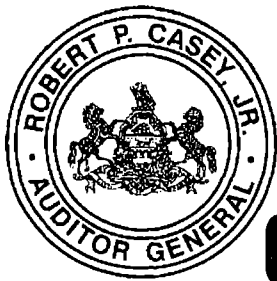

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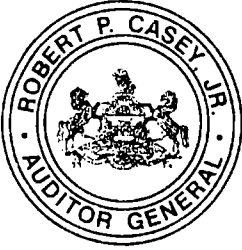


A Performance Audit of the

Commonwealth's Oversight of Child Care in Pennsylvania

March 2000

Auditor General Robert P. Casey, Jr.



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For Immediate Release

Casey Audit: Ridge Administration Provides Lax Oversight of Child Care *Casey offers over 50 recommendations to better protect children in day care*

HARRISBURG (March 21) – The Ridge administration’s oversight of Pennsylvania child care facilities is seriously lax and fails to ensure that even minimal health and safety standards are met, according to a performance audit released today by Auditor General Robert P. Casey Jr. The Department of Public Welfare (DPW), the agency audited, agreed with many of Casey’s findings and recommendations.

“More than one million children in our Commonwealth need child care each week,” Casey said. “Working families and taxpayers, who provide millions of dollars to child care programs each year, have a right to expect vigilant state oversight of child care.

“Unfortunately, our audit found a system of oversight so lax that suspected child abuse is not referred to the proper authorities; high-risk situations are investigated late; years pass before some facilities are inspected; child care centers operate with expired licenses; and known criminals and child abusers might be receiving state funds to care for young children.”

Reports of Suspected Child Abuse Not Referred to ChildLine

The Department of Public Welfare’s Bureau of Child Day Care Services (BCDCS) is required by its own internal procedures to refer all reports of suspected child abuse to ChildLine. ChildLine is Pennsylvania’s 24-hour toll-free telephone hotline for reporting child abuse and a repository within DPW for information about known perpetrators of child abuse. It is ChildLine’s responsibility to evaluate each report and refer it to the appropriate county children and youth service agency for investigation and disposition. However, **Casey’s audit found several complaints that were reported to BCDCS – and which appear to satisfy the definition of child abuse under Pennsylvania’s Child Protective Services Law – which BCDCS did not refer to ChildLine.**

Reports of suspected child abuse that were not referred to ChildLine for investigation include:

- more -

- A twenty-month-old boy was severely bitten and scratched on his neck, cheeks and forehead, causing bloody wounds. Hospital workers stated that the injuries were indicative of child abuse. The child care staff was very evasive about the incident.
- A 2 ½-year-old had unexplained bruises on her back and said that her teacher hit her.

Instead of treating these and similar complaints as serious allegations of child abuse and referring them to ChildLine for investigation, BCDSCS staff treated them as “licensing issues,” a distinction which not only lengthened the timeframe in which an investigation would occur, but seriously jeopardized children’s safety.

“It’s sickening to think that DPW waited 22 *working days* to investigate an allegation of child abuse that left a 1 ½-year-old boy with bleeding bite wounds on his face,” Casey said. “And there’s no excuse for waiting over three months – 70 *working days* – to investigate a mother’s report that her 2 ½-year-old daughter’s back was left black and blue by a child care worker who hit her.”

To better protect our children, Casey recommends that BCDSCS report to ChildLine, upon receipt, *all* complaints of suspected child abuse in accordance with the CPSL’s definition of child abuse. He also recommends that BCDSCS and the DPW bureau that oversees ChildLine better communicate with one another about complaints received, investigations conducted, and actions taken by each agency – both to protect children who may have been harmed and to incorporate substantiated allegations into licensing determinations. If no procedures exist to carry out this recommendation, DPW should develop them. In response to Casey’s audit, DPW said that it would strengthen internal procedures to assure that appropriate and timely referrals are made to ChildLine.

Parents cannot be assured that DPW is properly evaluating and investigating complaints

Casey’s audit also found that DPW frequently was late – by its own time requirements – responding to complaints about child care facilities. It also failed to document complaints as “high risk” or “less risk,” as required. Specifically:

- **DPW failed to document the level of risk for *any* of the 251 complaints sampled**

“This failure to document complaints as ‘high risk’ or ‘less risk’ is more than just a failure to follow written policy,” Casey said, “it’s a failure to protect children from continued exposure to conditions that threaten their health and safety. In one instance, DPW failed to document as ‘high risk’ or even ‘less risk’ a complaint about a child care provider who was arrested for allegedly possessing drugs with intent to deliver.”

