

process of receiving referrals and interviewing children. The MDIT team includes a caseworker, a police officer and a prosecutor. It provides the opportunity for the team to work together to go through the process, and learn how to work together without interfering with each agency's process. Further, it is a training on putting the child first through the entire process and ensuring that the child is always the priority. There is a demonstrated need for this training and others like it to receive state-support and state-wide implementation.

(3) Previously, ChildFirst in Pennsylvania has been supported through federal Children's Justice Act funds. As a result, the training and related lodging and meals have historically been offered to participants free of charge.

(4) Recommendation: The grand jury recommends that Pennsylvania support ChildFirst and similar MDIT type trainings with continued Children's Justice Act or other funding to ensure this proven program continues to be available to caseworkers, police officers, Children and Youth solicitors and prosecutors.

D. Establishment of a Pennsylvania Child Protection Training Center (PaCPTC)

(1) The collective attitude towards training of those that testified before the grand-jury was that it needed to be hands-on and scenario based. During the course of the grand-jury investigation, a training occurred at Harrisburg

Area Community College (HACC) that was attended by caseworkers and supervisors from Dauphin County CYS.²⁹ That training also contained a safety portion for the caseworkers. Additionally, it provided an opportunity for caseworkers to interact in scenarios. One supervisor felt that this training was exactly what new caseworkers need. She stated:

That should be done from the get-go. People should know what you're walking into when you're hired in this field and what you could potentially find when you knock on a door.

...there's no clear cut case. But everything that is going to give you hands-on experience is really beneficial to a caseworker.

- (2) The training at HACC went beyond a classroom lecture. Sets were put up for the caseworkers to go in and actors were present for caseworkers to run through scenarios. As caseworkers went through the scenarios, they were able to get feedback on their performance and identify areas for improvement. The training provided a safe situation where the caseworker could learn and practice their skills in a hands-on manner.

- (3) This model of training needs to be expanded and implemented to provide applicable, relevant, and useful training to caseworkers. The expansion of

²⁹ The grand jury notes, to their credit, Dauphin County CYS developed this training in coordination with the Harrisburg Area Community College's Public Safety Center. This training was presented in February 2015.

this model would move beyond sets to the use of a training facility that has specially built areas for hands-on training; such as mock courtrooms, interview rooms, and a mock house for investigations. That facility would make it possible for multiple agencies to set up and perform hands-on scenario trainings across the entire life of a case from initial response and investigation, to forensic interviewing, and court room testimony.

(4) In the realm of child-welfare, the agency would be able to set up scenarios and the new caseworkers would have the ability to work the case and investigation hands-on. Individuals would be in the house and performing roles of the family that the caseworker is investigating. Props could be used in various areas of the house to enhance the investigation and scenario. Caseworkers would get the opportunity to learn how to assess a house as a whole, looking at bedrooms and checking for any safety hazards. This facility would provide a forum for supervisors to evaluate their caseworkers' ability to perform their job functions and adhere to the Child Protective Services Law as well as Federal and State regulations. The controlled environment would allow supervisors to help new caseworkers be exposed to situations they will face in their careers without a concern for the caseworkers safety.

(5) In addition to its use for child welfare caseworkers, the facility could also be utilized to train other members of the multidisciplinary team on child abuse investigations. Law enforcement would be able to train detectives

on investigating child abuse scenarios and evidence collection in a controlled environment.

- (6) Other areas of the facility would be used to provide training on forensic interviewing and interrogation. Mock interview rooms would provide space for this training to occur in a realistic environment. Further, with a facility of this type, the interview area could potentially house a Children's Advocacy Center and be an operable interviewing facility. This would prove integration of the training and real-life interviewing of child abuse victims. Utilizing the building for this dual purpose could further justify the cost of building of this facility.
- (7) The mock courtrooms would be available for several purposes. Caseworkers and law enforcement are inevitably part of the criminal prosecution, but often are not given training on testifying. Mock courtrooms would provide the opportunity for those individuals to develop courtroom skills. Further, they would provide space for Children and Youth solicitors and prosecutors to receive training in a mock court room. The criminal prosecution and dependency court hearings are an integral part of the multi-disciplinary team, and development of those skills is inherently important to the process.
- (8) A training facility of this type would provide an experience that no other training program can. Real-world, scenario based training in settings that depict true to life situations will allow all members of the multi-disciplinary team to obtain the best training available in the child-welfare field. There

is a need for the state to build a facility of this type and use it as a center of mandated child welfare training for the caseworkers within the state.

