

Children's Justice & Advocacy Report

To promote community responsibility so every Pennsylvania child is protected from child abuse, including sexual abuse.

Major Milestone for Pennsylvania's Child Protection Efforts *Inaugural GPS data reveals magnitude of families intersecting with child welfare*

December 21st – Three years ago this week, Pennsylvanians watched as politicians, from very diverse regions of the state and across the political spectrum, stood side-by-side ushering in sweeping child protection reforms.

These reforms altered how child abuse is defined, emphasized the importance of adults speaking up to report suspected child abuse, affirmed the necessity of a team approach in the course of investigating child abuse, and modernized the technology utilized to measure the scope of child abuse and the outcomes achieved for vulnerable children and families.

The first batch of child protection legislation was signed into law on December 18, 2013. Additional pieces were enacted in 2014 with the full implementation of the reforms delayed until December 31, 2014.

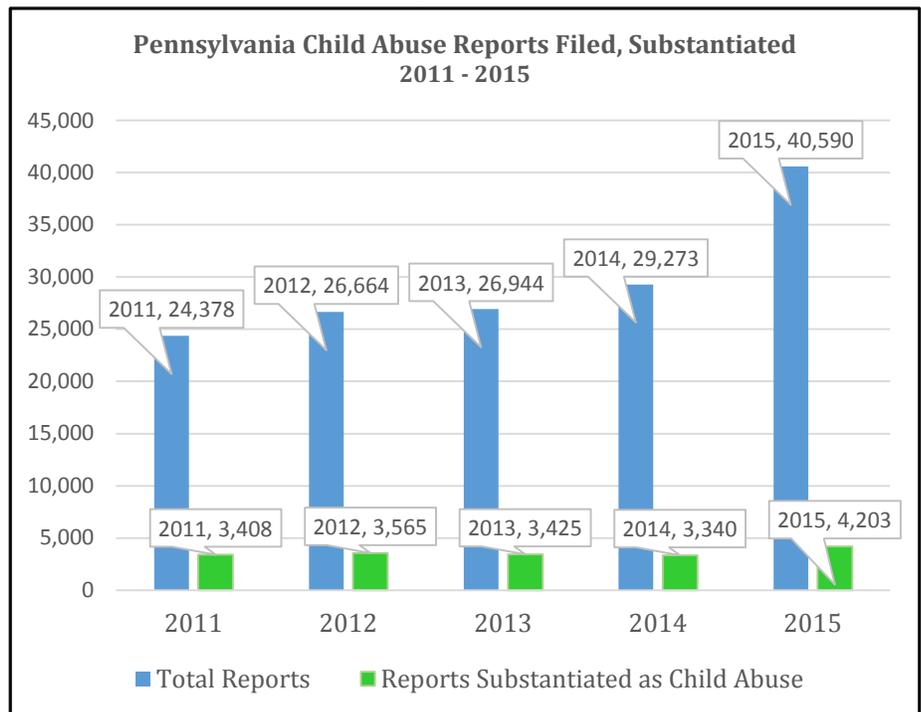
2015 proved a pivotal and pressure-filled year as the reforms took hold in communities across Pennsylvania.

This fall the Pennsylvania Department of Human Services (DHS) provided the first tangible sign of the pressure experienced by county children and youth agencies.

PA DHS reported that reports of child abuse (also known as Child Protective Services) had risen from 29,273 in 2014 to more than 40,000 in 2015.¹

Headlines about the “rise” in child abuse occupied many a media outlet in the days following PA

DHS' details about the Child Protective Services (CPS) data. These media reports built upon many months of



¹ http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c_226999.pdf

local news outlets reporting about how the “rise” in child abuse reports was “testing” child welfare and law enforcement.² Still the data was insufficient and the media reports often didn’t inform readers that the CPS numbers and child abuse investigations were only one element of the legal tasks assigned to the child welfare system.

Last month, without any fanfare, PA DHS provided insight into the other significant elements of the child welfare system when it released - for the first time ever - data about the General Protective Services (GPS) side of the state’s child welfare system.

The decision in 2014 to track, on a statewide basis, this critical GPS data was among the foundational changes made to the state’s child protection system overall.

It wasn’t just about recording numbers to tell a story about how many families intersect with the child welfare system.

