

Date: March 24, 2015

To: House Human Services

From: Catherine Simonson, LICSW
Howard Center, Director of Child, Youth and Family Services

Re: S.9, Section 3 - Failure to Protect

Thank you for the opportunity to provide testimony to the Failure to Protect section of Senate Bill 9.

Howard Center has a long history of providing services to children, youth and families to include early intervention with families with very young children to families with adolescents transitioning to adulthood. We have over 436 staff working with children and their families in their homes, the community, our clinics and residential care. Engaging families who might not trust agencies, schools or the system is part of our work. Our role is to assist families with addressing issues of poverty, homelessness, food insecurity, domestic violence as well as mental health and substance abuse challenges with a goal of strengthening the family so the children can thrive.

In the course of family work, child safety and well-being is paramount. Howard Center clinicians are mandated reporters and while our hope is to address factors that might contribute to child abuse and neglect, we consistently report concerns of abuse and neglect when we believe a child is in danger or at risk. Howard Center has a documented history of reporting concerns about child safety in the course of our work. In FY14, we made **455** reports to DCF Family Services Centralized Intake. Of those 455, 59 reports were made on children ages 6 years and under. This translates to nearly 2 reports of suspected abuse or neglect every business day. At the same time, it is the role of many of our staff to work with families and manage risk when a report of child abuse does not meet the legal criteria for investigation or a formal assessment through our child welfare system. I support the practice improvement efforts that are underway within our child welfare system in DCF but I think we fall short when we do not integrate the practice changes across the formal child protection system and the provider system.

Protecting children and strengthening families is core to our mission at Howard Center but we do not believe the language in Section 3; Failure to Protect will result in reducing the risk of child maltreatment. In fact, we are concerned that the language as it reads could result in some families who are already reluctant to engage with service providers to become more reticent for fear of judgment or even criminal charges. For example, we support many families who have been impacted by incarceration. We know that children thrive when they can have contact with their parent providing safety issues are addressed. For some families who have interfaced with the criminal justice system, the proposed language of S.9 could be create more anxiety or suspiciousness of providers for fear of criminal prosecution.

In Chittenden County, we have a growing population of new arrivals from many countries in Africa and Asia. There are many cultural challenges in acclimating to our system including western parenting norms compared to other cultures. There is concern that language in S.9 could serve to alienate New Americans who can be slow to trust the dominate culture as it relates to parenting, child safety and law enforcement.

Another unintended consequence of the S.9 Failure to Protect language could be barriers to engaging kin or extended family to serve as resource families for a child who cannot remain with their family of origin. It would be unfortunate if a grandmother or aunt declined the request to serve as a caregiver for a grandchild or other child relative because he/she was concerned about potential criminal charges in light of their knowledge about another family member's parenting that could put a child at risk.

Children faced with familial situations that warrant out of home placement need permanency while efforts are underway to assess and strengthen the family of origin if unification is in the best interest of the child. Our system of care is stronger when we can rely on both kin and well trained foster parents to serve as safe homes for a child who cannot remain at home. We cannot adequately meet the needs of children and youth with complex needs warranting out of home care without a robust foster care system. The fragility of our present foster care system warrants its own testimony but for the purposes of S.9 we are very concerned that this language will serve to deter potential foster parents who are considering entering into a critical role for children and youth who need a placement in the community but cannot remain in the family of origin for a period of time.

In our residential programming, another concern with the Failure to Protect language would be to cause staff and supervisors to be so risk averse that we would not be providing key opportunities for children and youth to have important home visits. As providers, we are apprised of the history and may be aware of issues of past abuse and neglect and yet at the same time our work is about strengthening families by providing both children and parents the tools to improve. Staff are not afraid of accountability such as licensing oversight but it's a different level to have criminal sanctions if they made the wrong decision about a home visit.

We support efforts to ensure child well -being while strengthening families but believe strongly those goals can be met best by a robust child and family system of care rather than legislative language that includes criminal sanctions for failure to protect.

Thank you again for the opportunity to share observations from the child and family provider community.