

*You're moving permanency people into a role they've never done casework before.*

**Question:** Is there any person or persons that you feel were responsible for the troubles that the agency has gone through over the past year?

**Supervisor #5:** *Well, I believe that the idea of the restructure was that of Kirsten Johnson and she is the one who pushed for this change.*

### **C. Training of caseworkers and supervisors**

Three years after the **PA Task Force on Child Protection**<sup>9</sup> issued their findings, the grand jury finds many of their recommendations concerning training have yet to be met. In their final report, the PA Task Force on Child Protection made the following recommendations concerning caseworker training:

- *Minimum experience and training requirements for children and youth caseworkers should be increased to adequately reflect the skills that are necessary to perform the functions and duties of the position, given that caseworkers need to be able to engage families to identify their needs and assist in providing the appropriate services to meet those needs. Caseworkers often go into hostile, chaotic environments where they need to*

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<sup>9</sup> The PA Task Force on Child Protection was formed in response to the Gerald 'Jerry' Sandusky case.

*ameliorate the emergent circumstances before they can focus on the root cause of the problem.*

- *Efforts should be made to decrease high staff turnover rates and retain qualified caseworkers.*
- *Training should be improved for supervisors of children and youth caseworkers.*
- *The structure and characteristics of a county agency should be analyzed, with consideration given to demographics and caseload...*
- *In general, training by Child First and others emphasizes the cognitive differences between children and adults and the difficulty which children have in conforming themselves to the requirements of adult legal proceedings...*

As will be broken down in more detail in *subsection F* below, the grand jury heard testimony concerning other Dauphin County CYS cases in addition to the Tutko case. During the testimony, a pattern emerged revealing a substantial deficiency in the training of caseworkers assigned to assess the safety and welfare of children with serious and/or complex medical conditions and cases of prolonged neglect. **Even as this report was being finalized, it came to our attention that a five-month-old baby, (L.H.), died on May 8, 2015, in Harrisburg, Dauphin County, under circumstances that suggest the baby was malnourished.** That child's twin sister was hospitalized the same day, and her medical condition was registered at ChildLine as a near

fatality for dehydration and malnutrition. When L.H. died, at five months of age, she weighed only 4.4 pounds. Dauphin County CYC was involved on and off with this family for approximately twelve years.

On May 6, 2015, two days prior to her death, a caseworker from Dauphin County CYC was in her home and observed her and her twin sister. That same caseworker had also been in the home a week prior, on April 30, 2015. Much like the situation in the case of Jarrod Tutko, L.H. and her twin sister were not the focus of the Dauphin County CYC inquiry. Their investigation involved an older sibling. Nevertheless, the caseworker was in the home and saw L.H. two days before L.H.'s death.

After L.H. died, the caseworker was asked how she didn't notice the deteriorated condition of L.H. and her twin sister. The caseworker responded that she did not have children of her own and she felt that she did not have enough training concerning the developmental stages of children to adequately process what she observed. As this case is still in the early stages of investigation, the grand jury is not prepared to render an opinion concerning the Dauphin County CYC caseworker's responsibility in L.H.'s death. However, this is yet another case that illustrates the point that caseworkers and supervisors need better, practical hands on training to prepare them for these situations. Kathryn Crowell, MD, from The Penn State University Hershey Medical Center Child Protection Team testified, that in her experience working with Dauphin County CYC caseworkers on many of the

cases discussed in this report, caseworkers are not appropriately trained to conduct proper safety assessments of children with special medical needs.

**D. A breakdown of coordination between law enforcement and CYS:**

Without trained and experienced CPS caseworkers, the agency began to assign investigations to caseworkers who did not have the benefit of the same level of training and supervision that previously existed at the agency. The lack of experience quickly began to effect the coordination of CPS investigations with law enforcement. The grand jury heard testimony from law enforcement officers who described how the agency's assignment of caseworkers unfamiliar with CPS investigations detrimentally affected law enforcement investigations.

