance statements. Our specific concerns have centered upon the fact that we are aware of several districts throughout the Commonwealth that routinely reassign a large number of teachers each school year because they believe it is not educationally sound to have school teachers teach the same grade year after year. PSEA's concern was and continues to be that if the definition of "position" is construed too narrowly, such that persons administratively reassigned to another position have to receive clearance statements, school districts, along with the Department, will find themselves in an administrative nightmare in attempting to process the hundreds of requests for clearance statements.

While we acknowledge that the Department has attempted to prevent this result by drafting proposed regulations 3490.132(c), which stipulates that employees moving within one school building or from one school building to another will not be required to submit a clearance statement, we are not convinced that this provision completely forecloses the potential for an administrative nightmare if school districts establish job classifications that are too narrow.

For example, a third grade teacher administratively reassigned to a second grade position within the same school will not have to obtain a clearance statement according to proposed regulation 3490.132(c), provided that it is not a change in position. The Department has proceeded to define a job position as a job classification that is "defined and determined by existing law, State regulation, or the school board or governing authority". See § 3490.131.

Such language, in our opinion, still affords the school board the discretion to establish job classifications of "second-grade teacher" as opposed to "third grade teacher" or "fourth grade teacher". In this manner, in the example cited above, a third grade teacher administratively reassigned to a second-grade classroom in the same building will still need to obtain a clearance statement because "second grade teacher" has been designated to be a distinct job position by the school board.

It is for this reason that PSEA strongly recommends the following language so as to ensure that changes of position will not be defined too narrowly:

Position—The job classification of a school employee as defined and determined by the State Board of Education regulations on certification, 22 Pa. Code §§ 49.1 et seq. where applicable, including such classifications as instructional, educational specialist, supervisory, and administrative staff, and, where such regulations are not applicable, job classifications including administrative and supervisory staff, teachers, support staff and any other classification that a school board or governing board deems necessary.

This language does a couple of things:

- (1) It requires that for public schools, job classifications are to be set by the existing certification regulations. *See, e.g., 22 Pa. Code §§ 49.82-83, 49.102-103, 49.111-112, 49.121-122.* In short, this would mean that a change in position is one that requires a change in certification (e.g. teacher to guidance counselor; teacher to administrator, etc.).
- (2) This language also provides for those situations where the State Board of Education certification regulations do not apply. We recall that this was a specific concern of the Department, as private schools also fall under the auspices of the Child Protective Services Law. Our recommended language does provide for private schools. Specifically, our language directs that private schools, because they are not governed by the State Board of Education's certification regulations, are to establish classifications for administrative and supervisory staff, teachers, support staff and any other classification that the private school board deems necessary.
- (3) Our suggested language clarifies confusing language pertaining to non-professional personnel that is currently in the proposed regulation. The definition of "job position" in the proposed regulation suggests classifications for "paraprofessionals" as well as "support staff". This is confusing because both the Department of Education and the Pennsylvania Public Labor Employee Relations Board consider "paraprofessionals" to be educational support staff. Stated another way, "support staff" is a term of art that includes teachers aides. Thus, teachers aides are considered by both to be in the same category as school secretaries, school bus drivers, and school custodians.

In our recommended language, we merely include "support staff". In our opinion, this not only clarifies the confusion discussed above, but also seeks to prevent a result that we understand the Department of Welfare was previously concerned about. It is our understanding that the Department was of the position that it did not want to require support staff

to obtain clearance statements every time they were reassigned to another support staff position. PSEA is in agreement with that position and, in fact, would emphasize the importance in taking this position. PSEA is aware that, in many districts, support staff are frequently reassigned to other support staff positions (e.g. school cafeteria aides being assigned to teacher aide positions). In fact, this reassignment may occur more frequently in the support staff context than the professional context, as discussed above. As such, the result of establishing separate categories for "school secretary" as opposed to "teacher aide" and "cafeteria worker" may result in the same type of administrative nightmare that the Department, as well as PSEA and school districts, are seeking to avoid.

- Provide for the release of information possessed by the child protective service agency directly to the criminal defendant as opposed to having the district attorney serve as a conduit of the information—

Proposed regulation 3490.104(b) requires that defendants in criminal proceedings involving allegations of child or student abuse are entitled to the information possessed by the child protective service agency. The provision goes on to state that child protective service agencies will provide that information upon request of the criminal defendant, but will first send it to the district attorney and the district attorney will then decide what information should be released to the criminal defendant. We would strongly submit that it is the criminal defendant that is the subject matter of the report and, therefore, as a matter of due process, it is the criminal defendant who is entitled to acquire that information directly upon request. The district attorney can then obtain that information from the criminal defendant by filing a discovery motion. (Of course, this would only be necessary if the district attorney did not otherwise have this information. In all likelihood, the district attorney will be working with the child protective service agency in the prosecution of the criminal defendant and thus, will already have the information possessed by the child protective service agency.)

- Clarify the language found in proposed regulation 3490.152(a)—

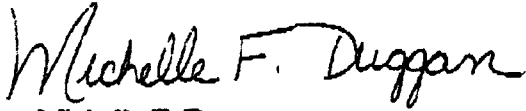
We would recommend the following technical amendment to proposed regulation § 3490.152(a) to clarify that it is only in circumstances where the school administrator is suspected of having abused a student that a school employee reports his/her suspicions directly to local law enforcement officials:

§ 3490.152(a) Responsibilities of administrators and school employees.

(a) An administrator, and in certain cases a school employee as stated in subsection (b) below, shall report immediately to law enforcement officials and the appropriate district attorney a report of abuse or injury alleged to have been committed by a school employee against a student. . . .

In closing, I again express my appreciation for the opportunity to provide the above comments. I would be happy to further discuss any of the above or answer any questions that you may have.

Very truly yours,



Michelle F. Duggan
Staff Attorney

cc: Mark Widoff, Esquire



ENNSYLVANIA
SCHOOL BOARDS
ASSOCIATION, INC.