- **DPW failed to investigate 36 ‘high-risk’ complaints within the required three days**

Of the 251 complaints Casey’s auditors randomly sampled, 14 percent were so serious that they should have been documented as ‘high risk’ and investigated within three days. In fact, DPW waited an average of 18 working days to investigate these complaints. Examples include:

- more -

- One mother complained that her son was “beat-up” by his child care operator’s spouse and had to escape from the facility through a second floor window; both the operator and her husband had criminal records that included drug convictions. DPW waited over a month – *30 working days* – to investigate. When it finally did, DPW verified the complaint and revoked the home’s registration certificate.
- Another complaint – which was later verified – alleging an inadequate and dangerous staff-to-child ratio took *136 working days* for DPW to investigate.
- A complaint that children were left unsupervised, toddlers were left unattended with ink pens and rubber gloves, and an unlocked and unscreened door was left open for ventilation took *49 working days* for DPW to investigate.

“When working parents choose a child care facility that is subject to state regulation, it is reasonable for them to expect that – at the very least – DPW will ensure that the care provided meets minimum levels of safety and quality,” Casey said. “Parents’ trust is undermined when DPW fails to respond immediately to serious complaints about quality of care.”

Casey recommended that DPW assign risk to every complaint, investigate all “high-risk” complaints immediately, maintain complaint histories for every child care facility, and develop educational materials for working parents regarding the complaint process. These materials should include, at a minimum, a telephone number (including an after-hours number) to call to lodge a complaint, as well as the process for filing a complaint.

In response to Casey’s audit, DPW acknowledged that “23 of the 36 complaints met the standard of high risk and should have been investigated in three days.” However, DPW disagreed that 13 of the 36 complaints met the standard of high-risk. Complaints that Casey would classify as “high risk,” that DPW doesn’t take as seriously include:

- Unsupervised staff used physical punishment and dislocated a child’s arm;
- A child was sprayed in the face with bleach water by another child;
- A 3-year-old found and swallowed 500 mg of Tylenol – the dosage for a 100 lb. person;
- Mandated staff-to-child ratios were violated in several child care centers; and
- More children were enrolled in family child day care homes than permitted by law.

Casey’s audit also found that DPW failed to inspect all child care facilities as required and allowed 191 facilities in southeastern Pennsylvania to operate with expired certificates.

“To protect the health and safety of Pennsylvania’s children in child care, DPW must ensure that providers meet minimal health and safety standards and that those standards are adequately enforced,” Casey said. “Unfortunately, our audit found that **DPW did not inspect many facilities until *after* their certificates of compliance had expired and several had no inspections at all and were still operating.**”

A review of DPW records found no facilities operating with expired certificates in the Central and Western regions of the Commonwealth, but 191 facilities operating with expired certificates in the Southeast Region. *This region, which includes 1,504 providers in Philadelphia, Bucks, Chester, Delaware and Montgomery counties, was as much as two years behind in maintaining copies of current certificates in provider files, and therefore unable to verify licensure status to any parent who might make an inquiry.*

Casey's audit also found that the Southeast Region conducted *no unannounced inspections* of group child day care homes and child day care centers during the two-year audit period. The Central Region did *not meet DPW's minimum* of six unannounced inspections per licensing representative; while the Western Region *exceeded the minimum* of six unannounced inspections for both years.

"DPW is mandated to conduct unannounced visits in its monitoring of child care facilities," Casey said. "By conducting *more* unannounced inspections, DPW could improve the overall quality of child care, especially as it relates to the risks faced by children in facilities where deficiencies have previously been reported."

Casey's audit also found that only 5 percent of Pennsylvania's 4,328 family child day care homes (4-6 children 15-years-old or younger who are not related to the operator) were subject to any type of DPW inspection in our two-year audit period. Of even greater concern was that auditors found a 100 percent deficiency rate at 39 family child day care homes that DPW did inspect!

