

# **GOVERNOR TOM WOLF'S COUNCIL ON REFORM**

EST. BY EXECUTIVE ORDER 2019-05

RECOMMENDATIONS | NOVEMBER 1, 2019

# COUNCIL ON REFORM

The Council on Reform was established through [Governor Wolf's Executive Order 2019-05](#), signed on July 31 with the purpose of identifying best practices and making recommendations to improve the support and protection of vulnerable populations. Immediately following the signing, the first council meeting was held and members were tasked with submitting recommendations to Governor Wolf by Friday, November 1, 2019.

In determining its charter, the council defined populations and subpopulations, established committees, and adopted values.

## POPULATIONS & SUBPOPULATIONS

The council separated populations by age and identified subpopulations to ensure vulnerabilities unique to each were considered. Details on these populations and subpopulations are as follows:

### Children | Ages 0-17

Subpopulations – African Americans, Asian American & Pacific Islanders, Latinos, LGBTQ+ children, young women, children experiencing mental illness, children experiencing substance use disorder, children with intellectual disabilities/autism, children with physical/sensory disabilities, delinquent children, and dependent children

### Adults | Ages 18-59

Subpopulations – African Americans, Asian American & Pacific Islanders, Latinos, LGBTQ+ adults, veterans, women, adults experiencing mental illness, adults experiencing substance use disorder, adults with intellectual disabilities/autism, adults with physical/sensory disabilities, adults with Alzheimer's or a related dementia, and domestic violence victims

### Seniors | Ages 60+

Subpopulations – African Americans, Asian American & Pacific Islanders, Latinos, LGBTQ+ seniors, women, veterans, seniors experiencing mental illness, seniors experiencing substance use disorder, seniors with intellectual disabilities/autism, seniors with physical/sensory disabilities, seniors with Alzheimer's or a related dementia, and domestic violence victims

## COMMITTEES

The council established three committees to review and create recommendations from three perspectives. Details on these committees/perspectives are as follows:

### Prevention & Diversion

What recommendations should be made to prevent abuse, reduce social isolation, and/or educate Pennsylvanians on the role all residents play in identifying those who may be at-risk of abuse and neglect?

### Protection & Intervention

What recommendations should be made to protect vulnerable populations, empower victims to come forward when abuse occurs, protect individuals who are being abused, and/or eliminate risk of future abuse and neglect?

### Justice & Support

What recommendations should be made to provide necessary support to vulnerable populations, eliminate systems that cause victims additional trauma, and/or better hold abusers accountable?

## **VALUES**

The council adopted values it believes to be relevant to protecting and serving vulnerable populations – these values are reflected throughout the recommendations. Details on these values are as follows:

**Cultural Competence** | Recognizing and honoring diversity

**Person-Centered Approach** | Focusing on the individual's best interest

**Community Engagement** | Hearing from vulnerable populations, families, experts, and stakeholders

**Context & Awareness** | Understanding current environment and avoiding past failings

**Trauma-Informed** | Utilizing trauma-informed approaches across all systems

**Workforce Empowerment** | Ensuring the workforce is equipped and supported

## **APPROACH & REQUEST**

After the council defined its scope, established committee perspectives, and adopted values, the council set out to hear from a wide array of existing oversight and advisory bodies, stakeholders, legislators, and constituents. Information was provided through in-person meetings, letters, emails, and through a webform that council members distributed to their networks. Not only did these contributors provide recommendations for the council to consider, but they provided essential insight and context to ensure the council was fully informed. Many council members also serve on advisory bodies connected to this work.

The council compiled the recommendations submitted by others along with recommendations from existing reports and assigned them to the appropriate committee for review and consideration. Committee members reviewed all that was submitted, identified common trends, eliminated duplication, and developed new recommendations.

After committees finalized their lists of recommendations, themes were identified that spanned all populations and committees.

In carrying out this process, the council felt more should be done to engage constituents while ensuring recommendations were submitted to the governor by the November 1 deadline. With this in mind, a motion was made to add a 45-day public comment period following the release of recommendations. The council will review public comments and put forward additional recommendations as a result. This timeline was built on a desire to provide as much time as possible for public input, while still allowing enough time for fiscal year 2020-21 budget considerations.

