

Pennsylvania Family Support Alliance

**Testimony for Senate Aging and Youth
Public hearing on SB 753 - Amends Title 23 re child abuse definition
FRIDAY - 8/26/11
1:00 p.m., Tots-n-Tike Ctr, Youngwood**

Good afternoon, Chairwomen Ward, Washington, Senator Vance, committee members and staff. I am Angela Liddle, Executive Director of PA Family Support Alliance. Thank you for the opportunity to testify today on Senate Bill 753.

It is our opinion that Senate Bill 753 is very well intended, but falls short in aiding child protection efforts for children born testing positive at birth for a controlled substance in the following ways:

1. These cases are already being referred to county children and youth agencies under General Protective Services as part of Pennsylvania's compliance with the Child Abuse Prevention and Treatment Act.
2. Classifying these cases as child abuse will not ensure a parent's compliance with treatment and recovery from addiction. A parent has the right to refuse cooperation with a child abuse investigation as well as any services that may be offered. County children and youth agencies cannot mandate services without a court order. The Superior Court In Re Petition to Compel Cooperation with Child Abuse Investigation Appeal of: R.G. & S.G., Natural Parents, 2005 PA Super 188 (Pennsylvania Superior Court, May 20, 2005) has ruled that a report of

an allegation of child abuse in and of itself is not sufficient grounds to compel cooperation with the investigation.

With this knowledge we must ask ourselves what will best protect these children who test positive at birth for a controlled substance. First and foremost, we know that there is no consistent identification or screening protocol of these children statewide. In short, we have no meaningful data. After appropriate identification, we need to ensure that linkages to services exist to address the needs of both the mothers and newborns. Currently, we have no assurance that comprehensive services are being offered, nor do we have a way to evaluate the effectiveness of services because we have no statewide data collection system.

Our state has a long history of wanting to “fix a problem” before really assessing the exact nature of the problem. A statewide data collection system would allow us to completely examine the child welfare system. Currently, we collect minimal data on child abuse investigations through ChildLine, our central registry. We have no idea how many child abuse cases receive ongoing services under General Protective Services regardless of their status determination. We also do not have sufficient, meaningful data regarding General Protective Services cases. For example, if a family receives in-home services we would not necessarily know if they re enter the child welfare system. Nor would we know if they are presenting the same or new issues. One can only imagine how useful a statewide data collection system would be to help children whose families move from one county to another. Just imagine, in Pennsylvania, we have the

capability to monitor entry, exit points as well as the speed of a vehicle on the turnpike but we can't follow an at-risk child who is receiving services through the child welfare system.

There are areas within our state's child abuse definition that are problematic and deserving of assessment. For example, serious mental injury comprises less than one percent of total injuries in 2010 and this percentage has been historically consistent. This number seems to be extremely low and we attribute this low number to the stringent definition of serious mental injury which states, " mental injury is a psychological condition, as diagnosed by a physician or licensed psychologist including the refusal of appropriate treatment that: 1) renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that his or her life or safety is threatened; or 2) seriously interferes with a child's ability to accomplish age appropriate developmental tasks. What is nearly impossible is the linkage of the mental health diagnosis to the actions of the perpetrator.

Student abuse is another form of abuse to children, but is not included under the definition of child abuse. Student abuse is limited to serious bodily injury and sexual abuse or exploitation of a student by a school employee. We are holding school employees to a different standard than parents, child care providers, foster parents or others responsible for the welfare of a child. Furthermore, the reporting process for student abuse is complex, making it easy for suspected cases of student abuse to not reach the county children and youth agency. Therefore, it is possible that a school

employee who has committed student abuse would not be entered into ChildLine, the central registry and could obtain a clean child abuse clearance allowing him or her to work in another school or child serving agency.

As with many child welfare related issues, there are no quick, easy fixes. PA Family Support Alliance believes that before any additional changes are made to our Child Protective Services Law a comprehensive data collection system must be created and introduced so we can make changes with the assurance that we clearly understand the problem and that our solutions can be operationalized and truly protect Pennsylvania's children.

Thank you for the opportunity to testify today. We look forward to continuing our discussion on this topic and many others related to child protection within our state. I will take any questions you have at this time.