**Harrisburg Police incident:**

Detective Joseph Zimmerman described a situation where he was investigating an allegation involving the death of a six month old infant. Detective Zimmerman, who was accustomed to working with caseworkers on other child death investigations, suddenly found himself working with Caseworker #7 who had no prior CPS investigative experience, let alone experience investigating a child death case. The assignment of this inexperienced caseworker resulted in an uncoordinated investigation and detrimentally affected the direction of the investigation.

The coordination of a child abuse investigation requires the sharing of information by the members of the Multi-Disciplinary Investigative Team (MDIT). In this case, Det. Zimmerman, as was his practice, shared information with the assigned caseworker that was gathered during the autopsy of the deceased baby. Radiological survey of the baby's body determined that the baby suffered two rib fractures approximately two to three weeks prior to the baby's death. The parents of the baby were considered potential suspects in their baby's death. Det. Zimmerman further explained how important interviews were in child fatality investigations. Many times the examination of the deceased child reveals multiple injuries that were caused over a period of days, weeks or sometimes months. This widens the suspect pool to anyone caring for the child over that time period. Interviews with all of the care takers become extremely critical in these cases to identify the perpetrator.

Det. Zimmerman explained the importance of information management and how investigators time the disclosure of certain information during interviews of suspects. The controlled disclosure of critical information gives the police investigator the opportunity to observe the interviewee's responses and reactions when confronted with the information. Under the right circumstances, a properly planned and conducted interview can and will lead to a confession.

In this particular case, without notifying Det. Zimmerman, Children and Youth included information concerning the rib fractures in paperwork they filed in their proceedings. This resulted in the parents of the deceased baby learning about the rib fractures prematurely during the investigation and prior to Det. Zimmerman interviewing the parents.

As a result of this disclosure, Det. Zimmerman met with Caseworker #7 and his supervisors from Children & Youth to coordinate the investigation and future investigative steps. Det. Zimmerman left the meeting with the understanding that the Caseworker #7 would allow the police the first opportunity to conduct a comprehensive interview with the parent suspected of causing the death of the baby. He later learned that Caseworker #7, after the date of the meeting, instead of allowing the police the first opportunity to interview the parent, met with the suspected parent and conducted a two hour interview with said parent. The interview was not recorded and the police were not present during the interview. The suspect parent did not have an attorney present during his interview with Caseworker #7.

When Detective Zimmerman was able to meet with the suspected parent, the parent arrived at the police station with his attorney. When the interview turned to specifics about the injuries the baby suffered two to three weeks prior to the baby's death, the attorney ended the interview.

As of the date of this report, no charges have been filed in this case against anyone.

**Lower Paxton Police incident:**

Det. Autumn Lupey testified that a child sexual abuse investigation was discovered by the Lower Paxton Police Department when the department was asked to serve a Protection From Abuse (PFA) order. The order outlined allegations of sexual abuse involving a four year old girl. Her father was purported to be the alleged perpetrator of the abuse. Det. Lupey testified that the Lower Paxton Police Department found out about the allegations when a protection from abuse order was served on their office sometime in late March/early April. After reviewing the allegations in the PFA, the Lower Paxton Police opened up a criminal investigation into the allegations. Det. Lupey quickly learned that Dauphin County CYS had already investigated the claim in February 2014 and had closed the case.

The same caseworker assigned to Detective Zimmerman's homicide investigation was assigned to this allegation for CYS. Det. Lupey spoke with Caseworker #7 about the CYS investigation and learned that he responded to the allegation and interviewed the four year old victim. Not surprisingly, the four year old child did not disclose any abuse to Caseworker #7. He also informed Det. Lupey that no Children's Resource

Center<sup>10</sup> (CRC) appointment was ever scheduled to interview the child. As a result, the case was determined to be unfounded. No referral was ever made to law enforcement in this case. Det. Lupey questioned the failure of Dauphin County CYS to notify law enforcement about the allegations and the failure to schedule an appointment at the Children's Resource Center.