The council fully recognizes the funding implications of the recommendations that have been developed. We also recognize the substantial amount of time and work it takes to carry out these recommendations. It is our hope that Pennsylvania will rise to the occasion and put its best effort into driving this much-needed change – our most vulnerable are counting on it.

The council asks that the governor direct the appropriate agencies, organizations, branches of government, and advisory bodies to carry out the recommendations he would like to move forward. We stand ready to assist and provide any additional insight the governor may require.

The following is the culmination of three months of work by the Council on Reform to put forward meaningful, actionable recommendations. Some of these recommendations have been made before

and reflect the great work carried out by other advisory bodies. Some recommendations are new. All, however, propose bold and much-needed change to better protect Pennsylvania's most vulnerable.

## **GLOBAL THEMES**

*The following themes span each committee and population and should be considered overarching goals for Pennsylvania to better protect vulnerable populations.*

**Empower and strengthen the workforce serving vulnerable populations by providing comprehensive training, livable salaries and benefits, and support for staff experiencing vicarious trauma.**

**Comprehensive Training** – Provide adequate job-related training for front-line workers; ensure minimum training requirements are met; and require diversity, implicit bias, and trauma informed-care training across systems

**Livable Salaries & Benefits** – Increase wages and ensure adequate funding for provider payment, and enhance recruitment and improve retention of workers by creating incentives such as increased training, scholarships and loan forgiveness

**Support for Staff Experiencing Trauma** – Provide adequate mental health and therapeutic services for staff who have themselves experienced direct or vicarious trauma

**Empower communities and vulnerable populations by ensuring access to services for all Pennsylvanians and conducting culturally appropriate and diverse outreach efforts.**

**Ensuring Access to Services for all Pennsylvanians** – Increase funding to improve systems serving vulnerable populations and eliminate waiting lists

**Culturally Appropriate & Diverse Outreach** – Provide resources to communities who are already connected to vulnerable populations, ensure language is not a barrier, and increase diversity of the workforce to better reflect the diversity of Pennsylvania

## **PREVENTION & DIVERSION RECOMMENDATIONS**

*Recommendations that prevent abuse, reduce social isolation, and/or educate Pennsylvanians on the role all residents play in identifying those who may be at risk of abuse or neglect.*

### **ALL AGES**

- Develop statewide public awareness campaigns to educate the public on identifying and reporting abuse
- Eliminate duplication of effort between state agencies when developing public education materials
- Provide resources to localities and organizations best positioned to educate and steward change in their community
- Implement the Long-Term Care Council's [blueprint](#) minimum wage recommendation and provider reimbursement/payment strategy and expand it to apply to the workforce serving vulnerable Pennsylvanians across the age spectrum
- Improve broadband and cell service throughout rural communities

- Ensure access to telemedicine/telehealth when in-person services are not available or necessary
- Expand and increase access to public transportation
- Support the flow of information and data across county and state administrative systems while ensuring stringent privacy standards are met (including the protection of the wrongly accused) – reforms should include state access to expunged data that assists child protective services with future risk/safety assessments and research
- Prohibit discrimination of LGBTQ+ individuals statewide
- Create a centralized hub of resources for LGBTQ+ Pennsylvanians and their families
- Update forms to collect information on sexual orientation and gender identity
- Ensure insurance carriers more clearly document and make available mental health parity analyses and explanation
- Provide adequate funding for home and community-based services serving vulnerable populations
- Institute uniform processes for oversight and inspection of facilities

## **CHILDREN**

- Expand prevention services that facilitate in-home support to at-risk families to keep children in their homes
- Increase capacity for home visitation to support working and struggling families
- Ensure evidenced-base practices are utilized to provide early intervention and family support to those at risk of abuse
- Transition children with disabilities and complex medical care issues from facilities to live with families and receive home and community-based services
- Provide skilled nursing respite care for families caring for children with complex medical issues at home
- Implement diversity educational standards for teachers and students within the public-school system
- Support the Child Welfare Council's (CWC) exploration of right-sizing the child welfare system through Differential Response and implement based on the CWC's findings – this enables child welfare to focus on acts of abuse and serious neglect while low-risk cases can be referred to the appropriate community providers or other services
- Examine the current processes for reviewing network adequacy for mental health services and improve policies to increase access to care