774 LIMEKILN ROAD, NEW CUMBERLAND, PA 17070-2398 / (717) 774-2331 / FAX (717) 774-0718

March 17, 1998

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Joseph L. Spear
Pennsylvania Department of Public Welfare
P.O. Box 2675
Harrisburg, PA 17105-2675

Dear Mr. Spear:

The Pennsylvania School Boards Association would like to take this opportunity to provide comments concerning the department's proposed regulations to implement Act 151 of 1994. Generally, PSBA is supportive of the draft and has communicated with you some of our concerns prior to the issuance of the guidelines that were established by the Department of Public Welfare in 1996. We are pleased that several of our concerns were appropriately addressed in those guidelines.

At this time, our comments will specifically relate to language of the proposed regulations under Sections 3490.131 - 3490.137 concerning background checks for prospective school employees, and Sections 3490.141 - 3490.191 on reporting suspected abuse of students in school. There are five issues we will address here:

1. First, we have a concern with the definition of "administrator" under Section 3490.131 (definitions relating to background checks) because this language does not provide sufficient guidance to school districts. For example, it is unclear what is meant by "persons...responsible for employment decisions in a school." Employment decisions, as a matter of policy, generally are the responsibility of the governing body of a public school entity. The governing body, in turn, may assign specific responsibilities related to recommending and hiring personnel to various individuals as it wishes (i.e., the superintendent, principal, curriculum coordinator, etc.).

We suggest that the definition be revised as follows: "The person designated by the governing body of the school entity to be responsible for compliance with the provisions of these regulations." This language would provide both flexibility and clarity that is needed in these proposed rules.

2. Another concern under Section 3490.131 is with the definition of "direct contact with students." We have received numerous inquiries from school districts about who specifically has such contact and when the background checks are necessary. Generally, the questions seem to center on the issue of the interpretation of "routine and unsupervised access to children." What frequency of

Joseph L. Spear
March 17, 1998
Page 2

contact is "routine"? Is access to children considered to be "unsupervised" if no supervisor is in the immediate area? Or, does it refer to the absence of any other adult person?

3. Also under Section 3490.131, we suggest that the subdefinition of "public" under the definition of "school" be amended to include charter schools and regional charter schools as authorized under Section 1703-A of the Public School Code. Under Act 22 of 1997, these schools are defined as public schools, and, as such, must comply with the provisions under Act 151 of 1994.

4. PSBA also would like to raise a concern with the other definition of "administrator" that appears under Section 3490.143 (definitions relating to reporting of suspected abuse of students in school). Language under Act 151 defines an administrator as "the person responsible for the administration of a public or private school, intermediate unit or vocational-technical school. The term includes an independent contractor."

The proposed regulations have narrowed that definition to state that the administrator is the principal; however, many school districts currently have designated the superintendent or other administrator as the person responsible to receive reports of alleged child abuse and to inform law enforcement officials. We believe that, in order to maintain the flexibility provided under the law, the definition of administrator be revised as follows: "The person responsible for the administration of a school, as designated by the policy of the governing board of the school entity."

5. Our final comment deals with language under Section 3490.151 that enables school employees to make a report of suspected abuse "on the basis of professional or other training and experience." This language is taken directly from Act 151, and we believe it is appropriate and well-intended. Because of the importance of being able to properly make such a determination, we believe that school employees should receive adequate training by the department in this area. We urge the department to cooperate with school entities to help school personnel understand and recognize the signs of child abuse.

We appreciate the opportunity to review and comment on these proposed regulations. Please contact me if you wish to discuss the items addressed in this letter or if you need further clarification on these issues.

Sincerely,



Thomas J. Gentzel
Assistant Executive Director
for Governmental and Member Relations

TJG/gr



PENNSYLVANIA
SCHOOL BOARDS
ASSOCIATION, INC.

774 LIMEKILN ROAD, NEW CUMBERLAND, PA 17070-2398 / (717) 774-2331 / FAX (717) 774-0718

March 17, 1998

93 MAR 20

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INDEPENDENT
REVIEW COMMISSION

Division of Program Planning and
Development

3

Joseph L. Spear
Pennsylvania Department of Public Welfare
P.O. Box 2675
Harrisburg, PA 17105-2675

MAR 1 1998

Received:

Refer to: _____

Dear Mr. Spear:

The Pennsylvania School Boards Association would like to take this opportunity to provide comments concerning the department's proposed regulations to implement Act 151 of 1994. Generally, PSBA is supportive of the draft and has communicated with you some of our concerns prior to the issuance of the guidelines that were established by the Department of Public Welfare in 1996. We are pleased that several of our concerns were appropriately addressed in those guidelines.

At this time, our comments will specifically relate to language of the proposed regulations under Sections 3490.131 - 3490.137 concerning background checks for prospective school employees, and Sections 3490.141 - 3490.191 on reporting suspected abuse of students in school. There are five issues we will address here:

1. First, we have a concern with the definition of "administrator" under Section 3490.131 (definitions relating to background checks) because this language does not provide sufficient guidance to school districts. For example, it is unclear what is meant by "persons...responsible for employment decisions in a school." Employment decisions, as a matter of policy, generally are the responsibility of the governing body of a public school entity. The governing body, in turn, may assign specific responsibilities related to recommending and hiring personnel to various individuals as it wishes (i.e., the superintendent, principal, curriculum coordinator, etc.).

We suggest that the definition be revised as follows: "The person designated by the governing body of the school entity to be responsible for compliance with the provisions of these regulations." This language would provide both flexibility and clarity that is needed in these proposed rules.

2. Another concern under Section 3490.131 is with the definition of "direct contact with students." We have received numerous inquiries from school districts about who specifically has such contact and when the background checks are necessary. Generally, the questions seem to center on the issue of the interpretation of "routine and unsupervised access to children." What frequency of

Joseph L. Spear

March 17, 1998

Page 2

contact is "routine"? Is access to children considered to be "unsupervised" if no supervisor is in the immediate area? Or, does it refer to the absence of any other adult person?

3. Also under Section 3490.131, we suggest that the subdefinition of "public" under the definition of "school" be amended to include charter schools and regional charter schools as authorized under Section 1703-A of the Public School Code. Under Act 22 of 1997, these schools are defined as public schools, and, as such, must comply with the provisions under Act 151 of 1994.