Instead, it was signal that the state was committed to ensuring that those called upon to assess a child’s safety and well-being would finally have a more complete picture of the situation. For years, children and youth caseworkers and law enforcement responded to reports of concern about a child’s safety or a family’s well-being never knowing if this GPS report was the first, third, fifth or tenth similar report made about this child or family.

Thousands of children and families received GPS through the years, but too seldom was any past interaction with the child welfare system, especially if occurred in another county, readily available to inform front-line child protection professionals as they made critical decisions (sometimes life and death) about the fate and future of the child.

That changed when the Pennsylvania General Assembly said in 2014 that this GPS data was so essential it would be tracked within the statewide child welfare database and readily shared with those child protection professionals (e.g., law enforcement, child welfare, physicians) entitled to other confidential information in the statewide database.

And then last month, PA DHS - for the first time in the history of this state’s child protection efforts - provided a statewide lens into GPS statistics.³

GPS is not a new concept to Pennsylvania’s child welfare system. It is often cited as the state’s differential response with policymakers hoping to not have every call to ChildLine or a county agency trigger a child abuse investigation.

Child Protective Services (CPS) reports head down the child abuse investigation path and generally you think of these reports as child specific – there is an allegation a child has been abused. Meanwhile, on the GPS front it is generally more issues are being raised about the child within the context of the family’s circumstances. This triggers an assessment to evaluate if the family is in need of any services to help keep child(ren) safe, to prevent child abuse and to promote the parent(s) ability to parent the child(ren) in their own home. After the assessment, the family will either be accepted for services, referred to another community-based agency for services or the case will be closed.

² <http://www.ydr.com/story/news/local/2016/05/20/york-county-agencies-inundated-by-increased-reports-of-child-abuse-and-neglect/84593158/>

³ http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c_226999.pdf

County children and youth agencies have been responsive to GPS reports for more than two decades. Counties kept GPS data and records (some better than others), but it was virtually impossible to get any sense of the exact scope and depth of GPS statewide until this 2015 data was released.

It has long been understood that the bulk of what many county children and youth agencies spend their time (and resources) on is responding to GPS reports and assessing families for services and supports to promote child safety and family stability. The 2015 statewide GPS data underscores just how much of the child welfare system is about GPS cases.

By the time the law was changing in 2014 it wasn't as if state policymakers hadn't been told for years that a key legal obligation of the child welfare system (and cost to the state budget) was unfolding without any tracking of statewide data or outcomes.

Decisions about this state's child protection efforts (and budgets) were too routinely made without fully understanding the magnitude of the pressure GPS was placing on counties and the degree to which the same child was the subject of GPS report after GPS report after GPS report.

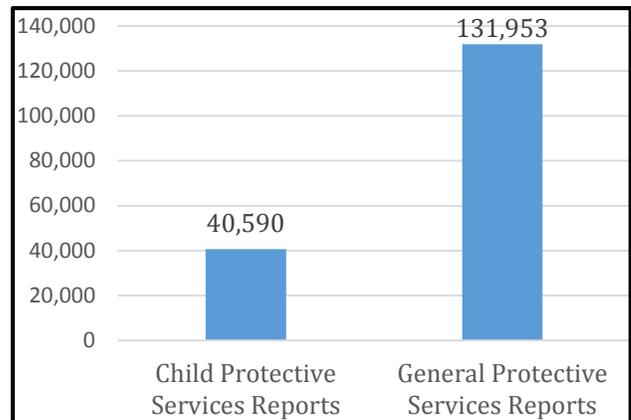
Consider the findings of a 1999 Legislative Budget and Finance Committee (LBFC) audit produced after the Pennsylvania General Assembly told LBFC "to conduct a performance audit of the Commonwealth's children and youth agencies":

"Counties are also required to provide general protective services in less severe cases that do not fall under the legal definition of child abuse. We found that six counties reported spending more on CPS expenditures than GPS, while 31 counties reported spending more than twice as much on GPS as CPS services."⁴

The recently released 2015 GPS data provides some confirmation of just how massive an undertaking GPS is for county children and youth agencies. In 2015, counties received a total of 131,953 GPS reports as compared to 40,590 CPS cases.

