



The State of Child Abuse and Child Advocacy

by Frank Cervone

Although statistics point to an increase in child abuse, there is reason for optimism that this trend will reverse. In 2007, there was an increase in the number of reports of suspected child abuse in Pennsylvania, and with economic conditions increasing family stress, we expect this trend to continue. Forty-six Pennsylvania children died from abuse in 2007, 15 more than in 2006 and the highest number of fatalities since 2004. With more than 6,000 Philadelphia children in out-of-home care due to abuse and neglect, and more than 40,000 Pennsylvania children involved in either a dependency or delinquency case each year, the challenges to public child-serving systems are staggering.

It helps to be an optimist in the face of such realities and we can see much positive activity and change at work in Philadelphia and elsewhere, even with children's justice apparently for sale in Luzerne County.

Several projects promise to change both the public face and operational effectiveness of child-serving systems in our region. Philadelphia and Montgomery Counties are each developing new sites for forensic interviewing of child abuse victims, bringing skilled investigators and interviewers together in collaborative settings using state-of-the-art technology for useful, child-friendly investigations. The 20-year-old Philadelphia Children's Alliance and Norristown's newly formed Mission Kids, both expected to open their new facilities in the next year, are examples of "children's advocacy centers," a national program model for interviewing child victims of sexual abuse.

Plans for a new Family Court building to unify the location of Philadelphia's domestic relations and juvenile functions are moving forward. Under the leadership of Pennsylvania Supreme Court Chief Justice Ronald D. Castille, Philadelphia Court of Common Pleas Family Court Administrative Judge Kevin Dougherty and Court Administrator David Lawrence, the court has begun the complicated design process. Chancellor Sayde Ladov leads a team of advocates and private lawyers pressing for sufficient public access and waiting rooms, safe and modern courtrooms and self-help functions to support the thousands of pro se litigants and other consumers involved in Family Court cases.

Older youth initiatives also show promise. The Youth Violence Reduction Partnership (YVRP) is gaining national recognition for reducing juvenile crime and youth fatalities. Co-founded by Deputy District Attorney John Delaney, psychiatrist Paul Fink and others, the program features low probation caseloads, coordinated information-sharing, literacy education and intensive youth engagement. The program focuses on young people ages 14 to 24 who have committed a crime and are from selected high-crime police districts in Philadelphia. A youth is enlisted in the program when assessed "by someone in their lives – a teacher, probation or police officer, community member – as likely to be murdered or to murder" due to the level of violence in their lives. Dr. Fink observes that this results in an "intensity of investment in the youth" as the street workers sees the youth at least three times per week and his family once per week. Police officers, assistant district attorneys, probation officers, and street workers meet frequently to address the needs and behaviors of the youths, known as "youth partners." The Partnership is an unprecedented collaborative of city agencies (Police, District Attorney, Adult and Juvenile Probation, Human Services, Behavioral Health, School District) and private agencies

(Philadelphia Anti-Drug Anti-Violence Network, public/private ventures). The results have been impressive. Twenty-two of the program's Youth Partners have died in the nine years, among more than 3,400 served. Homicides of juveniles and young adults have decreased significantly in the areas where YVRP operates. Fink said the program offers "a kind of protective coating. The message is 'We want you to stay alive. Someone in the community gives a damm whether you are alive or dead and we will do what it takes to help you stay alive.'"

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Serving older youth better has become an important priority in Dependency Court. In a yearlong process, advocates worked with Family Court Judge Walter Olszewski to design the "Older Youth Protocol," a comprehensive planning and advocacy tool for youths age 16 and older who are involved in dependency proceedings. Jennifer Pokempner, staff attorney at the Juvenile Law Center, says "the goal is to make sure young adults are prepared for their life as an adult."

Judge Olszewski handles cases that include many teens who will soon "age out" of foster care. He says of the Protocol that "social workers and child advocates are much more prepared." According to the judge "special needs youth get extra attention, as youths with mental health or retardation issues are registered with the adult systems well before the end of the case. I expect the planning process to begin as early as possible. We'd like to know more about the outcomes, but I can see a difference. If kids are discharged with no life skills and no life plan, we will see them on the adult criminal side. I love the work with them."