4. PSBA also would like to raise a concern with the other definition of "administrator" that appears under Section 3490.143 (definitions relating to reporting of suspected abuse of students in school). Language under Act 151 defines an administrator as "the person responsible for the administration of a public or private school, intermediate unit or vocational-technical school. The term includes an independent contractor."

The proposed regulations have narrowed that definition to state that the administrator is the principal; however, many school districts currently have designated the superintendent or other administrator as the person responsible to receive reports of alleged child abuse and to inform law enforcement officials. We believe that, in order to maintain the flexibility provided under the law, the definition of administrator be revised as follows: "The person responsible for the administration of a school, as designated by the policy of the governing board of the school entity."

5. Our final comment deals with language under Section 3490.151 that enables school employees to make a report of suspected abuse "on the basis of professional or other training and experience." This language is taken directly from Act 151, and we believe it is appropriate and well-intended. Because of the importance of being able to properly make such a determination, we believe that school employees should receive adequate training by the department in this area. We urge the department to cooperate with school entities to help school personnel understand and recognize the signs of child abuse.

We appreciate the opportunity to review and comment on these proposed regulations. Please contact me if you wish to discuss the items addressed in this letter or if you need further clarification on these issues.

Sincerely,



Thomas J. Gentzel
Assistant Executive Director
for Governmental and Member Relations

TJG/gr

6



PENNSYLVANIA NURSES ASSOCIATION

P.O. Box 68525, Harrisburg, PA 17106-8525
717.657.1222 • 800.274.7762 • FAX: 717.657.3796

550 Pinetown Road, Suite 422, Fort Washington, PA 19034
215.646.6076 • 800.568.4PNA • FAX: 215.646.1805

201 Penn Center Boulevard, Suite 304, Pittsburgh, PA 15235
412.824.9876 • 800.955.4PNA • FAX: 412.824.9842

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HEALTH SERVICES DIVISION

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Division of Program Planning and
Development

MAR 20 1998

Received:
Refer to: _____

Joseph L. Spear
Department of Public Welfare
P.O. Box 2675
Harrisburg, Pennsylvania 17105-2675

Dear Mr. Spear:

The Pennsylvania Nurses Association (PNA) offers the following comments in response to the Department of Public Welfare proposed Protective Service Regulations published in the February 21, 1998 Pennsylvania Bulletin. The focus of these comments is primarily terms and definitions applicable to health care practitioners contained within these regulations.

Clinical Nurse Specialists (CNS) are Master's prepared advanced practice registered nurses who provide physical and behavioral health care services for children and families. CNS roles include evaluation and management of children with chronic diseases, care coordination for children and families transitioning from acute to long term care or home care, and primary behavioral health therapy. They are a group of providers who advocate for children whom they encounter in their clinical practice.

In section 3490.4, Definitions, "certified medical practitioner" is defined. PNA recommends that the word "clinical" be substituted for "medical" and the term "clinical nurse specialist" be included in the list of practitioners defined.

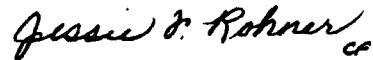
Psychiatric-mental health clinical nurse specialists function autonomously as primary therapists. A Certified Registered Nurse Practitioner may also diagnose and treat mental disorders. The Definitions section defines "serious mental injury" as "diagnosed by a physician or licensed psychologist". PNA recommends that the terms "clinical nurse specialist" and "certified registered nurse practitioner" be added to this definition.

Joseph L. Spear
Page 2
March 19, 1998

Section 3490.15 (a) (2) permits a physician examining or treating a child to take a child into protective custody. PNA recommends that the term "certified clinical practitioner", as revised above, be added to this section to address the protection of children who are examined and treated by practitioners other than physicians. This same recommendation applies to section 3490.21, to provide information to practitioners other than physicians who examine and treat children.

PNA appreciates the opportunity to provide these recommendations, which will more adequately address the role of RNs in ensuring child protection.

Sincerely,



Jessie. F. Rohner, DrPH, RN
Executive Administrator

JFR/CCF/my

98 MAR 25 PM 3:42

INDEPENDENT TECHNOLOGY
REVIEW COMMISSION

15

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To: Joseph L. Spear
From: Charles R. Songer Jr.
Re: Proposed 3490 Regulations
Date: March 23, 1998

Attached are the comments from the PCYA membership on the above.

Thank you for your consideration.

03/23/98 MON 10:20 AM 117 202 2102

PCYA Comments on Proposed Regulations: 3490

15

Fiscal Impact:

-figures for 1998-99 forward are unreliable due to inability of counties to assess, at the time, impact of new regulations and ASFA;

Paperwork Requirements:

-it takes longer than 20 min. to complete a Risk Assessment (45 min. is more reasonable);
-it takes longer than 45 min. to complete an ITNA (60-90 min. is more reasonable);

3490.43 Issuance of Bulletins

-refers to the dissemination of Practice Standards that have yet to be developed
-no reliable process to forecast costs

3490.61 Supervisory Review

-unreliable to forecast staffing requirements (no guidance/data re # of High Risk cases)

3490.71 Guardian Ad Litem or Court Designated Advocate

-should read "GAL and CDA" as some courts routinely assign both (e.g. Berks)

3490.91 Persons to whom child abuse information shall be made available

-should include CDA (see 3490.71 comment)

3490.232 Receiving reports and assessing the need for services

-60 day limit from first contact to decision to accept for service is unrealistic

Division of Program Planning and
Development

MAR 23 1998

Received:

Refer to: _____

MAR 20 1998

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

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Children's Bureau
Dept of Public Welfare

DATE: March 20, 1998

MAR 20 1998

SUBJECT: Comments on Proposed Rulemaking:
Child Protective Services; 55 Pa. Code, Chapters
3480 and 3490

Received: _____
Refer to: _____

TO: Mr. Joseph Spear
Child Protective Service Unit
Bureau of County Children and Youth Programs
Office of Children, Youth and Families

FROM: Patricia H. O'Neal
Director
Bureau of Policy
Office of Income Maintenance

Patricia H. O'Neal

I appreciate the opportunity to comment on the Proposed Rulemaking regarding Protective Services as published in the February 21, 1998 issue of the Pennsylvania Bulletin. The Proposed Rulemaking is found in 55 Pa. Code, Chapters 3480 and 3490. My Bureau has combined the comments and concerns of the Bureau of Operations, which oversees the administration of the County Assistance Offices, along with that of my Bureau.