## **ADULTS**

- Promote and develop avenues for coordination/integration of services for adults with disabilities
- Include family members and natural social supports in provision of services for adults with disabilities
- Improve service transition for adults with disabilities as they cross over programmatic thresholds
- Ensure adults with disabilities receive education about prevention of abuse, especially sexual abuse, how to report it, and how to protect them after a report has been made

## **ADULTS & SENIORS**

- Increase funding and strengthen the advocacy network for adults with disabilities and seniors living in long-term care facilities
- Advocate for the passing of the LGBTQ Bill of Rights for Long-Term Care Facilities
- Increase access to respite for family caregivers

## **SENIORS**

- Increase funding for home and community-based services provided through Area Agencies on Aging such as protective services, in-home care, and senior community centers
- Ensure Lottery funds remain allocated specifically to senior programming

- Expand affordable and safe housing options that offer the least restrictive environment
- Improve ability to remain in the appropriate level of care as determined by the individual's needs
- Provide SAGECare's LGBTQ+ training to senior community center staff
- Advocate for LGBTQ+ older adults and seniors with HIV to be designated as populations with greatest social needs under the Older Americans Act
- Enhance training for protective services investigators
- Minimize the caseload of protective services investigators
- Work to reduce and eliminate internet and telephone scams

## **PROTECTION & INTERVENTION RECOMMENDATIONS**

*Recommendations that protect vulnerable populations, empower victims to come forward when abuse occurs, protect individuals who are being abused, and/or eliminate risk of future abuse or neglect.*

### **ALL AGES**

- Develop a comprehensive plan for reducing waiting lists for programs serving vulnerable populations
- Implement secure, online abuse reporting mechanisms for systems that do not currently have them in place
- Use a broad systems-based approach to combat human trafficking, identify victims, and make service referrals
- Provide trauma-informed care education to workers who interact with vulnerable populations and victims
- Protect and provide trauma-informed support to immigrants, especially children
- Reform rules regarding emergency protection from abuse orders to last for more than 24 hours and until a temporary order can be secured
- Improve housing protections for domestic violence victims
- Adopt trauma-informed best practices for police interviews and on-scene response to domestic disturbances
- Ensure enforcement of abuse reporting requirements for institutions of higher learning
- Facilitate greater collaboration between services for individuals with serious co-occurring conditions
- Implement cultural sensitivity trainings in facilities where victims seek refuge and invest in culturally specific centers

### **CHILDREN**

- Revisit the 2014 changes to the child protective services law to analyze whether the intent of the changes have been achieved and make adjustments that may be needed
- Reduce the use of institutionalization and congregate care and increase the use of family-based care, or kinship care, including supports for grandparents raising grandchildren
- Ensure youth have access to Qualified Residential Treatment Programs when congregate care is necessary and guarantee that there is a true need for such a setting
- Make family-based placements easier by improving licensing standards for placement in a relative foster home through the development of model licensing standards
- Establish an oversight process for admissions and length of stay for children with disabilities and complex medical issues in congregate care
- Enhance foster family recruitment, training, and retention policies to increase the usage of family-based placement
- Strengthen and require ongoing permanency services for all children in foster care regardless of their court-ordered permanency goal, until legal permanency is achieved through reunification, adoption, guardianship, or placement with fit and willing relatives
- Ensure youth have access to appropriate post-permanency or aftercare services

- Develop protections for transitional aged youth to identify strategies for building connections with supportive adults, ensuring access to extended foster care, inclusion in case planning, and promoting access to high quality services, to improve older youth outcomes
- Enhance the delivery of permanency services to older youth to ensure the promotion of increased availability of family settings, connections to siblings, and the identification and outreach to kin
- Establish person-centered policy to address the needs of children who have complex medical and/or behavioral health needs
- Create a standardized tool for assessing acuity, behavioral health, and mental health needs for children with intellectual and/or developmental disabilities
- Overhaul licensing practices to change focus from technical compliance to outcomes through a system-wide commitment to performance-based metrics, accountability, and transparency
- Obtain insight on residential facilities by inviting feedback from youth within 2-5 days of discharge
- Assess what interventions have already been attempted prior to placing or replacing a child into a residential facility
- Increase capacity and access to nontraditional childcare
- Issue statewide policy for LGBTQ+ youth in residential care including detention, shelters, and school-based programs
- Enforce the requirements of managed care organizations to conduct two child lead screenings before a child's second birthday
- Educate youth and families on how to file grievances, provide updates on actions taken to remedy issues, and ensure all involved are notified at the conclusion of the process
- Provide trauma-informed services that support the needs of refugee children