The Pennsylvania Supreme Court has taken on a leadership role for the state's juvenile courts. A new Office of Children and Families in the Courts has placed the court in a key position to guide and prompt improvements in court practice and system integration. Leading the effort is Justice Max Baer, former administrative judge of the Family Court of Allegheny County. "Years ago, in the face of increased child abuse, the system did what it always does, looking to traditional dispute resolution mechanisms. But these don't work well in Family Court. We need to solve the problems differently," Justice Baer observed.

The Supreme Court recently issued its first-ever Juvenile Court Rules of Procedure governing both delinquency and dependency cases. An area of practice renowned for ad hoc and inscrutable procedures, juvenile cases now follow a well-developed pathway for petitions, motion practice and discovery. Likewise, juvenile appeals will soon follow an expedited schedule. Justice Baer



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noted, “while the appeal divests the trial court of jurisdiction to move the case, months or years can go by. Looking at a child’s life as a continuum, the older they get without permanency, the worse their prospects for success. So any dead space in progress toward permanency is dangerous.”

The statewide Common Pleas Case Management System (CPCMS) is being introduced to dependency proceedings, tracking statistical criteria recommended by the Pew Commission on Children in Foster Care. The system promises to provide data for performance review and feedback to judges, administrators and policy makers. Justice Baer sounds excited in observing that “we’re no longer blind.”

Baer says that the Court’s reform initiatives are “spokes on the wheel of the safe and healthy child. The reform agenda is picking up momentum. We need to turn the system from one in which we yank kids in the middle of the night, with clothes in a bag... and call that child safe. We must recognize that the emotional scars of removal are just as damaging.”



What is coming in the near future? What is needed?

First, child advocacy and the systems that serve young people need

a healthy dose of performance appraisal. We are together investing millions of dollars in financial and human capital. What is the return on our investment? Are we investing well?

An approach based on results can inform policy, management and advocacy decisions. We must have both the tools and the courage to ask critical questions about how well – or not – the kids are doing as a result of our interventions. We should be using outcome measures to evaluate and improve our performance for children entrusted to our care, including: school enrollment, high school graduation, adoptions, reduction of numbers of children and youth in care, disproportionate minority representation, and other benchmarks. Children and youth agencies, school systems, advocates, even the courts should be evaluated for their effectiveness. A 2006 Johns Hopkins University/Philadelphia Youth Network study of high school graduation rates revealed an alarming pattern: more than 75 percent of foster children and more than 90 percent of youths involved in the juvenile justice system did not graduate high school. Despite resources, effort and zeal, it seems we are failing our kids – we can do better.

Second, public accountability and transparency must become real. A major provision of recent state law requires a public summary of each case of a child fatality or near fatality that was due to substantiated abuse or neglect and to provide as much case-specific information as permissible while respecting the confidentiality



rights of the individuals. [the reports can be found in Pennsylvania's Annual Child Abuse Report at <http://www.dpw.state.pa.us>]. Many are looking to the creation of a statewide Children's Ombudsman function for public advocacy and the investigation of complaints from the public at large.

It is essential that the public have access to performance data. For example, Philadelphia needs a successor to the annual Community Report Card issued for years by Philadelphia Safe and Sound, and likewise suburban county systems have virtually no performance appraisal mechanisms available to the public.

Open juvenile courts can help lift the shroud of secrecy, especially if local media outlets were to make commitments not to release family names as they do in other victimization cases.

Young people can play a role in holding us accountable. Pokempner points out that the 2008 federal Fostering Connections Act "insists that youth need to be part of the court process, both for their own well-being and so that the participants are accountable to the youth and his/her needs and desires."

Third, we should continue to improve lawyer practice for children and for their parents. Most often poor and disadvantaged, our clients suffer multiple deficits and dysfunctions, including some that span generations. Representing a person with complex needs requires skills, expertise and resources. Unfortunately, court-appointed attorney and juvenile court caseloads remain far too high for the courts and attorneys to play their vital roles in ensuring the full measure of justice.