All of OIM certainly supports the OCYF goal of protecting Pennsylvania's children from abuse and neglect. To that end, OCYF is proposing to change the standard of when mandated reporters are mandated to report from "reasonable cause to believe" to "reasonable cause to suspect" that a child coming before them in their professional or official capacity is an abused child (Section 3490.4). As you state in the PA Bulletin, this should result in protection for more children and a slight increase in the number of reports of suspected child abuse. OIM supports your shift from "belief" to "suspicion." All of our CAO staff are mandated reporters, of course. We have had instructions in the filed for quite awhile regarding this requirement. Based on the proposed amendment, we will have to update our CAO staff on the new definition. We will work in concert with your Office to assure that we issue appropriate and timely instructions to the CAOs so that suspected abuse is promptly reported.

OIM also supports the Proposed Rulemaking found in Sections 3490.131--3490.137, under the heading "Verification of Existence of Child Abuse and Student Abuse Records for School Employees." These Sections require administrators of schools to require all applicants for positions as school employees, including independent contractors and their employees who work directly with children, to submit a clearance statement from the Statewide Central Register which is the State repository of all founded and indicated reports of child abuse and student abuse. OIM wholeheartedly supports this amendment which prevents persons who have abused a child in the past from working in a school where they may abuse a child in the future. This proposed amendment requires an applicant for employment in a school to pay up to \$10 to the Department to verify whether the applicant's name is on file in the Statewide Central Register of founded and indicated reports of child abuse and student abuse. Since many of our TANF recipients are moving from welfare to work, they may be applicants for positions in schools. Under your proposed Section 3490.124, prospective workfare participants are exempt from payment of the fee. OIM certainly favors this proposal.

Again, thank you for the opportunity to review your Proposed Rulemaking. Please feel free to call me at 787-4081 if you have any questions.

cc: Dr. Heller
Mrs. Schaller
Mr. Fresa
Mr. Florey
Mrs. O'Neal
Mr. Zogby
Mrs. Poindexter
Mrs. Jackson
Ms. Diven



2

Lebanon County Children & Youth Services

INDEPENDENT LABORATORY
REVIEW COMMISSION

ROOM 401, MUNICIPAL BUILDING
Lebanon, Penna. 17042-6794

Tel: (717) 274-2801

William G. Carpenter
Rose Marie Swanger
Jo Ellen Litz
County Commissioners

James L. Rebert
Executive Director
Jamie Wolgemuth
County Administrator

March 12, 1998

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Joseph Spear
Department of Public Welfare
P.O. Box 2675
Harrisburg PA 17105-2675

INDEPENDENT LABORATORY
REVIEW COMMISSION
MAY 13 1998

Dear Mr. Spear:

I am writing to comment on the proposed regulations Chapter 3490 in particular Section 3490.241 "Appeals". During this appeal process, which could take 135 days, what happens to the status of our Family Service Plan and the services we are attempting to provide the family.

I can foresee parents refusing to comply with the plan and/or completely refusing our involvement until the appeal process is completed. If that is not the intent of the regulation, it should be clearly spelled out in the regulation that families are expected to comply until process is completed. Otherwise, the agency has no authority or leverage.

If you have any questions, please feel free to contact me at the above number, extension 2304.

Sincerely,

James W. Holtry
Director of Social Services

Division of Program Planning and
Development

MAY 13 1998

Reference _____



COMMONWEALTH OF PENNSYLVANIA
JUVENILE COURT JUDGES' COMMISSION

(11)

Room 401, Finance Building
 Harrisburg, PA 17120-0018
 (717) 787-6910
 (717) 783-6266 Fax

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 Bucks County

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MAR 23 1998

Joseph L. Spear
 Pa. Department of Public Welfare
 P. O. Box 2675
 Harrisburg, PA 17105-2675

Re: Proposed amendment to 55 Pa. Code Ch. 3490.221-242

Dear Mr. Spear:

I am writing on behalf of the Juvenile Court Judges' Commission to provide you with our comments regarding the above captioned regulatory proposals.

We believe it is critical that an explanation be provided to clarify how provisions of Sections 3490.221-242 relate to the responsibilities of county children and youth agencies under the provisions of 55 Pa. Code 3130.1 et seq. for children alleged to be dependent due to habitual truancy and ungovernability. We are concerned that these proposed regulations will be interpreted by county children and youth agencies in ways that will result in fewer of these cases being accepted for service.

In addition, these regulations should specifically reflect the requirements of the Public School Code at 24 P.S. §13-1333(b)(4), which provide that a child who has not attained the age of 13 years and who fails to comply with the compulsory attendance provisions of the Public School Code and is habitually truant shall be referred by the school district for services or possible disposition as a dependent child under the Juvenile Act. These children clearly fall within the definition of "neglect" as it is proposed for definition at §3490.223. It is our position that these regulations should specifically set forth the duties of the county children and youth agencies with respect to these children.

In addition, the Public School Code provides that children age 13 and older who fail to comply with the compulsory attendance provisions of the Public School Code may be referred by the school district for services or possible disposition as a dependent child. Some of these children would, as well, fall within the definition of "neglect" within the regulations. However, these children would, in either case, fall within the definition of "Dependent child." under the Juvenile Act, and would seem to fall within regulatory provisions of Ch. 3130.

It is essential that the risk assessment process established at §3190.321 reflect the need for children and youth agencies to promptly respond to these types of referrals and to provide the required services. The concept of agencies having 60 days to determine whether or not to accept cases of this type for general protective services continues to be of concern; particularly when no services are offered during this period.

As you are aware, during the negotiations leading to the passage of the most recent amendments to Pennsylvania's Child Protective Services Law, staff from the Department of Public Welfare assured legislative staff and me that the responsibilities of county children and youth agencies with regard to these types of cases would be clearly set forth in departmental regulations.

Thank you for giving consideration to our views this matter. If you require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Anderson", with a long horizontal line extending to the right.