Det. Lupey explained to the grand jury the purpose of a minimal facts interview of a child and the difference between that type of interview and a forensic interview of a child performed at the Children's Resource Center. The theory behind a minimal facts interview is that the child is not to be interviewed at all by a first responder unless absolutely necessary. The information is first and foremost supposed to be gathered from family members and others to whom the child has disclosed abuse. As for there being a requirement that the child must be interviewed, the Child Protective Services Law (CPSL) requires that the child be seen and that the child's safety be assured. Nothing in the law or regulations requires the child to be interviewed at that point in the investigation.

Children should, whenever possible, be interviewed by a child interview specialist. This is especially true for very young children such

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<sup>10</sup> The Pinnacle Health Children's Resource Center (CRC) is a nationally accredited Child Advocacy Center located on North 3<sup>rd</sup> Street, Harrisburg, Pennsylvania. Children suspected of being abused are interviewed at the CRC by trained child interview specialist. While at the center, the children also receive a medical examination performed by medical personnel specifically trained in the area of child abuse. The interviews at the CRC are video recorded.



as the four year old in this case. There was no good reason why this child was not scheduled to be interviewed at the Children's Resource Center. Det. Lupey noted during her testimony that when the police found out about the allegations they did schedule an interview at the Children's Resource Center which resulted in the child disclosing information that identified a second potential victim and lead to the filing criminal charges. Ultimately the accused perpetrator committed suicide prior to any court proceeding in this case.

This allegation, pursuant to a protocol developed between the Dauphin County District Attorney's Office and Dauphin County CYS, should have been reported to law enforcement right away<sup>11</sup>. There is no requirement that Dauphin County CYS must first establish the validity of the allegation before it is reported to the police.

The conclusion reached by the grand jury was that the Caseworker #7's unfamiliarity with the Dauphin County Child Abuse Protocol and his inexperience in coordinating investigations with law enforcement resulted in a situation where a child abuse allegation was prematurely closed by the agency and thereby potentially endangered the child victim. What is of greater concern to the grand jury was the fact that Caseworker #7's supervisor approved the closure of this case and did not recognize that

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<sup>11</sup> 23 Pa.C.S.A. § 6365 (c), requires counties to develop a protocol to coordinate the investigation of allegations of child abuse by law enforcement and the county CYS agency.

this case was not properly investigated. Furthermore, the supervisor did not ensure that the caseworker notified the police of the existence of the allegation.

**E. CY-48s and the 60 day time limit to complete investigations**

During this investigation, the grand jury learned about the paperwork caseworkers are required to submit to ChildLine when a CPS investigation is completed. Caseworkers are required to submit to ChildLine a form known as a CY-48.<sup>12</sup> On this form caseworkers are required to include their determination concerning the validity of the child abuse allegation they investigated. Essentially there are three possible outcomes of an investigation. The caseworker can list that the allegation is **unfounded**, **indicated** or **founded**. An **unfounded** report is a conclusion made by the caseworker that there is not enough evidence to support the allegation. It could also signify that legally the allegation does not meet the legal criteria necessary under the Child Protective Services Law (CPSL) to be listed as either founded or indicated.<sup>13</sup> An **indicated** report signifies that the caseworker found substantial evidence to support the child abuse allegation. A **founded** report denotes that a judge, in a court proceeding, determined the allegation is true.

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<sup>12</sup> 55 Pa. Code § 3490.67

<sup>13</sup> For example, an eleven year old that sexually molests his 9 year old neighbor would not fit the definition of perpetrator under the CPSL. Therefore, because of his age, the 11 year old in this example cannot be determined to have committed child abuse under the CPSL.