- (9) Recommendation: The grand jury recommends that Pennsylvania develop a training facility to house mock courtrooms, interview rooms, and a mock house for child abuse investigations. This facility would be the center of the State's mandated training for child welfare caseworkers. Recognizing the cost of such a facility is an issue that must be addressed, the grand jury calls for the exploration of both private and public funding to make this facility a reality. An investment of this type, in properly trained caseworkers, police officers, county children and youth solicitors and prosecutors, is a long term investment in the future of the child protection system for decades to come.

E. Caseworker Safety Training

- (1) The grand jury recommends that there be state-wide implementation of a safety training for new caseworkers. This training would be mandated to occur when a caseworker is first hired and would encompass areas where the caseworker's personal safety may be at risk.

F. Modifications to the Training Provided Through Child Welfare Resource Center (CWRC)

- (1) Recommendation: The grand jury recommends that the state make changes to the training programs provided through the CWRC.**
- (2) The mandatory 120 hour training program needs to be enhanced to provide a more hands-on, applicable approach.
- (3) The trainings offered for caseworkers to meet their required yearly training hours needs to be updated on a regular basis, and tailored to meet the needs that are identified by the county child welfare agencies. The CWRC should be offering a wide variety of training that changes from year to year and encourages caseworkers to continuously increase their knowledge base and skills.

G. Implementation of a State-Wide Database of Available Training

- (1) Recommendation: The grand jury recommends that a state-wide database be developed and maintained to provide county agencies with a central location to identify trainings available in the communities that are relevant and pertinent to the field of child-welfare.**

H. Implementation of a Specialized Training Program for Caseworkers Dealing with Medically Needy Children

Recommendation: The grand jury recommends that the state-mandate at least one caseworker in each child welfare agency be identified to receive specialized training on working with, assessing, and ensuring the safety of medically needy children.

II. Need for improved coordination and communication between Dauphin County CYs and outside agencies and disciplines

A. Coordination between states and other Pennsylvania counties

(1) On two occasions the Tutko family moved their residence to another state.

On both occasions, the local CYs agency had extensive history and contact with the Tutko family prior to the family moving. In one instance, Schuylkill County CYs was initiating court proceedings to remove the Tutko children from Kimberly and Jarrod Tutko, Sr. On both of the occasions the Tutko family moved, they were leaving a jurisdiction where the local CYs agency had determined child abuse or neglect claims perpetrated by the Tutko parents were substantiated/indicated. In fact, Jarrod Tutko, Sr., later admitted the family moved to avoid proceeding being brought against them in Schuylkill County Court, when the Tutko

family left Schuylkill County for the State of New Jersey. On both occasions when the Tutko family moved their residence out of state, the CYS agency from the state the Tutko family were departing from reached out to the receiving state to express serious concerns for the welfare of the Tutko children. Finally, on both occasions, the CYS agency receiving the referral from the out of state CYS agency conducted minimal to no investigation concerning the welfare of the Tutko children.

(2) Recommendations:

- (a) The grand jury calls on federal, state and local officials to examine how cases are transferred between states to ensure that the welfare of children in contact with social services in one state do not fall through the cracks in another state simply because of a line on a map.**
- (b) The grand jury calls on Dauphin County CYS and CYS agencies across the state to examine how they receive and screen referrals between county CYS agencies.³⁰**

³⁰ During the course of our investigation, the grand jury learned that there have been improvements in sharing information between agencies with Pennsylvania's new Child Welfare Information System (CWIS). It is now easier for agencies to review prior family contacts with other county CYS agencies. This was a particular issue identified by the grand jury in the Tutko case. Dauphin County CYS was not able to obtain a clear history from Schuylkill County CYS. In particular, Dauphin County CYS received incomplete information from Schuylkill County CYS concerning the reasons for Schuylkill County CYS seeking termination of Kimberly Tutko's parental rights from her previous relationship.

B. Coordination and communication between Dauphin County CYS and law enforcement

- (1) The grand jury heard examples of extremely successful child abuse investigative outcomes obtained through cooperative investigations based on Multi-disciplinary Investigative Team (MDIT) principles between Dauphin County CYS and law enforcement. Unfortunately, we also heard testimony providing examples of how poorly coordinated investigations between Dauphin County CYS and law enforcement negatively impacted not only the investigations but also potentially endangered children.
- (2) The grand jury understands that a primary reason behind the administration's plan to restructure Dauphin County CYS in 2014 was a desire to improve communication within the agency. Testimony provided to the grand jury suggested that prior to 2014 the agency's former structure resulted the agency's three divisions becoming somewhat isolated to themselves and an impediment to providing cohesive services to the families the agency served. Despite the laudable purpose behind the organizational changes, the grand jury is convinced the dissolution of the agency's dedicated CPS unit was a mistake. To properly conduct child abuse investigations caseworkers require specialized training and skills. The Dauphin County CYS' attempts to spread these investigations across the agency had disastrous results. The agency is still struggling to deal with the ramifications of this decision

(3) Recommendations:

(a) The grand jury calls on Dauphin County CYS to reestablish a dedicated CPS investigative unit within the agency.³¹

Additionally, in reestablishing a CPS unit the grand jury calls on Dauphin County CYS to commit long term to maintaining, supporting and training a viable fully staffed CPS unit.