JAMES E. ANDERSON
Executive Director

cc: Jo Ann R. Lawer, Esq.
Hon Isaac S. Garb

FOREST COUNTY
COMMISSIONERS
SAMUEL J. WAGNER
Chairman
GERALD L. CUSSING, JR.
NORMAN J. WIMER
(814) 726-2100
Children & Youth Services
Mental Retardation Program

FOREST/WARREN DEPARTMENT OF HUMAN SERVICES

27 HOSPITAL DRIVE
NORTH WARREN, PA 16365
Telephone: (814) 726-2100
Fax: (814) 723-9844
LINDA J. BARTHOLOMEW
Director

WARREN COUNTY
COMMISSIONERS
RICHARD P. CAMPBELL
Chairman
ROBERT P. WILLIAMS
HOWARD C. BRUSH
(814) 723-1832
Drug & Alcohol Program
Mental Health Program

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March 19, 1998

Mr. Joseph L. Spear
Department of Public Welfare
Office of Children, Youth & Families
Harrisburg, PA 17105-2675

Dear Mr. Spear,

I am writing to give you my comments regarding the proposed regulations for Child Protective Services and General Protective Services that I received in the PA Bulletin, volume 28, number 8. I did request a 30 day extension period to comment on these regulations through Mr. Chuck Songer so that I could be thorough in my comments regarding this very important issue - Child Protection in the State of Pennsylvania. Since I did not receive a response, I will try to sum up the most important concerns I have with the regulations that are being proposed.

The first area that I was concerned about was in Section 3490.61 and 3490.235 relating to requirements that the county agency assure that contacts are made with the child and parents as often as necessary for the protection of the child but no less often than once a week when the child is at high risk of abuse or neglect. Although I agree that these children should be seen as often as possible, I believe that regulating weekly contact with the child and family would pose serious difficulties in large rural counties where families have no telephone and no transportation. Caseworkers, who are already burdened with high caseloads and regulatory paperwork requirements etc. could spend several days per week trying to find the family at home to make a home visit. Not to mention the expense of the mileage this would incur upon the agency. If this is going to be expected, the C&Y agencies need to receive more funding to hire additional casework staff or there should be some flexibility within the regulations for these circumstances. A reality of what may happen with this regulation is that caseworkers and supervisors may misjudge children on the risk assessment instrument because of their inability to follow through on what is expected.

In Section 3490.108 relating to cooperation of county agencies and law enforcement agencies - I agree with this cooperation whenever possible so that children may be less traumatized by repeating the details of abuse experiences that are sometimes humiliating and difficult to talk about.

Department of Human Services
Forest County Branch Office
P. O. Box 523
Highland Street
Tionesta, PA 16353 (814) 766-3622

In Subchapter D relating to staff orientation, training and certification requirements - I object to staff not being able to provide protective services to families until the 120 hours of Core Training is completed. Core Training takes approximately 1 year to complete in the Northwest Region, unless the workers would go to another region to receive the training. What job duties will the worker have for the one year period until certification is completed since they will not be able to work with a caseload of families needing protective services?

Section 3490.401 - Intercounty transfer of cases is something that has been needed for a long time.

Section 3490.17 re: notifying the child's parents, guardians or other custodians. I would like to see the agency continue to have the flexibility, without a Court Order, to withhold the known whereabouts of a child from parents who present a danger to the child, foster parent, relative, or placement facility.

Section 3490.32 re: Childline reporting to the county agency. There are some Counties that I have questioned their ability to do a thorough abuse investigation whether it is because of new staff, inadequate supervision, different policies between agencies, turnover of staff, different interpretations or judgements about criteria to consider when evaluating safety of a child... I would like to see each County have the option of obtaining a numbered abuse report for incidents happening within their own County.

Section 3490.42 re: performance and audit reviews. What documented reasons would the Department accept as valid for why a child abuse investigation has not been completed within a 30 day period? There needs to be some definition to this so that agencies know what is expected.

Section 3490.56 re: county agency investigation of suspected child abuse perpetrated by persons employed or supervised by child care services and residential facilities. This puts the County agency in an awkward position. Some of the child caring facilities are run by people who are working as co-workers or treatment team members with the county agency staff on a daily basis. The fact that they need to have a safety plan approved by the County agency, puts the agency worker in a role of authority over people that they may have a personal relationship with. There may be conflict of interest issues here. This also places a great deal of liability upon the county agency for children that may not be under the agency's jurisdiction.

Section 3490.105b re: gives non-perpetrators the right to appeal unfounded reports. Caseworkers are already spending large amounts of time away from the office and away from families and children that desperately need their services to be tied up in Court hearings and appeal hearings that may be motivated by custody disputes. I don't feel that appealing unfounded reports is necessary. An unfounded report does not infringe upon anyone's rights or abilities to have contact or employment with children.

I appreciate the opportunity to express my opinions regarding these proposed regulations. I only hope that the concerns of the Pennsylvania Children and Youth Administrators will be given the

important consideration that they deserve. Drafting regulations is very different from implementing them. Thank you for this opportunity to respond.

Sincerely,

Charlotte Uber

Charlotte Uber
Associate Director Children and Youth Services
of Warren County

Linda J. Bartholomew

Linda J. Bartholomew, Director
Forest/Warren Department of Human Services

90 APR 16 PM 4:54
INDEPENDENT REGULATORY
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18

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To: Joe Spear
Company: Department of Public Welfare
Phone: _____
Fax: 705 - 0364

From: Mary Lou Lawrence and Jim Sneed
Company: I. R. R. C.
Phone: (717) 783-5417
Fax: (717) 783-2664

Date: 4/9/98

Pages including this
cover page: 3

Comments: Attached is a list
of questions/discussion areas
for our meeting on Tuesday,
April 14.



17

QUESTIONS/DISCUSSION AREAS

#14-441 (#1928)

1. Section 6361 of the Act says the Department, by regulation, shall set forth staff to family ratios for activities required of the county agency. Has this been done?
2. Why is "neglect" as defined in "child abuse" treated differently than the other forms of "child abuse?"
3. Explain the process and decision-making in "accepting for service."
4. Where is the term "certified medical practitioner" derived from? Are a clinical nurse specialist or a registered nurse considered certified medical practitioners? Please explain.