Pennsylvania State Public Welfare Regulations require a CY-48 to be submitted to ChildLine within thirty calendar days from the initial report. If the investigation is of such a nature that it requires more than thirty days to complete, the agency is allowed an additional thirty days to complete their investigation. However, the agency is required to submit the CY-48 no later than sixty calendar days<sup>14</sup> after receiving the initial child abuse report. A failure to submit the report within sixty days will result in ChildLine automatically listing the investigation as unfounded (55 Pa. Code § 3490.69):

**Reports not received within 60-calendar days**

*When the CY-48 form is not filed with ChildLine within 60-calendar days of receipt of the report by ChildLine, the report shall be unfounded.*

There is one other category that the state permits a Children and Youth Agency to list on the CY-48. That category is known as *pending*.<sup>15</sup> **Pending** is allowed in situations where, for example, the police have made an arrest or the law enforcement investigation is still not complete. As a result, the agency determination is pending the

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<sup>14</sup> Sixty calendar days include weekends and holidays. Practically speaking, sixty calendar days work out to be approximately 43 work days for the case worker to complete the investigation. Similarly, the preference for thirty calendar days constitutes approximately 22 work days.

<sup>15</sup> 55 Pa. Code § 3490.67

completion of the criminal and/or juvenile court proceedings. However, even when an agency lists an investigation as *pending*, they must still submit the CY-48 to ChildLine within the required sixty days. A failure to do so will result in the report automatically being determined to be *unfounded*. The grand jury also learned, although *pending* is a legitimate investigatory classification, the use of the *pending* category is frowned upon by the Pennsylvania Department of Human Services. In the past, Dauphin County CYS has been criticized by the DHS for over reliance on the *pending* category.

When the Dauphin County CYS restructure took place in 2014, many, if not most, caseworkers and their supervisors were unfamiliar with the submission of the CY-48 form. Many were also not prepared to deal with the strict time lines for the completion of a child abuse investigation and the submission of CY-48s as required by state regulations. With the stress of new job duties and requirements suddenly thrust upon them, caseworkers and supervisors alike struggled with the timelines required for the submission of the CY-48 form. The grand jury obtained multiple emails which were exchanged between senior management and the supervisors at Dauphin County CYS that demonstrate the agency, under the new organizational structure, was struggling with submitting CY-48 forms in a timely fashion. As far back as May 2014, there were email discussions

making senior management aware of the critical situation with the CY-48 forms.

On August 5, 2014, the agency received a phone call from representatives from ChildLine inquiring about three CY-48 forms that were submitted to ChildLine beyond the sixty day limit. One of the late reports was determined by the agency to be unfounded and therefore the consequences of the late report were negligible. However, two of the late reports submitted to ChildLine were child abuse reports that the investigating caseworker determined to be *indicated* reports of child abuse. As a result, two Dauphin County CYS *indicated* reports of child abuse were in jeopardy of being administratively listed as unfounded by ChildLine.

The ramifications of an indicated report administratively being listed as *unfounded* at ChildLine are serious and far reaching. First and foremost, as a consequence of this negligence, the alleged perpetrator of the investigated child abuse allegation is not listed on the state wide database of child abusers. This is the same database used by employers, Boy/Girl Scouts, schools and other child related organizations to obtain child abuse clearances for their employees and volunteers. Despite the fact that the agency determined that there was substantial evidence of child abuse committed by the perpetrator, that

person can potentially<sup>16 17</sup> pass a child abuse background check when seeking employment or volunteering in positions that will put the person in contact with children.

The administrative *unfounded* registration at ChildLine could place the child victim of the abuse investigation back into in potentially dangerous situations with the alleged perpetrator. Even if the child does remain safe, there is still an emotional impact to the child and his or her family when they learn that the allegation of abuse was determined to be *unfounded* because of an administrative failure to submit in a form on time.