Now a bit of a reality check. The process of collecting GPS data and the interplay between the state and counties (as well as all the technological hurdles) remains a work in progress. So a celebration is in order that there is finally GPS data available for review, but of equal importance will be how willing the state (and counties) are to further digging and scrutiny to better understand what is captured by the statistics.

PA DHS reports that 15 out of every 1,000 children living in Pennsylvania "were reported as victims of suspected abuse" last year. Meanwhile, 35 out of every 1,000 children in the "were reported as subjects of an assessed GPS report in 2015."

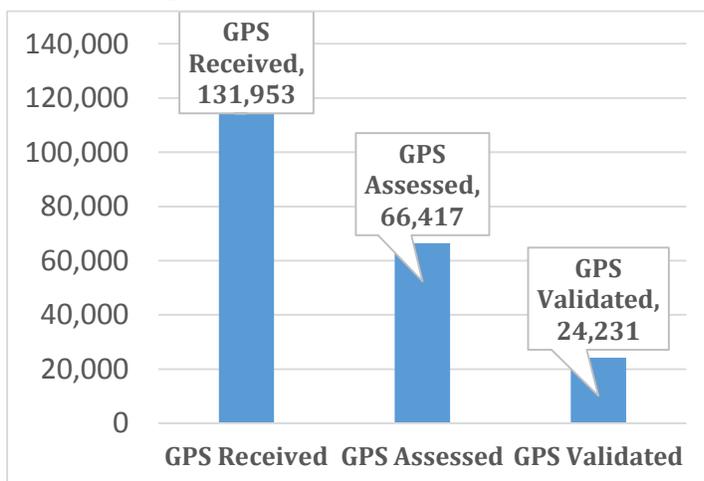


⁴ Pennsylvania Legislative Budget and Finance Committee audit on Pennsylvania's Children and Youth System released June 1999, page S-7.

1 out of every 1,000 children in Pennsylvania was determined to be a victim of child abuse, while 13 out of every 1,000 children “were found to be the subjects of valid GPS reports” in 2015.

In releasing the GPS data, PA DHS wrote that mandated reporters “are only required to report suspected child abuse” even as these reporters “continue to make the majority of reports alleging GPS concerns of children.”

Allegations within the 24,231 validated GPS reports included parental substance abuse, inadequate shelter, conduct by parent that places child at risk, lack of supervision, truancy, domestic violence, child sexually acting out, infant born and affected by illegal substance abuse by mother or infant born physically dependent on drugs, inappropriate discipline. This list is not exhaustive.



Act 151 of 1994 put GPS inside PA’s Child Protective Services Law

General Protective Services (GPS) became part of the state’s Child Protective Services Law (CPSL) in 1994 with the enactment of Act 151. At that time, the General Assembly statutorily defined GPS as “those services and activities provided by each county agency for nonabuse cases requiring protective services, as defined by the Department of Public Welfare in regulations.”⁵ Counties had been providing GPS services under regulation prior to Act 151.

In February 1998 then, the Pennsylvania Department of Public Welfare (now renamed the Pennsylvania Department of Human Services) published draft regulations.⁶ These proposed regulations drew a harsh critique from the prime sponsor of the bill (House Bill 1001) that became Act 151. Then state Representative Kevin Blaum, Chairman of the Pennsylvania House of Representatives Committee on Aging and Youth, wrote:

The Department of Public Welfare has thoroughly obfuscated and distorted legislative intent in regard to general protective services. It has limited "general protective services" to cases involving "neglect," which violates legislative intent and statutory definition for general protective services. The department defines "neglect" as nearly identical to the statutory definition of "serious physical neglect." Under the CPSL serious physical neglect is considered child abuse. Thus, the department, for whatever reason, has created a serious problem.