Departmental Responsibilities

5. Section 3490.43 - Will the "practice standards" discussed for implementation of the chapter be mandatory?

General requirements for child protective services

6. Why is the date of July 1, 1995 included in Section 3490.105 and 3490.106?

School Employees

7. Why does the Department have two different definitions of the term "administrator" in the chapter (Section 3490.131 and 3489,143), both of which are different from the definition in Section 6351 of Act 151?
8. The Department has omitted the phrase "public or private school, intermediate unit or area vocational-technical" included in the Act 151 definition, from its proposed definition. Instead it added a separate definition for "school." Are there any categories of schools that the Department did not include in its definition?

9. Applicant definition - Does the "transfer" mean from one position to another within the same school district?

10. The PSBA raised questions about what constitutes "direct contact with students." What will the Department consider to be "routine and unsupervised access to children.?"

**General Protective Services
County Responsibilities**

11. Centre County is concerned with the phrasing in several of the objectives. Are the objectives set out elsewhere? Do the counties actually have the power and the resources to fulfill the objectives?

12. Section 3490.232(g). Are there any circumstances under general protective services that a home visit would not be warranted?

13. Section 3490.13. Under Subsections (a) and (b) an employe who is a required reporter must notify the person in charge. The person in charge is then required to report the abuse. In addition, Section 3490.12 states required reporters shall report to Childline. Why is it necessary to require two calls to Childline (one from a required reporter and one from the person in charge)?



PENNSYLVANIA
SCHOOL BOARDS
ASSOCIATION, INC.

774 LIMEKILN ROAD, NEW CUMBERLAND, PA 17070-2398 / (717) 774-2331 / FAX (717) 774-0718

March 17, 1998

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Mary Lou Harris
Independent Regulatory Review Commission
333 Market Street
14th Floor
Harrisburg, PA 17101

Dear Ms. Harris:

Enclosed are the comments of the Pennsylvania School Boards Association to the Department of Public Welfare concerning regulations recently proposed regarding child protective services, as published in the February 21, 1998 issue of the Pennsylvania Bulletin. Our comments focus on language that would relate to provisions under Act 151 of 1994 that require prospective school employees to obtain a background check for child abuse crimes, and that mandate school employees to report suspected incidences of child abuse made by other school employees.

We hope that these comments are considered by you as well, as the proposal moves through the regulatory review process. Please contact me if you have any questions or need further clarification on the items addressed in the letter. Thank you for reviewing our comments.

Sincerely,

Thomas J. Gentzel
Assistant Executive Director
for Governmental and Member Relations

TJG/gr

COMMISSIONERS
WILLIAM W. REID
CHAIRMAN
ANTHONY P. LITWIN
RONALD P. WILLIAMS



EDWARD J. COLEMAN, MSW
DIRECTOR

98 MAR 25 11:3:19
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Wyoming County Human Services

PO Box 29 TUNKHANNOCK, PA 18657

- CHILDREN & YOUTH (717) 836-3131 FAX (717) 836-1639
- DAY CARE (717) 836-1826 OR (800) 724-3966
- HUMAN SERVICES DEVELOPMENT FUND (717) 836-3131

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Division of Program Planning and
Development

March 20, 1998

MAR 20 1998

Mr. Joseph L. Spear
Department of Public Welfare
OCYF
Harrisburg PA 1705-2675

Received
Refer to:

Dear Mr. Spear:

I would like to make comments regarding the Protective Services Regulations published in the Pennsylvania Bulletin, volume 28 number 8. Since we have had a relatively short amount of time to make comments, and with the many changes occurring in our system, I am limiting my concerns to two major issues.

Section 3490.61 requires in person contact with all high risk children weekly. I agree with the intent of this regulation. However, I am concerned with the capacity of the system to realistically meet this goal. As you are aware, the Needs-based guidelines severely limit the efforts of the counties to reduce case ratios in a timely manner. If the counties are unable to reduce their case load ratio much quicker than currently allowed, this regulation will be impossible to implement effectively. The result of this is we will be short cutting the practice of other important areas of our field. I do not believe this is the intent of this proposal. I recommend that

either the Needs-based guidelines be adjusted to reflect reality, or this section be amended to reflect the capacity of the system.

Regarding section 3490.105B, which gives non-perpetrator subjects the right to appeal unfounded reports raises concerns for me. Frequently this agency receives reports from people who are involved in a custody dispute, and state they are making the reports at the request of their attorneys to improve their case. I fear if this section is contained in the final draft of the regulations, the Child Protective Services will be used inappropriately as a tool in custody disputes. In addition, county staff will be tied up in the appeals process, which will further burden an already overwhelmed system. Furthermore, I must ask the question, how does this regulation enhance the Child Protective Service System in Pennsylvania?

I appreciate the opportunity express my concerns about these proposed regulations.

Please contact me at the above number if you have any questions.

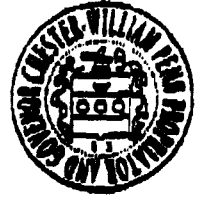
Sincerely,



Edward J. Coleman, Director



THE COUNTY OF CHESTER



COMMISSIONERS:

Karen L. Martynick, Chairman
Colin A. Hense
Andrew E. Dinniman

**CHESTER COUNTY DEPARTMENT OF
CHILDREN, YOUTH AND FAMILIES**

Chester County Govt. Services Center
601 Waintown Road, Suite 310
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95 MAR 25 PM

INDEPENDENT
REVIEW COMMISSION

Division of Family Services and
Child Welfare

3-23-98

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JAMES L. FORSYTHE
Executive Director

16

FAX Number: 610/344-5858

Date: 3-23-98

Please deliver promptly to:

Name Joe Spear

Company OCYF

Department _____ **FAX Number** 717-787-0414

The following sheets are sent:

- as per your request
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FROM:

Name Ray Scott

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Chester County Comments Re: CPS/ GPS Regs

With regards to the definitions of sexual abuse :

Since it is difficult to prove an act is intended for the sexual gratification of an alleged perpetrator, could the language in the definition read, "... for sexual gratification, or the act could not reasonably be explained except to gratify the perpetrator sexually."