When the August 5, 2014, call from ChildLine was received by Dauphin County CYS, Supervisor #6 made handwritten notes of her conversation with the ChildLine representative. She listed the number ChildLine assigned to the investigation as well as the date each CY-48 was due and the date each one was received by ChildLine. Supervisor #6 then brought the information and her handwritten note concerning the late CY-48 reports to the attention of the Director of Operations,

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<sup>16</sup> We use the term *potentially* here because the grand jury recognizes there will be situations where law enforcement conducts a parallel criminal investigation and makes an arrest. The arrest and any resulting conviction should show up on the criminal records check during a child abuse background check. However, the grand jury also recognizes there are situations where the only investigation is the CYS investigation. In those cases in particular, there is no law enforcement safety net to prevent an indicated perpetrator of child abuse from evading a proper child abuse background check.

<sup>17</sup> Luckily, in this case, the Pennsylvania State Police conducted a concurrent investigation and criminal charges are currently pending against A.M.'s perpetrator. However, until A.M.'s perpetrator is convicted in criminal court, that perpetrator's name will not appear on the state wide child abuse database.

Jenna Shickley. Supervisor #6 left her handwritten note with Jenna Shickley at the conclusion of their meeting.

Ms. Shickley proceeded to add her own notations to Supervisor #6's written notes. Ms. Shickley added information to include the agency's investigative determination listed on the delinquent CY-48s and the type of child abuse allegation the agency investigated. In her own handwriting, Ms. Shickley wrote that two of the three late CY-48 reports were *indicated* reports. One was an investigation of sexual abuse, the other was an allegation of physical abuse. The remaining late CY-48 was an unfounded report of physical abuse.

Ms. Shickley later asked Michele Rush to contact ChildLine to provide the agency's response to ChildLine's inquiries concerning the late CY-48 reports. She then handed the handwritten notes created by Supervisor #6, and further supplemented by Ms. Shickley, to Ms. Rush. The thought was that since Ms. Rush had a long term working relationship with the authorities at ChildLine, she might be able to persuade them to accept the *indicated* CY-48 reports despite their late submission. Ms. Rush then proceeded to call ChildLine. Ultimately, ChildLine agreed to accept the two late *indicated* CY-48 reports. They accepted the *indicated* reports because the caseworkers that conducted those investigations had submitted to their supervisors their

determinations within the sixty day time limit. The *unfounded* report remained late and was marked as such by ChildLine.

On the same day Ms. Rush called to ChildLine to discuss the untimely CY-48 forms, two more CY-48 forms were submitted late by Dauphin County CYS to ChildLine. One report was indicated, the other was unfounded. Ms. Rush had previously been advised by one of her former CPS caseworkers, Caseworker #5, that the caseworker was very concerned that an indicated CY-48 that she submitted to her supervisors was on the verge of being submitted to ChildLine late. Knowing the importance of the report, Caseworker #5 made efforts to ensure her supervisors reviewed and submitted the CY-48 report on time. During this investigation, the grand jury obtained an email sent by Caseworker #5 to one of her supervisors concerning the pending CY-48 form she feared was about to be submitted late. The email, retrieved by Det. Sgt. Todd Johnson of the District Attorney's Criminal Investigations Division, revealed that the information sent by Caseworker #5's email was forwarded by her supervisor to Jenna Shickley. Despite Caseworker #5's efforts, the CY-48 was still submitted late to ChildLine.

**Question:** Did you have any of your cases that you know "I'm done the investigation, I've submitted the paperwork to



my supervisors," and that paperwork was not sent in on time?

**Caseworker #5:** Yes.

**Question:** What kind of case was that?

**Caseworker #5:** *A four year old who was sexually abused by his grandfather.*

**Question:** And that was something that was 'indicated' or 'unfounded'?

**Caseworker #5:** *I 'indicated' that.*

**Question:** Okay. So you felt that there was evidence that that four year old had indeed been sexually abused?

**Caseworker #5:** Yes.

**Question:** And, When did you find [out that the report was submitted late]?

**Caseworker #5:** *Two days after it was due.*

**Question:** ... Did you submit it to your supervisor on time?

**Caseworker #5:** Yes.

**Question:** Do you know if your supervisor submitted it to whomever she was supposed to submit it to on time?

**Caseworker #5:** *She did not.*

**Question:** Okay. Which supervisor would you have been responsible to submit it to? Because I know you had two supervisors, did you submit it to both?