Child advocacy practice should address the "whole child," including the child's safety, family permanency and well-being. Once a youth is adjudicated, juvenile courts should focus on disposition – how the youth will be served – as much as they did on whether the youth was abused, or whether she/he is innocent or guilty. For example, at every hearing, the child's educational needs and progress should be addressed. Is the child in school? Is it the

right school? Is the child on track to graduate? Are there learning deficits or emotional barriers that are impeding achievement?

Child and parent advocacy requires advanced skills training, heavy case preparation and social services planning outside the courtroom. Along with improving lawyering for children, a key goal should be improved legal practice for parents in dependency proceedings; the American Bar Association is planning its first parent representation conference this spring. Distance learning, as yet untested, may prove promising.

Accountability and transparency must become real. Methods aimed at meeting this goal must include specific strategies that allow the public to have a genuine voice in decisions being made on behalf of children. To this end, practices being supported by the Supreme Court focus on including the greater community in the protection of children. Sandy Moore, Administrator of the Supreme Court's Office of Children and Families in the Courts, emphasizes the importance of this point. "Strength-based practices such as family group decision making, family finding and family development credentialing are all aimed at bringing family members and others who care about children together to plan for safety and care. The more eyes, ears and hearts involved in the critical decisions being made on behalf of children increases the likelihood of safety and future success for those children. No one system or individual can completely provide for the safety and care of children. Child safety, well-being and permanence must be the joint goal and responsibility of everyone," says Moore.

And when tragedy does happen, we must honestly assess our collective efforts – or lack of such. A major provision of recent state law requires a public summary of each case of a child fatality or near fatality that was due to substantiated abuse or neglect and to provide as much case specific information as permissible while respecting the confidentiality rights of the individuals. The reports can be found in Pennsylvania's *Annual Child Abuse Report* at <http://www.dpw.state.pa.us>. Many are looking to the creation of a statewide Children's Ombudsman function for public advocacy and the investigation of complaints from the public at large.

Quality in practice for children involved with the courts has marked recent innovations on the state and local scene, as policy makers and practitioners have engaged in numerous meaningful reforms. With abuse on the rise, and so much more work to be done, we all must call ourselves "child advocates."

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The Philadelphia Bar Association's 30th Annual 5K

The Philadelphia Bar Association's Annual 5K Run/Walk marks its 30th year in 2009 and shows no signs of slowing down. The 5K benefits the Support Center for Child Advocates.

Manny D. Pokotilow, co-chair of the 5K race committee, was inspired to start a race in Philadelphia after his experience running in the New York Marathon for the first time.

"I had just finished running my first New York Marathon and felt I could really do anything. I was looking for a new project for the Association's Sports and Recreation Committee. We wanted to do something to show the Bar Association in a good light and do something for charity at the same time," Pokotilow said.

A colleague of Pokotilow's, Barry Greenberg, was on the board of directors for the Support Center at the time and thought it would be a great cause for which to raise money.

Pokotilow got \$1,500 in seed money from the Bar Association to stage the first race on Fathers Day 1980. He learned that it took \$3,000 to stage a race back then, so he had to find another race to pair up with. He talked with John Graham, who was executive director of the local Diabetes Association chapter, and the two groups joined forces.

More than 800 runners signed up for that first race, a 10K along West River Drive. "We had 300 or 400 attorneys turn out to participate. We gave prizes in a lot of different categories and ended up raising about \$20,000 for the Support Center that first year," Pokotilow said. Participation swelled to nearly 1,500 in subsequent years.

The race was moved to May from June because the heat became a problem. Because of its longevity, the Bar 5K continues to thrive without much competition from other events. "We've been able to maintain a level of 800 to 1,000 participants each year," Pokotilow said.

The Support Center became the race's sole beneficiary about three or four years ago, Pokotilow said, when the Diabetes Association decided to run its own event.

Last year's 5K raised more than \$112,000 for the Support Center and Pokotilow expects a big turnout for the 30th anniversary race on Sunday, May 17. Visit charityrun2009.org for more information or to register for the race.

- Jeff Lyons

5K Run|Walk