3490.60

Add new section under (3):

(iv) Participate in the state or local child death review teams convened by another professional organization or the county for the purpose of assisting the investigation of a child's death or assisting in the development and promotion of strategies to prevent child deaths.

3490.54

(a) add.. exceptions to seeing a child with in 24 hours. Situations where perpetrator is deceased, or no longer has access to the child victim.

Requiring 24 responses in every CPS situation strains many counties ability to respond promptly to situations of higher risk which may not receive a childline number.

3490.91

Add new section:

(a) (16) Members of a local or state child death review team formally organized for the purpose of assisting in the investigation of child deaths or the development and promotion of strategies to prevent child deaths. The information shall be provided only through staff of the county agency or Department who are members of the team.

9

March 19, 1998

MAR 25 AM 8:19

Joseph L. Spear
Commonwealth of Pennsylvania
Department of Public Welfare
P.O. Box 2675
Harrisburg, PA 17105-2675

GOVERNMENT OPERATIONS
REVIEW COMMISSION

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Support Center for



Child Advocates
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RE: **Protective Services Regulations**

Dear Mr. Spear:

The Support Center for Child Advocates and Juvenile Law Center would like to offer to the Department of Public Welfare our joint comments on the recently published regulations implementing the Child Protective Services Law (CPSL).

In general we commend the Department for this ambitious effort. The major areas of new regulation for school-based student abuse, General Protective Services and risk assessment stand to improve practice across the Commonwealth. We offer the following comments and suggestions for change:

Definitions

The definition of substantial evidence may be confusing. We recommend conformance to case law, for example, "evidence which so preponderates in favor of a conclusion that it outweighs, in the mind of the factfinder, any inconsistent evidence and reasonable inference drawn therefrom." *Mortimore v. Pennsylvania Department of Public Welfare*, 697 A.2d 1031 (Pa.Cmwlt. 1997).

Services

We agree that the change from notice of "right to services" to notice of "[s]ervices available" from the county agency, §3490.40, should result in a more clear articulation of the supportive services that a family can obtain. However a family's *right* to services should not be diminished, particularly in light of forthcoming changes in the "reasonable efforts" requirements under federal law. Thus, the notice should *also* be clear about a subject's right to services.

RE: PROTECTIVE SERVICES REGULATIONS

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The changes in supervisory review appear to *move* the focus of the review, that is, from oversight of the investigation to oversight of the provision of service under the family service plan (FSP), thus replacing the standard for supervisory review within 10 days. §3490.61. We find this shift troubling. The new language that a supervisor review each report "on a regular and ongoing basis" fails to provide adequate direction to the supervisor, and gives the Department an unclear standard by which to evaluate a county's performance on this requirement. Instead, we recommend that the regulation read "...under investigation within 10 calendar days and on a regular and ongoing basis thereafter to determine...". *Id.*

We support the requirement of weekly face-to-face contact with the child for high risk cases. §3490.61(c)(1). We note that in our experience, the failure of investigative and case workers to make these in-home, face-to-face contacts at the required frequency is a recurring and widespread problem which the Department should consider in framing its licensure review protocols.

We recommend the addition of language that implements 23 Pa.C.S.A. §6368(a), which requires county agencies to arrange for any services necessary to protect the child while the agency is making its determination.

Representation of children

We support the introduction of the language of "court designated advocate", which we view as incorporating those jurisdictions which appoint lawyers to serve in an "attorney" or "counsel" function (different from GAL, as explained in the next paragraph), and as recognizing the role and contribution of Court-Appointed Special Advocates (CASA) in many jurisdictions. §3490.71 and .91(a)(3). To avoid any question as to the choice of who represents the child and thus to whom information must be provided, we suggest the following change to §3490.71: "provide information to a guardian ad litem under section 6382 of the CPSL (relating to guardian ad litem for child in court proceedings) ~~or~~ and the court designated advocate if there is one" (and similar change at §3490.91(a)(3)).

The regulations begin to tackle the difficult question of the role of the child's representative, as between an *attorney* who represents a child's wishes (also known as a "counsel" function) and the guardian ad litem (GAL) who typically is seen to be an officer of the court appointed to protect the child's interests without being bound by the child's expressed preferences. *cf.* American Bar Association *Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases*, §A-2. We find it critically important for both the court and the service-planning process to consider the wishes of their subject-children. We support as a step forward the approach of the proposed regulation, to direct the GAL to "determine the wishes of the child concerning the proceedings and shall communicate this information to the court." §3490.71

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Confidentiality

The language about civil and criminal penalty for release of information may strengthen the confidentiality of abuse-related information but seems inappropriate when applied to guardians ad litem. §3490.91(a). Attorney serving as GALs find their source of duty in the common law on this role (i.e., to act in the best interests of the child), as well as certain ethical obligations as defined by the Rules of Professional Conduct. Thus, in order to fulfill our "best interests" duty, we typically elect to share information acquired in the course of our representation with such parties as may need to know the information, subject in some circumstances to the permission given by the child client. For example, the GAL might elect to provide child abuse information to a non-physician therapist who is evaluating or providing treatment to the child. Since we are never entitled to identifying information on the *reporter* of suspected child abuse, we acknowledge that GALs do not have any right to share that item of information under any circumstance.

The proposed regulations appear to unduly restrict custody courts to acquire any and all information maintained on a child or family by the county agency. §3490.91(a)(5)(ii). We would strike the second sentence of that subparagraph.

The mandatory referral of certain cases (e.g., homicide, sexual abuse or exploitation or serious bodily injury) to law enforcement, set forth as basically unchanged at §3490.92(b)(2), leaves unclear whether a county agency *may* refer to law enforcement those abuse and neglect cases which are not enumerated but which the county officials believe warrant police action. §3490.92(c) appropriately helps to solve this problem by allowing/requiring the county agency to refer non-perpetrator cases for investigation. We suggest the addition of language explicitly permitting the county agency to contact or refer a case to law enforcement when investigation is warranted.

Performance audit and reviews

We support the changes at §3490.42 (b) and (c), which will increase the public accountability of the county agencies in the key area of timely investigations. As noted below, we suggest adding this field of inquiry to the section on the Annual Report to the Governor and General Assembly, §3490.331, especially since the data will already be collected by the Department.