**Caseworker #5:** *I submitted it to both because I, unfortunately, didn't trust that one of them would do it so I, as a backup to myself, I would submit to both.*

**Question:** Okay. So two supervisors were responsible then to make sure that it left their desk to get to the next place?

**Caseworker #5:** Yes.

Caseworker #5 was then asked how she felt when she found out the CY-48 form for this case was submitted late.

**Caseworker #5:** *I called Michele crying, wondering how I was going to explain to the family that I believed their son but there was going to be no record of it and that he wouldn't be held accountable if it got turned into an unfounded. I had no idea how to approach that with that family when this whole time they trusted me, and we had a good working relationship, for me to then come back and say I thought I had enough. And I put it in writing and for unforeseen circumstances it's no longer*

*indicated. I didn't know how to have that conversation.*

Ultimately, Caseworker #5 did not have to have that conversation as ChildLine agreed to accept that indicated report in the same manner they accepted the two late July 2014 reports.<sup>18</sup> Since Caseworker #5 did her due diligence to get the investigation finished on time and submitted it to her supervisors in a timely fashion, ChildLine agreed to accept the indicated report despite the fact the report arrived late. This would be the last *indicated* CY-48 report ChildLine accepted late. In December 2014, when yet another *indicated* report was submitted late by the Dauphin County CYS, ChildLine administratively listed that report as unfounded.

On February 25, 2015, both Kirsten Johnson and Jenna Shickley testified before the grand jury. Ms. Johnson and Ms. Shickley were both asked directly about the situation concerning the late submission of CY-48 forms to ChildLine by Dauphin County CYS. Prior to appearing before the grand jury, Dauphin County CYS, and Ms. Johnson in particular, were served a subpoena requesting any and all records regarding late CY-48 submissions by the agency to ChildLine,

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<sup>18</sup> Despite the fact ChildLine accepted the three late CY-48 *indicated* reports of child abuse, the Department of Human Services (DHS) cited Dauphin County CYS for the late submission of the two unfounded reports. When a CYS agency is cited by DHS, a formal document called a L.I.S. is sent to the agency. The agency is then required to submit in writing to DHS the steps the agency will implement to rectify to situation that caused the delinquent reports of the CY-48 reports to ChildLine. Administrator Peter Vriens replied to the L.I.S. in this instance and then shared the document via email with his senior agency supervisors.

regardless whether ChildLine ultimately accepted the report despite its late submission.

Documents returned to the grand jury pursuant to our subpoena requesting information about late CY-48 forms acknowledged only one *indicated* report was submitted late to ChildLine by Dauphin County CYS. That indicated report was submitted late to ChildLine in December 2014. In her testimony on February 25, 2015, Jenna Shickley admitted that she was responsible for the late submission of the December 2014 *indicated* report concerning a child named A.M. Both Jenna Shickley and Kirsten Johnson denied any knowledge of the two July 2014 indicated reports sent late to ChildLine or the August 2014 report about which Caseworker #5 was so concerned.

**Question:** And as it relates to CY-48s, the CY-48 is the form number sent to ChildLine; is that correct?

**Ms. Johnson:** *That is correct.*

**Question:** All right. So if there are any cases in addition to the one involving [A.M.], that is something that you should be aware of that; is that correct?

**Ms. Johnson:** *If there were late submissions?*

**Question:** Yes.

**Ms. Johnson:** Yes.

**Question:** And you're indicating that you are not aware of any other late submissions or anything like that?

**Ms. Johnson:** *I am not aware of any other late submissions of any indicated reports. No, I am not.*

Jenna Shickley was also questioned concerning the late submission of CY-48 reports in July 2014:

**Question:** ...With your agency from January 2013 through February 2015, through today, other than [A.M.'s case], are you aware of any other situations where reports were sent late to ChildLine from your agency?

