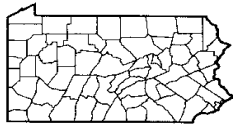


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TESTIMONY ON THE GRAND JURY REPORT ON THE DEATH OF DANIEAL KELLY

PRESENTED TO THE SENATE AGING AND YOUTH COMMITTEE

By Charles R. Songer Jr., Executive Director
Pennsylvania Children and Youth Administrators Association

September 23, 2008
Harrisburg, PA

Good morning Chairman Vance, Chairman Washington, and members and staff of the Senate Aging and Youth Committee. My name is Chuck Songer. I am the Executive Director of the Pennsylvania Children and Youth Administrators Association (PCYA), an Affiliate of the County Commissioners Association of Pennsylvania (CCAP), which represent all 67 County Children and Youth Services Agencies (CCYAs) in the Commonwealth. I appreciate the opportunity to address you today.

The mission of the PCYA is to enhance the quality of service delivery for children, youth and their families by providing for its members:

- (1) A forum for the exchange of information;
- (2) Assistance in educating the general public and its constituencies; and
- (3) An environment of support for the Association membership.

The issue before us today, the grand jury report on the death of Danieal Kelly and its recommendations, is important not just because of the tragic circumstances of her death but also because, although hers is clearly the exception to the level of care and services given to thousands of families every year in every county in Pennsylvania, we can and must learn from this case in order to further reduce the likelihood of additional child deaths or injuries due to child abuse and neglect.

First and foremost, let us acknowledge that the child died at the hand of her parent/caretakers. This is not to avoid or diminish either the agencies' or the community's responsibility and accountability but to state a fact.

Secondly, the grand jury report acknowledges that it was not the lack of agency policies and procedures but the lack of adherence to them that contributed to the lack of appropriate and timely interventions that may have saved this child's life. Did a number of people throughout the community and the child welfare system let this child down? Yes. Did others try to help? Yes. Why the difference?

I will now address the specific recommendations of the grand jury.

1. "The Pennsylvania legislature should authorize the state's chief county executives, including the Mayor in Philadelphia, to appoint ombudsmen to oversee the county agencies' performance and make them more accountable to the public." Few endeavors have as many levels of scrutiny as does Pennsylvania's child welfare system.

- In 2002, and again in 2008, the system underwent the Federal Child and Family Services Review (CFSR). Areas needing to be improved are addressed in Program Improvement Plans (PIP), developed in conjunction with federal programs.
- The Department of Public Welfare (DPW), through its regional offices, completes licensing evaluations of county agencies and licensed providers on an annual basis (with performance audits initiated as indicated) and completes numerous complaint investigations, as well as maintaining an administrative appeals process for dissatisfied clients.

- The County Commissioners Association of PA, in March 2001, published its “Childrens’ Policy” to guide state and local policy and practice.
- State, local and private agencies collaborated on a quality assurance project culminating in January 2000 in the “PA Child Welfare Practice Standards” (currently being updated), which not only guides local practice, but also informs regulatory changes and the Children and Youth Needs-Based Plan and Budget process.
- Most importantly, we are accountable to the children and families that we serve.
- Local agencies are also held accountable by their County Commissioners, Judges, court-appointed children’s counsel, advisory committees, law enforcement and the local media.
- Of course, there are also the local, state and federal fiscal audits.

With this level of scrutiny and oversight, it is difficult to understand the need, even though voluntary, for an Ombudsman approach to problem resolution in PA. This proposal would circumvent existing mediation/appeal processes and could result in highly subjective prioritizing of complaints and concerns that would not necessarily reflect local, let alone state-wide, systemic issues. PCYA is on record as opposing the imposition, state-wide, of the Ombudsman concept.

2. “Laws regarding confidentiality of DHS records should be amended to make the agency more transparent.”

While some progress is being made under the DPW's "Integrated Children's Services Plan" initiative (ICSP), the issue of confidentiality continues to plague efforts to serve children and families in Pennsylvania. A complex and often conflicting mixture of state and federal laws and regulations, combined with a litigious society, makes it very difficult to accomplish cross-systems case planning and service delivery, even when the Court is involved.

Let me be clear on this point. Confidentiality, as a concept, as policy, law or regulation, exists for the safety and privacy of the client. While individual practitioners may occasionally push personal and professional ethics aside to subvert this for their own purposes, we can and should deal with those instances as they occur. We should approach suggesting changes in how personal and private information is disclosed with the utmost care and as though we are talking about our own families. We owe that to the families that we serve.

PCYA continues to support the idea of a public/private state/local task force to look at requirements, across all systemic lines impacting the child and family serving system, and to make recommendations for change at both the state and federal levels. The families that we serve and the staff in the field need to be crystal clear on how to handle sensitive information.

Summary and Recommendations:

Her family and some individuals in the community and in the child welfare system failed Danieal Kelly and they should be held accountable. I would like to think that,

had any number of those individuals done what they should have done, her life might have been saved. I also know, after 36 years in the child protection arena, that in some cases, although not necessarily this one, no amount of effort will protect every child in Pennsylvania from inflicted injury or death. Still, that must be our goal.

To continue striving toward that goal, we recommend that:

1. The training curriculum for public and private child welfare caseworkers, supervisors and administrators be strengthened in the areas of safety and risk assessment;
2. The training curriculum for public and private child welfare caseworkers, supervisors and administrators be strengthened in the areas of ethics and accountability;
3. Formation of a public/private state/local task force to look at confidentiality requirements, across all systemic lines impacting the child and family serving system, and to make recommendations for change at both the state and federal levels.

Thank you again for the opportunity to address you on this critical matter. If you have any questions, I will be happy to respond now or in writing.