Interviews

We commend the requirement of joint child welfare-law enforcement interviews in student abuse cases. §3490.172. With the widespread introduction of state-of-the-art models of collaborative forensic investigations, we urge the Department to adopt a similar requirement for joint interviews for all child abuse cases, i.e., at §3490.55.

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The child welfare community had anticipated DPW response in these regulations to the requirements set forth in A.Y. v. Department of Public Welfare and Allegheny County Children and Youth, 641 A.2d 1148 (Pa. 1994). That case requires that disclosures of child abuse by children, for cases in which there is no child testimony and no forms of corroborating evidence such as witnesses or physical evidence, must be either video or audiotaped in order for the case to be indicated by DPW or the county agency. CY&F Bulletin 3490-95-01 analyses the issue but provides more suggestion on the potential areas of concern by the county agencies, than direction or guidance on how to proceed in these cases. We are concerned that credible cases of child abuse will be unfounded by investigators or lost by prosecutors for lack of preserved evidence. We recognize as well that taped interviews may be more harmful than helpful unless the interview is conducted skillfully by qualified interviewers. We recommend that the Department require the use of taping in all child interviews by some future date certain, or at least commit to a thorough examination of this issue.

Interaction with Law Enforcement

We commend the increased attention given to the nexus between the child welfare and law enforcement functions, e.g., §3490.108 and .109. There may be some increased paperwork burden on the county agencies to maintain reports on criminal court action (§3490.33) and on law enforcement to advise the county agency of the status and outcomes of investigations (§3490.109); however we expect commensurate benefits in service coordination and child protection as the child welfare workers and child advocates will be better able to keep abreast of these collateral criminal actions.

The provision allowing the county agency to rely on law enforcement findings rather than necessarily conducting its own investigation seems to be a positive step toward reducing multiple investigations and interviews. §3490.54.

Abuse of Students in School

The advent of law and regulations addressing child abuse perpetrated by heretofore exempt school personnel must be seen as a positive step in child protection in Pennsylvania. However, we anticipate a difficult transition. The investigatory protocol of 'law enforcement first, then referral to child welfare' (i.e. §3490.161) seems to be rife with potential shortcomings, especially in communities where the local police are not well-trained in child abuse interviewing and investigations. We recognize that the regulations emulate the new CPSL provisions in this area, and so we caution the Department to study these investigations are handled.

The "[r]elease of information" provision for student abuse does not include provision for release of information to GALS or court designated advocates. We suggest emulation of §3490.91(a)(3), with our suggested change as noted above.

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As noted, the provision for coordinating investigations and joint interviews are excellent. §3490.172.

General Protective Services

We applaud the creation of law and regulations requiring the county agencies to expand their services to at-risk children and their families. With a mechanism for receiving reports of neglect from the community, developing service plans and providing services, the county agencies can contribute to abuse *prevention* and family stability. However, the regulations need accept-for-service criteria. There is a gap between the purpose statement of "assisting parents ... in remedying conditions" (§3490) and the decision whether or not to accept for service §3490.232(f). The risk assessment instruments will likely provide a useful construct but on their own do not clarify under what circumstances the general protective services should or must be offered? Simply put, the regulations must help answer the frequently contested question of which cases should be accepted for service.

The regulations add the term "neglected" children to the statutory definition of GPS program objectives. *Compare* 42 Pa.C.S.A. §6373(a) *with* 55 Pa.Code §3490.231. We suggest that this change inappropriately shifts GPS from a *child-centered* focus on the rights and welfare of children and toward a *parent-centered* focus on actions or failures to act by the parent. This shift is also confusing in that the proposed regulations define "neglect" that will trigger GPS service, with language that is similar to the CPSL definition of serious physical neglect as a form of child abuse. *Compare* 42 Pa.C.S.A. §6303(b)(1)(iv) *with* 55 Pa.Code §3490.223.

The case of the adolescent or teen in need of services presents a useful example of this problem. Teens are too often viewed as recalcitrant or even incorrigible: "he doesn't want to live with his parents' rules." Instead, we see many of these youths as needing support, not rejection. The CPSL appears to call for the provision of remedial or preventive services in such cases *without necessarily proving the failure to parent*; the regulations should emulate this statutory scheme.

The provision that "[t]he county agency shall be the sole civil agency responsible for receiving and assessing all reports of suspected neglect" (at §3490.232) appears to unlawfully limit the authority of the Juvenile Court to receive and any person to file a petition for dependency. 42 Pa.C.S.A. §6334.

Risk assessment

We are encouraged by the provision of a risk assessment section, in particular the connection between a risk assessment instrument and the Family Service Plan and Placement Amendment. §3490.322(d). However, the regulations should more explicitly state that risk assessment is an ongoing process that should be done in conjunction with all placement and service decisions.

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We suggest additional language calling for services that *respond* to risk, rather than simply help determine the need for services. §3490.232(e)(3).

It is unclear whether the proposed risk assessment section changes DPW policy regarding risk assessment, which for many years has given counties a limited selection of risk assessment instruments and required counties to manage both short-term risk (immediate safety issues) and long-term risk (future welfare). Both kinds of risk need to be addressed by the FSP and placement planning decision-makers. Also, the instruments used to assess risk at intake may be inadequate as tools to assess ongoing risks and needs.

Annual Report

For its reports to the Governor and General Assembly, we recommend additional county reporting and Departmental statistical analysis of expungements which occur and cases which are unfounded due to delays in processing of cases, e.g., status determinations not received at ChildLine within 60 calendar days as provided in §3490.34 and .67, or otherwise dismissed due to problems with the A.Y. evidentiary requirements discussed above. Quality assurance dictates that leadership and the public closely examine the problem-cases so as to make procedural improvements based on performance.

Again, we appreciate the opportunity to comment on the proposed regulations, and we stand ready to assist you and your colleagues in your important work on behalf of children and families.

Sincerely,



FRANK P. CERVONE
Executive Director
Support Center for Child Advocates



ROBERT B. SCHWARTZ
Executive Director
Juvenile Law Center

cc: Feather O. Houston, Secretary
Jo Ann R. Lawer, Deputy Secretary
Anne Shenberger