## **ADULTS**

- Provide adequate funding for services for adults with disabilities
- Establish guidelines for protective services investigations that ensure proper evidence is either substantiated or unsubstantiated prior to implementation of care management
- Direct adult protective services to receive reports of abuse rather than gathering through Area Agencies on Aging and then passing to adult protective services

## **ADULTS & SENIORS**

- Increase housing protections for victims of domestic violence
- Establish a more efficient way to determine eligibility for Medicaid-funded home-based care in Pennsylvania

## **SENIORS**

- Increase collaboration and education between agencies to prevent and detect elder abuse and neglect
- Improve collaboration between state agencies when investigating cases of financial exploitation
- Explore the creation of a registry for perpetrators of elder abuse similar to the child abuse registry
- Amend the Older Adults Protective Services Act to include an outline of employment bans and waivers
- Create a more uniform approach and response to reports of abuse and ensure adequate resources are available for older adult protective services
- Develop policy and provide training focused on ensuring safe spaces for LGBTQ+ seniors
- Increase accountability for reporting financial abuse and the role of banks in reporting suspicious circumstances

## **JUSTICE & SUPPORT RECOMMENDATIONS**

*Recommendations that provide necessary support to vulnerable populations, eliminate systems that cause victims additional trauma, and better hold abusers accountable.*

### **ALL AGES**

- Change statute of limitations to provide more time for victims to seek prosecution or civil redress
- Record video of a victim's statements being offered at the first time of questioning and make it admissible in court
- Direct confidential referrals to medical professionals who understand traumatic brain injury and pre-exposure prophylaxis, so patients do not have to disclose to their primary care provider
- Cover all necessary medications for sexual assault victims through the Victims Compensation Assistance Program in a manner that does not require any out-of-pocket costs
- Provide ongoing training to judges, judicial officers, court staff, and sheriff deputies on trauma, domestic violence, sexual assault, implicit bias, and commercial sexual exploitation
- Task Pennsylvania's Victim Services Advisory Committee with exploring ways to reduce victim's fears or reluctance to seek criminal prosecution or when filing a protection from abuse order
- Increase capacity and access to therapists in rural areas
- Enforce the requirement that courthouses have separate waiting areas for victims and perpetrators outlined under the Crime Victims Act
- Provide state indigent defense funding for full legal representation for juvenile delinquents, adults in criminal court, parents and children in dependency court, and for victims of domestic violence and elder abuse
- Ensure therapeutic services for victims are not denied or disrupted regardless of funding stream
- Minimize the number of continuances for court cases
- Create easy-to-use forms and petitions and ensure courts have the resources needed to assist with the completion and filing of forms
- Hold mandated reporters accountable, civilly and/or criminally, for negligent or intentional failure to report abuse, neglect, exploitation, or abandonment

### **CHILDREN**

- Increase capacity and access to evidence-based services in the community for children in the delinquent and dependent systems
- Increase capacity and access to services for children in the delinquent and dependent system with complex mental and behavioral health needs – this requires collaboration between the Office of Children, Youth and Families; Commission on Crime and Delinquency; Juvenile Court Judges' Commission; and Council of Chief Juvenile Probation Officers
- Develop and implement comprehensive nondiscrimination policies and procedures around sexual orientation and gender identity and expression for those in the juvenile justice system
- Reinvest savings from reduction in out-of-home placements into mediation, strength-based treatment, mentorships, and education and employment services
- Reduce the arrest, prosecution, and institutionalization of youth for minor and misdemeanor offenses and utilize diversion programs
- End the practice of housing youth in adult incarceration facilities
- Overturn the direct file provision of Act 33 of 1995 and stop mandating individuals age 15-17 charged with specified offenses be prosecuted in the adult criminal justice system
- Address and reduce disparities on the basis of race, ethnicity, gender and sexual identity, and disability for children in the justice system
- Ensure mental health services are made available to children in detention centers and shelter care facilities
- Provide indigent juvenile defense services with a 50% reimbursement rate through the county needs-based budget process – the same rate as guardians *ad litem* and counsel in dependency proceedings