(b) The grand jury calls on the administration at Dauphin County CYS to ensure their caseworkers conduct investigations in accordance with the Dauphin County Child Abuse Investigative Protocol and in adherence with MDIT principles.

(c) Dauphin County CYS calls on Dauphin County CYS to ensure all of its supervisors are properly trained themselves on how to conduct a child abuse investigation in coordination with law enforcement so that they are prepared to provide informed and knowledgeable supervision to the caseworkers they are assigned to supervise.

(d) The grand jury calls on Dauphin County CYS and law enforcement to commit themselves to developing a cross training program to promote greater understanding of each discipline's

³¹ Since the grand jury began its investigation, we received information that it is the intention of Dauphin County CYS to reinstitute this specialized unit. We agree with their intent to reestablish this unit.

roles and responsibilities.

C. Coordination and communication with the medical community

(1) Investigating the death of Jarrod Tutko, Jr., the grand jury reviewed the January 21, 2014, referral to Dauphin County CYS from Hershey medical Center concerning A.R.T. Despite staff from Hershey Medical Center providing Dauphin County CYS with detailed information outlining the hospital staff's concerns for the welfare of A.R.T., Dauphin County CYS screened out and closed this referral without any investigation. The agency did not even consult with Hershey Medical Center staff before closing out the referral. Testimony provided to the grand jury revealed an unexpected level of dismissiveness of Hershey Medical Center referrals by Dauphin County CYS. The grand jury also discovered a certain level of animosity by Dauphin County CYS towards the staff at Hershey Medical Center's Child Protection Team. Some of this distrust seems to have been caused by a lack of understanding of each discipline's perspectives when dealing with the same family.

(2) Recommendations:

(a) The grand jury calls on Dauphin County CYS to establish formal policies and standards on how referrals from Hershey Medical Center, and the greater medical community in general, will be

handled. At a minimum, caseworkers in this type of referral should be required to communicate and collaborate with medical referral sources to determine the nature and extent of the neglect or abuse reported.

(b) The grand jury calls on Dauphin County CYs to reach out to the medical professionals practicing in Dauphin County, in particular and the medical staffs of Hershey Medical Center's Child Protection Team and the Pinnacle Health System, to develop better lines of communication to help foster greater understanding between their employees at all levels.

(c) As training is an overriding concern of the grand jury, we call on Dauphin County CYs and the medical staff of Hershey Medical Center's Child Protection Team to develop a cross training program to ensure that caseworkers and medical professionals alike have a clear understanding of each other's roles, responsibilities and, in some cases, legal limitations.

D. Coordination and communication between Dauphin County CYs with Dauphin County school districts

(1) Children spend a significant amount of time at school. As a result, teachers and school employees are our front line protectors in recognizing

and reporting child abuse. Jarrod Tutko, Jr., was of school age. Dauphin County CYS caseworkers properly identified that he was not enrolled in school. Despite recognizing the need to have him enrolled in school, caseworkers did not coordinate their efforts to get Jarrod Junior enrolled in school with the Harrisburg School District. Testimony before the grand jury showed the lack of communication between Dauphin County CYS and a local school district in Jarrod Junior's case was not an isolated incident. The grand jury heard testimony explaining how important it is for children like Jarrod, A.R.T. and S.P. to be enrolled in school. In addition to providing educational services, school can also provide therapeutic services to the children to deal with their physical disabilities as well. The grand jury believes a failure by Dauphin County CYS to communicate with local school districts to coordinate school based services for the children they encounter is a missed opportunity to provide an additional layer of safety to those children.

(2) Recommendations:

- (a) The grand jury recommends that Dauphin County CYS caseworkers follow up directly with local school districts when they encounter children of school age that have not been enrolled in school to ensure they actually become enrolled.**
- (b) The grand jury recommends all Dauphin County school districts designate a staff member to serve as liaison to Dauphin County**

CYS. Likewise, the grand jury calls on Dauphin County CYS to designate a staff member(s) to serve as a formal liaison with school districts. The grand jury believes the formal designation of a liaison person to coordinate communication between the agency and the school districts will help to better foster relationships between Dauphin County CYS and the school districts.