**Ms. Shickley:** Yes.

**Question:** Okay. How many more reports?

**Ms. Shickley:** *I think it was two.*

**Question:** Okay?

**Ms. Shickley:** *I'm not positive.*

**Question:** And when I'm talking about reports being sent late, I'm talking about ones that would have been indicated?

**Ms. Shickley:** *Oh, no, there are none.*

**Question:** There are none that were indicated sent late?

**Ms. Shickley:** *That I'm -- none that I'm aware of.*

**Question:** Okay. So the ones that you're saying that there were two potentially, what are you talking about with that? Let me ask you this?

**Ms. Shickley:** *They were unfounded.*

**Question:** And when were they - - when were those two sent in late?

**Ms. Shickley:** *It was right around the beginning of our - - of March of last year. And I don't - - I don't recall the exact time frame, but it was right around that time.*

**Question:** Okay. Are you aware of two individual reports in July of 2014 that were sent to ChildLine late?

**Ms. Shickley:** *No.*

**Question:** And are you aware of reports from roughly around the July of 2014 that were, although they were received late by ChildLine, that ChildLine accepted them anyway, despite the fact that they were late? Are you aware of any of those?

**Ms. Shickley:** *No.*

At the time of Ms. Shickley's testimony, the grand jury was unaware of the handwritten notes taken by Supervisor #6 and supplemented by

Ms. Shickley. Ms. Shickley's testimony, overall left an impression that the issue of late CY-48 reports was essentially no more an issue than in other years.

On February 27, 2015, Michele Rush testified before the grand jury pursuant to a subpoena issued on February 26, 2015. It was during Ms. Rush's testimony that the grand jury first learned about the handwritten notes.

**Ms. Rush:** ...*We received notice from the state - - it actually went to my director, Jenna Shickley, that these three reports were overdue. She had written everything down for me and provided everything to me in writing. Child -- the director of ChildLine had requested that I give them a call back. I called them back, it would have been the first week in August...*

Ms. Rush then continued with her testimony and discussed in more detail the handwritten note.

**Question:** And Jenna knew that?

**Ms. Rush:** *Jenna provided me with the phone message in writing with each ChildLine number and whether it was indicated and unfounded and the date it should have been received and the date it was actually received. So I got it in writing.*

**Question:** And is that in her handwriting?

**Ms. Rush:** Yes.

Ms. Rush later testified to the following concerning her conversation with officials at ChildLine and to whom at Dauphin County CYs she reported back the results of her conversation:

*So based off the conversation, what I was told is that because the two of them were indicated and because the dates on the bottom of the 48 were within the time frame even though they didn't come to me within the time frame, that they would be accepted as timely by the state because they were indicated and the impact that it would have on these children.*

*So I passed the information along to Rick, Jenna, Kirsten and Peter. Kirsten asked me how I was able to*



*make that happen and I explained it wasn't what I made happen, it was the relationship and the work that we've produced throughout all these years that caused them to question what is going on now that this is not happening. And because they were indicated and they impact a child they accepted them as timely.*

The grand jury proceeded to subpoena records from ChildLine regarding the CY-48 reports that were listed on the handwritten notes prepared by Supervisor #6 and supplemented by Jenna Shickley and Michele Rush. A review of the records obtained from ChildLine confirms that three *indicated* reports, in addition to the December 2014 case involving A.M., were sent to ChildLine beyond the sixty calendar day time limit. As discussed above, ChildLine accepted those reports despite the lateness of the report. The records also reveal, confirming the reason ChildLine provided for accepting the late report, that the caseworkers completed their investigations and submitted the reports to their supervisors at Dauphin County CYS before the sixty day due date.

On May 26, 2015, Jenna Shickley and Kirsten Johnson were recalled to testify. Once again they were questioned concerning the late submission to ChildLine of indicated CY-48 reports during 2014.