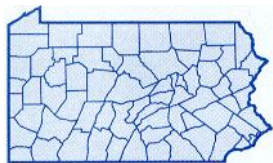


# Pennsylvania Children and Youth Administrators, Inc.



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TESTIMONY ON SENATE BILL 20

PRESENTED TO THE  
SENATE AGING and YOUTH COMMITTEE

BY

CHARLES R. SONGER JR.  
EXECUTIVE DIRECTOR  
PENNSYLVANIA CHILDREN AND YOUTH ADMINISTRATORS  
ASSOCIATION

June 5, 2013  
Harrisburg, PA

I would like to thank Chairman Mensch and Chairwoman Washington and members of the Senate Aging and Youth Committee for the opportunity to comment on Senate Bill 20. My name is Chuck Songer and I am the Executive Director of the Pennsylvania Children and Youth Administrators Association (PCYA), an affiliate of the County Commissioners Association of Pennsylvania (CCAP), representing all 67 county children and youth services agencies in the Commonwealth. PCYA was founded to give the county agencies a common voice to express the needs of our clients, as well as those of agencies, in helping to shape legislation and policy in Pennsylvania. Prior to joining PCYA in 1997, I served in the public child welfare system in Adams County since 1972 and have conducted or supervised the handling of more than 800 suspected child abuse investigations.

We salute the work of the Task Force on Child Protection (TFCP) and this committee and are committed to working with all interested parties to:

- Ensure that every effort is made by an informed community to protect children from harm at the hand of their families or caretakers;
- Ensure that those involved in the investigations and treatment of child abuse have the resources and training to function effectively; and to
- Encourage an increased level and quality of reporting incidents of suspected child abuse.

We must also emphasize the need, as noted recently by Acting Department of Public Welfare (DPW) Secretary Mackereth, for a well-trained and stable county children and youth services workforce, which was also referenced in the TFCP. County children and youth services staff have the advantage of training under Pennsylvania's nationally recognized Child Welfare Resource Center (CWRC). While specific college degrees may be helpful, they do not guarantee success or longevity in this arena and we rely on the CWRC to make up for any individual educational deficits, as well as maintaining continuing education and skill building. We are not yet where we need to be with staff retention and the matter of retention of staff is not simply one of more money. Staff retention, like child abuse, is a multi-faceted problem and needs to be analyzed and then addressed from every angle. We will gladly join in any work in this area. No effort to better prevent or treat child abuse will succeed until this resource is in place.

I will now address the amendments included in Senate Bill 20 in the order in which they appear.

While the Task Force received testimony from a variety of "mandated reporters" favoring the change, we are not convinced that the suggested changes in the basic definition of child abuse in this legislation will make it any clearer in the minds of reporters or investigators. Further, if the definition is changed, a large-scale training effort will need to be embarked upon for the community, agency staff, investigators and reporters.

The use of terms "recklessly or intentionally", or "reasonable likelihood of . . . injury" would, we fear, only add to the confusion for those deciding whether to report or those trying to determine the best means of intervention. We also do not understand the rationale for, or support, restricting any portion of the definition of abuse to a "two-year window".

Likewise, listing examples such as "kicking, burning, biting, stabbing, cutting or throwing a child" are unnecessary. The setting of a "one year of age" limit for slapping or shaking a child does not take into account the impact on a child of 13 months of age or with a disability, or the relative age and size difference between the perpetrator and the victim. Any of these injuries/conditions would fit under the

current definition of child abuse, and if it is not clear that the situation does fit, agency action under the definition of “dependency” in the Juvenile Court Act is possible. We recommend that county agencies retain the ability to investigate, using their Multi-disciplinary teams as indicated, the mitigating circumstances surrounding all reports of child abuse regardless of age and be assured of the training and resources to make the appropriate determination, and initiate the most appropriate treatment, based on all of the evidence available.

“Causing the child to be present at a location” where dangerous or criminal activity might be taking place may be more appropriately addressed under “without proper parental care, control” language in the “dependency” definition under the Juvenile Court Act than as part of the child abuse definition unless, of course, if actual injury results from the exposure.

We concur with the general environmental and religious exclusions contained in Sec. 6304(a) and (b); however the terms under (c) “Use of force for disciplinary purposes” are too broad and subjective to be useful ( e.g. “person responsible for a child's welfare”, “reasonable force”, “incidental, minor or reasonable physical contact”). We take no position on (d) “Effect on the rights of parents” and (e) “Participation in events that involve physical contact with child”. The conduct noted in (f) “Peer-on-peer contact” is likewise too subjective and would unnecessarily confuse reporters and investigators alike. For example, while two children might be the same age they may be vastly unequal in size, developmental or intellectual ability.

### **Fiscal Impact**

In order to implement the changes identified in Senate Bill 20 and also work to provide the same, or better, service to additional children and youth, we anticipate that many counties and the state would need to add staff. This is not an area where either level can “do more with less”. If additional funds are not available, then some other services to children and families will not be delivered.

In summary, we share the goals of the Task Force and the Committee to improve child safety in this commonwealth, and we look forward to addressing our concerns with the sponsor and the Committee to move Senate Bill 20 to the point where we could wholeheartedly support the bill.

I would be glad to answer any questions at this time or to provide any additional information that you request.