The net result could be disastrous. Caseworkers, unable to differentiate between the two definitions, (serious physical neglect constituting child abuse and neglect constituting a need for general protective services) may find themselves with a choice that the statute never intended: the caseworker could either substantiate the case as an indicated child abuse case or consider it a general protective services case, where the case would not become part of the state child abuse registry, there would be less paperwork and reporting to the state, and records would only be maintained at the county level if the family was accepted for services. In any case, the regulation appears to narrow the population of children and families for whom protective services would be available.⁷

⁵<http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=1994&sessInd=0&smthLwInd=0&act=151>

⁶ <http://www.pabulletin.com/secure/data/vol28/28-8/324.html>

⁷ http://www.irrc.state.pa.us/docs/1928/COMMENTS_LEGISLATIVE/1928%2004-08-98%20repblaum.pdf

Blaum underscored the General Assembly's intent was "to ensure protective services were available to those children and families where the level of harm, lack of supervision, or injury to a child did not constitute child abuse as defined in Section 6303 of the CPSL, but where risk factors indicated a need for assistance to prevent more serious abuse." He continued that the intent "was to provide services to families at an early stage before child abuse actually occurs" and "to signal to the department and county children and youth agencies the Legislature's commitment to prevention of child abuse and early identification of risk factors leading to child abuse."⁸ Blaum faulted DPW's proposed regulatory GPS definition:

"Those activities and services arranged or provided, or both, by each county agency for neglected children and their families both during the assessment and while the case is open for services".

The former Chairman instead suggested the following GPS definition:

"Those activities and services arranged or provided, or both, by each county agency for cases where a county agency determines a child's health, safety, functioning, or development is harmed or threatened as a result of an act or failure to act by a parent or the primary person responsible for the care of a child but where the harm, act or failure to act does not constitute child abuse as defined in 6302 (b)."

By summer 1999 the regulations were finalized with this GPS definition:

"Services to prevent the potential for harm to a child who meets one of the following conditions:

- i. Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals.*
- ii. Has been placed for care or adoption in violation of law.*
- iii. Has been abandoned by his parents, guardian or other custodian.*
- iv. Is without a parent, guardian or legal custodian.*
- v. Is habitually and without justification truant from school while subject to compulsory school attendance.*
- vi. Has committed a specific act of habitual disobedience of the reasonable and lawful commands of his parent, guardian or other custodian and who is ungovernable and found to be in need of care, treatment or supervision.*
- vii. Is under 10 years of age and has committed a delinquent act.*
- viii. Has been formerly adjudicated dependent under section 6341 of the Juvenile Act (relating to adjudication), and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in subparagraph (vi).*
- ix. Has been referred under section 6323 of the Juvenile Act (relating to informal adjustment), and who commits an act which is defined as ungovernable in subparagraph (vi)."*⁹

These regulations also outline the "functions" of a county children and youth agency including being responsible "for administering a program of general protective services to children that is consistent with the agency's objectives to:

1. Keep children safely in their own homes, whenever possible.
2. Prevent abuse, neglect and exploitation of children.
3. Overcome problems that could result in dependency.

⁸ Ibid.

⁹ § 3490.223. Definitions. - <http://www.pacode.com/secure/data/055/chapter3490/s3490.223.html>

4. Provide temporary, substitute placement in the home of a relative, other individual who has a significant relationship with the child or the child's family, a foster family home or residential child-care facility for children in need of this care.
5. Reunite children safely with their families, whenever possible, when children are in temporary, substitute placement.
6. Provide a permanent, legally assured family for children in temporary, substitute care who cannot be returned to their own home.
7. Provide services and care ordered by the court for children who have been adjudicated dependent."¹⁰

The regulations also set forth that the county agency "shall provide, arrange or otherwise make available the same services for children in need of general protective services as for abused children under § 3490.60 (relating to services available through the county agency)."¹¹

Counties develop a family service plan for families that are "accepted for" services. The county is able to contract with community-based providers for services outlined in the family service plan, and county child welfare staff have specific visitation requirements in order to "monitor the safety of the child."¹²

In 2012, the state issued a Bulletin (3490-12-01) outlining the time frames by which counties are to "establish face-to-face contact" in response to a GPS report.¹³ Those time frames range from immediate to "within 7 – 10 calendar days."¹⁴

1999 audit: "31 counties reported spending more than twice as much on GPS as CPS services"

As the back and forth about implementing Act 151 of 1994 and the related regulations was unfolding, the Pennsylvania House of Representatives directed the Legislative Budget and Finance Committee to "conduct a performance audit of the Commonwealth's children and youth agencies." The Resolution said that "there was a need to study the effectiveness of the operation and management of the Commonwealth's children and youth services delivery system in meeting statutory and regulatory responsibilities for at-risk children and families."¹⁵ Among the June 1999 audit findings:

"The ratio of child protective services to general protective services varies widely from county to county. Counties provide child protective services when children are found to have been abused. Counties are also required to provide general protective services in less severe cases that do not fall under the legal definition of child abuse. We found that six counties reported spending more on CPS expenditures than GPS, while 31 counties reported spending more than twice as much on GPS as CPS services. The Department is in the process of implementing a standard risk assessment tool that should allow valid comparisons between counties. Such benchmarking should help identify counties that may not be providing appropriate levels of service."¹⁶

¹⁰ § 3490.231. Functions of the county agency for general protective services - <http://www.pacode.com/secure/data/055/chapter3490/s3490.231.html>

¹¹ § 3490.235. Services available through the county agency for children in need of general protective services - <http://www.pacode.com/secure/data/055/chapter3490/s3490.235.html>

¹² Ibid.

¹³ http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005995.pdf

¹⁴ Ibid.

¹⁵ House Resolution 426 adopted May 6, 1998 retrieved at <http://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=1997&slnd=0&body=h&type=r&bn=426>

¹⁶ Pennsylvania Legislative Budget and Finance Committee audit on Pennsylvania's Children and Youth System released June 1999, page S-7.

2002 Joint State Government Commission report faults lack of statewide GPS data

In 2002, there was [this recommendation from the Joint State Government Commission](#)'s (JSGC) Advisory Committee on Services to Children and Youth: "Improve the data collection system for cases involving general protective services and child protective services."¹⁷ The report, which was driven by two concurrent resolutions adopted by the General Assembly,¹⁸ drew attention to the fact that the Commonwealth was tracking and reporting on no GPS data. The report emphasized:

*"The bulk of the cases for county agencies are GPS cases -reportedly as many as 80% - but these are not reported as comprehensively as CPS cases." It continued, "Because little data is collected on GPS cases, discussion and policy analysis of these cases is hampered. Improving data collection for GPS cases is important not only for the handling of the cases themselves, but also because many of the cases requiring court intervention begin as GPS cases. Analysis of these cases would therefore appear crucial in the formulation of policy regarding prevention services."*¹⁹

Task Force on Child Protection talks importance of GPS and the "patterns" in such cases

In April 2011, diverse stakeholders came together urging the Governor of Pennsylvania and General Assembly to create a Child Protection and Accountability Task Force.²⁰

Among the areas stakeholders saw as ripe for exploration by such a task force: Improving the quality and measurement of the state's differential response (General Protective Services) specific to response times, types of cases referred, services delivered and data collected and publicly reported.²¹

Eventually after the arrest of Gerald Sandusky in November 2011, a [Task Force on Child Protection](#) was created in Pennsylvania.²²

A central theme of virtually all the testimony before the Task Force was the need for reliable data and effective tracking of cases particularly GPS cases. The Task Force sought to require that the PA DHS "establish and maintain a secure statewide database system to permit the department to supervise and track protective services cases involving reports of child abuse and reports of children in need of general protective services."

Task Force member Dr. Rachel Berger urged policy makers to more fully understand the dynamic and consequences of GPS stating:

"Historically people have thought of GPS as less severe, not as important and that children are at lower risk. The data shows us this isn't true. Those children may actually be at higher risk. GPS is about patterns and too often when a child dies or nearly dies there were multiple GPS level reports."

¹⁷ November 2002 Report of the Advisory Committee on Services to Children and Youth, page 88 retrieved at <http://jsg.legis.state.pa.us/resources/documents/ftp/publications/2002-55-CYS.PDF>

¹⁸ Senate Resolution 97 final adoption in December 1999 retrieved at <http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=1999&ind=0&body=S&type=R&bn=97> and Senate Resolution 114 adopted in November 2001 retrieved at

<http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2001&ind=0&body=S&type=R&bn=114>.

