

TO: Honorable Members of the House Judiciary Committee
DATE: September 27, 2021
SUBJECT: House Bill 1836

As a constituency of broad-based of child welfare advocacy groups in Pennsylvania, we respectfully encourage the House Judiciary Committee to delay consideration of House Bill 1836 and ask for its removal from the voting agenda for the voting meeting scheduled for Tuesday, September 28th.

The request for delay is to allow for further dialogue on whether the language of HB 1836 was cross-referenced with the Child Protective Services Law (CPSL) within Title 23 and how the definition developed for “child torture” would align in practice for county caseworkers/ administrators with how “child abuse” is defined in the CPSL. We are unsure of how the definition of “child torture” fills a void not currently covered in the definition of “endangering the welfare of a child” or in “assault” in other statutes. Our primary goal is to ensure consistency in statutory construction and be certain that there are no unintended consequences where this amendment would conflict or cause confusion with the CPSL.

Further, we want to note the linkage of charges and fines in the criminal justice system and the child welfare system. There is often a disparity in charges being issued to families of color and those experiencing poverty. Several provisions are especially punitive to families experiencing poverty – that may have been exacerbated during the pandemic – such as inadequate food or clothing would criminalize these elements. This can exacerbate underlying stress the family is already facing and can even inadvertently increase the likelihood of repeated occurrences with the system. Finally, several provisions have a level of subjectivity to their interpretation including “emotional distress.”

While we are empathetic to the underlying case that prompted the introduction of HB 1836 and are ardent supporters of preventing child abuse and neglect, due to these reasons, we ask that consideration of the bill be delayed so that we can work with the sponsor, the committee chair, members and staff, as well as other stakeholders with a goal to improve the legislation.

We appreciate your consideration and if you have any further questions, please feel free to contact Justin Fleming, PPC Government Affairs Director, at jfleming@papartnerships.org.

Sincerely,

Community Legal Services – Kathleen Creamer, Managing Attorney, Family Advocacy Unit
Juvenile Law Center – Susan Vivian Mangold, Esq., Chief Executive Officer
Pennsylvania Council for Children, Youth and Family Services – Terry Clark, President and CEO
Pennsylvania Family Support Alliance- Angela Liddle, President and CEO
Pennsylvania Partnerships for Children – Kari King, President and CEO