- Create trauma-informed, residential programming that meets the mental health, behavioral health, and substance use needs of dependent and delinquent children
- Conduct a study to determine additional unmet needs for justice-involved youth with complex, cross system needs and develop a plan to address them

## **ADULTS & SENIORS**

- Ensure efficient and effective access to district attorneys in adult and older adult protective service cases where there is credible evidence that a criminal act has been committed

## **SENIORS**

- Ensure older adult protective services investigations do not disrupt healthy relationships or well-intended care arrangements – investigators must consider unintended consequences of their investigations and interventions.
- Expand education of services available to grandparents raising grandchildren
- Explore the viability of waiving fees for kin seeking to file a complaint for custody
- Expedite the process for grandparents obtaining a custody order, child support order, or an adjudication of dependency
- Provide foster care certification and foster care payments to kinship caregivers
- Provide information related to the outcome of a substantiated case of abuse to the victim's care manager along with specific interventions identified to prevent any further instances
- Establish baseline protocols between Area Agencies on Aging, local police, and district attorneys in cases that require timely and effective collaboration

## **COUNCIL MEMBERS**

Twenty-five voting members were appointed to the council who are themselves, or are family of, individuals who are currently receiving or have previously received services from the commonwealth or are individuals that serve or work with vulnerable populations. Eleven non-voting members from state agencies were included to provide insight and answer technical or programmatic questions as needed. An executive director served as the conduit between members and coordinated the work of the council.

### **VOTING MEMBERS**

#### **Academic Representatives**

Professor – Jennie G. Noll, Ph.D.  
Pediatrician & Professor – Cindy Christian, MD

#### **County & City Official Representatives**

City Council Member – Cherelle Parker  
Court of Common Pleas Judge – Kim Berkeley-Clark | *Justice & Support Committee Cochair*  
County Commissioner Association Deputy Director – Brinda Penyak | *Protection & Intervention Committee Cochair*  
Local Law Enforcement Member – Tony Minium  
Juvenile Probation Officer – Susan Claytor

#### **Advocate Representatives**

Child Advocate – Kari King  
Senior Advocate – Bill Johnston-Walsh | *Prevention & Diversion Committee Cochair*  
Disability Advocate – Nancy Murray  
Victim Advocate – Susan Higginbotham, MEd  
LGBTQ Advocate – Todd Snovel  
African American Advocate – David Dix | *Justice & Support Committee Cochair*  
Asian Pacific American Advocate – Niken Astari Carpenter  
Latino Advocate – M. Teresa Donate  
Women’s Advocate – Randi Blackman-Teplitz

#### **Provider Representatives**

Provider Association President/Executive Director – Richard Edley, PhD  
Provider Association President/Executive Director – Diane Barber  
Provider Association President/Executive Director – Rebecca May-Cole

#### **Medical Representatives**

Pediatrician – Phil Scribano, DO, MCSE  
Geriatrician – Namita Ahuja, MD  
Psychologist – Stacey Rivenburg, PsyD | *Prevention & Diversion Committee Cochair*

#### **Community Representatives**

Young Adult – Haundray Muir  
Veteran Living w/ a Disability – Chris Fidler  
Senior – Mary Bach

### **NON-VOTING MEMBERS**

Secretary of Human Services Teresa Miller | Designees: Lindsey Mauldin & Jonathan McVey  
Secretary of Health Rachel Levine | Designee: Carolyn Byrnes  
Secretary of Aging Robert Torres | Designee: Glenda Ebersole  
Secretary of Drug and Alcohol Programs Jen Smith | Designees: Jordan Lewis & Derrick Pelletier  
Secretary of Education Pedro Rivera | Designee: Matt Stem  
Secretary of Corrections John Wetzel | Designee: George Little

Executive Director of the Commission on Crime and Delinquency Michael Pennington  
Commissioner of the Pennsylvania State Police Robert Evanchick | Designee: James Degnan  
Adjutant General of Pennsylvania Anthony Carrelli | Designee: Andrew Ruscavage  
Victim Advocate Jennifer Storm | Designee: Pennie Hockenberry  
Executive Director of the Juvenile Court Judges Commission Rick Steele

**EXECUTIVE DIRECTOR**

Department of Human Services' Intergovernmental Affairs Director Drew Wilburne