III. Caseworker caseload ratios

A. Throughout the course of our investigation, the grand jury was greatly concerned by the volume of cases individual caseworkers are responsible to handle. The grand jury found these caseloads in many instances to be unmanageable. The grand jury recognizes there are many factors that go into this situation and that there is no simple fix to this problem. In Dauphin County, the problem of caseloads was amplified by caseworker turnover due to the agency's 2014 restructure. However, the grand jury recognizes that employee turnover is a constant issue at CYS agencies even in the best of times. To make matters worse, due to changes in the mandated reporter laws, Dauphin County CYS has seen an increase in referral to the agency at levels above 120% over this time last year. The grand jury also heard

testimony that explained that the issue of high caseloads and caseworker turnover are not just Dauphin County issues. They are statewide issues.

(1) Recommendations:

- (a) The grand jury calls on Dauphin County officials to examine the issue of high caseworker caseloads and determine if current staffing levels are adequate to handle the increase in referrals the agency is experiencing.**
- (b) The grand jury calls on the administrators and supervisors at Dauphin County CYS to closely monitor caseworker caseloads, to ensure each caseworker is able to handle the caseload they are assigned.**
- (c) The grand jury calls on the Pennsylvania Department of Human Services to study the issue of high caseloads in light of recent changes to the mandated reporter law and make recommendations on how to improve this situation.**

IV. Sixty calendar day time limit for child abuse investigations

- A. The grand jury heard testimony from caseworkers explaining the state requirement that CPS investigations be completed within sixty calendar days. When weekends are subtracted from the sixty days, there remain approximately forty-three days to complete an investigation. While many**

states have time limits established for child abuse investigations to be conducted by their child welfare agencies, there does not appear to be a national consensus as to the number of days required to complete an investigation. The sixty calendar day time limit in Pennsylvania does not appear to be tied to any particular study concerning an appropriate amount of time that it takes to properly investigate a child abuse allegation. In the grand jury's opinion, the time limit, as set, appears arbitrary and in many case is detrimental to a complete and thorough investigation.

B. In line with our comments concerning caseworker caseloads, with a reasonable caseload a caseworker might be able to conduct a complete and thorough investigation in forty-three days but when you have a caseworker handling upwards of twenty to twenty-five investigations simultaneously, the forty-three day working days a caseworker has to complete their investigation becomes unworkable. Law enforcement officers assigned the same investigation have no corresponding legal time limits on their ability to complete their portion of the investigation. While many CPS investigations can and are completed well within the sixty days, the grand jury heard examples of many complex investigations that clearly require more than sixty days to complete.

C. The sixty calendar day requirement to complete a CPS investigation is written into the Child Protection Services Law (CPSL).³² A further reading of the

³² 23 Pa.C.S.A. § 6368 (n)(1)

CPSL indicates that the agency is actually encouraged to complete the investigation within thirty calendar days and must provide adequate reasons for going over the thirty days if they cannot meet that standard. As discussed above, the grand jury recognizes that an agency can designate an investigation as pending, but testimony received by the grand jury indicated that the use of this designation has in the past resulted in Dauphin County CYs receiving negative feedback from DHS for the use of this category.

- D. In addition to the sixty day time limit to complete an investigation, state regulations governing the county children and youth agencies require each county agency to submit the results of their investigation to ChildLine on a CY-48 form within sixty days. If the county children and youth agency does not submit the CY-48 report within sixty days, the regulation requires ChildLine to list the investigated child abuse allegation as unfounded. This requirement to list an delinquent CY-48 report as unfounded is only contained in regulations not required by law.

E. Recommendations:

- (1) The grand jury calls on the legislature to review the sixty day investigative time limit currently required by law and consider eliminating the time limit altogether.**
- (2) The grand jury calls on the Pennsylvania Department of Human Services to review and consider revising the regulation contained in**

55 Pa. Code § 3490.69 (Reports not received within 60-calendar days) to remove the automatic unfounded listing of a CY-48 report that is received by ChildLine beyond the sixty day time limit. The grand jury strongly believes children are endangered by a failure of a substantiated child abuse allegation to appear on the statewide child abuse database simply because the late filing of paperwork. The goals of this regulation, to ensure that an agency conducts a timely investigation, can be accomplished through other regulatory measures and the county's annual licensure review. The current system punishes victims and rewards child abusers.