¹⁹ November 2002 Report of the Advisory Committee on Services to Children and Youth, page 88 retrieved at <http://jsg.legis.state.pa.us/resources/documents/ftp/publications/2002-55-CYS.PDF>

²⁰ <http://www.prnewswire.com/news-releases/the-protect-our-children-committee-urge-governor-corbett-general-assembly-to-create-a-child-protection-and-accountability-task-force-133793703.html>

²¹ <http://aging.pasenategop.com/files/2014/03/palm.pdf>

²² <http://www.childprotection.state.pa.us/>

In response to the Task Force's work, the PA General Assembly, during the 2013-2014 legislative session, amended the CPSL to stipulate that information within a GPS record was among the information and records to be shared with a list of designated individuals/entities charged with protecting children (e.g., county children and youth agencies, law enforcement, a physician treating the child, the courts) and already permitted information in the confidential child welfare database.²³

Today, the CPSL defines GPS as "Those services and activities provided by each county agency for cases requiring protective services, as defined by the department in regulations."

Also Act 29 of 2014 realized the Task Force and stakeholders' push for GPS data to be tracked within the statewide child welfare database maintained by the Pennsylvania Department of Human Services. Among the GPS data points now tracked and subject to public reporting:

- "Reports alleging the need for general protective services.
- General protective services reports that have been determined to be valid.
- Reports alleging the need for general protective services that have been determined invalid and are awaiting expunction."²⁴

GPS reports, unlike CPS reports, can and are being screened out

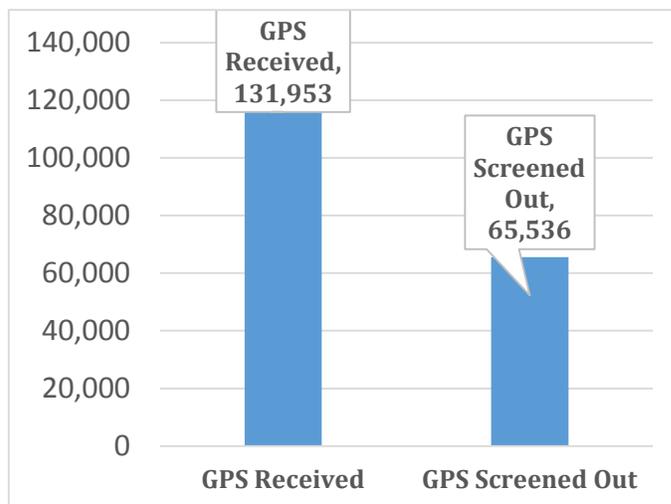
Child Protective Services (CPS) reports –those reports alleging suspected child abuse – cannot be screened out, according to the PA DHS.

GPS reports, on the other hand, can be screened out by a county children and youth agency if the report "does not have merit or could be addressed without an assessment." A screened out can also occur if the child welfare agency has made contact with the family or other professionals involved with the family "and determines no further assessment is needed."

PA DHS writes, "In 2015, 65,536 reports alleging the need for protective services were screened-out" by a county agency. Approximately half of all GPS reports filed in 2015 with a county agency were screened out, according to the data released by PA DHS.

PA DHS indicates that GPS screen outs are to be "made on a case-by-case basis" by the county agency. Among the "factors" that could contribute to screening out the GPS report:

- "The family already being opened for services,
- The allegations had already been reported and assessed,
- The family is no longer residing in the Commonwealth, or
- The allegations are determined to have no validity."



²³<http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2013&sessInd=0&smthLwInd=0&act=107>

²⁴ <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=29>

The data on screened out GPS reports is further reminder of the need to dig deeper to understand what the data reflects. For instance, the largest portion of GPS reports that were screened out are those that fell into the “referral did not allege abuse or neglect concerns.” 18,708 (approximately 28%) were screened out for this reason. The annual report from PA DHS indicates that the screened out GPS report “did not allege concerns that warrant the CCYA performing an assessment and there are no child safety concerns.”

Also worthy of further review is what is captured within valid GPS reports. Of the 43,543 total GPS allegations (note there are more allegations than overall reports that were assessed because some reports involve multiple allegations) within valid reports, 8,423 were related to parental substance abuse. This figure (of just under 20 percent of all allegations) was seen by many, including child welfare leaders, as too low.

For today celebration is warranted. Still there is much more work to be done – work that will require Pennsylvania being meaningfully committed to transparency, research and accountability.

Included below are county specific charts related to GPS. The data was compiled from review of the 2015 Annual Child Protective Services Report published by the PA DHS and can be retrieved at http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c_226999.pdf/