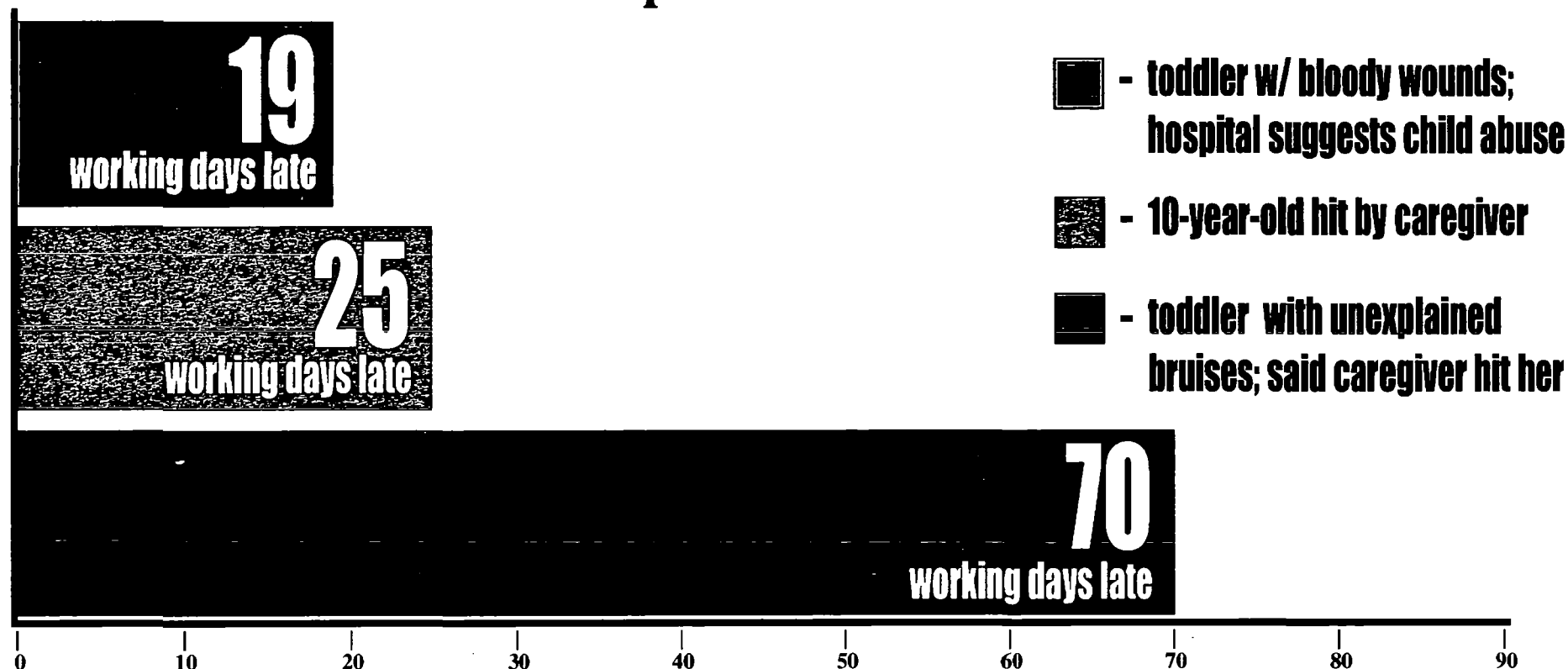
Casey recommends that DPW: inspect 100 percent of its family child day care homes at least once every two years, with a portion of these inspections being unannounced; conduct timely follow-up visits to homes in order to verify correction of identified deficiencies; track inspection results and make year-to-year comparisons; and require criminal and child abuse background checks of all residents 18 years of age and older who reside in the family child day care home.

Another problem the audit found with the oversight of family child day care homes is that the state does not verify the voluntary closure of these facilities. "At a minimum, an unannounced on-site visit to verify voluntary closure would provide DPW with documented evidence that children are not being cared for in an unlicensed, unmonitored and unsafe facility," Casey said.

Another dangerous fact highlighted by Casey's audit is that people who are unknown and unaccountable to the Commonwealth are caring for 60 percent of the children receiving taxpayer-subsidized child care – some 72,000 children. To further protect these vulnerable children, Casey is calling for the Ridge administration to require all unregulated providers who care for children receiving subsidized child care (and all individuals 18 years of age and older who reside in their homes) to submit to criminal and child abuse background checks. Casey also recommends that such background checks be conducted at no cost to families or providers.

DPW INVESTIGATED COMPLAINTS LATE

NEVER Referred Suspected Child Abuse to ChildLine



Note - According to Department of Public Welfare policy, serious complaints such as these must be investigated within three working days of the receipt of the complaint.

Note - ChildLine is Pennsylvania's 24-hour toll-free hotline to report child abuse and repository for information about known perpetrators of abuse. ChildLine, part of DPW's Bureau of County and Youth Programs, evaluates the report and refers it to the appropriate county children and youth agency for investigation and disposition. The Department of Public Welfare's Bureau of Child Day Care Services, the bureau that receives complaints about care in child care facilities, is required by internal procedures to refer to ChildLine certain situations of suspected abuse that come to its attention.

Source - Pennsylvania Department of the Auditor General Performance Audit of the Commonwealth's Oversight of Child Care in Pennsylvania

DPW does not consider these

HIGH-RISK COMPLAINTS

- **Unsupervised staff used physical punishment; dislocated child's arm**
- **Child sprayed in face with bleach water**
- **3-year-old found and swallowed 500mg of Tylenol**
- **Not enough caregivers**
- **Too many children in family day care**

Note - The Department of Public Welfare (DPW) categorizes these complaints as "less risk," a category which gives DPW staff 20 working days to investigate. DPW disagrees with the Auditor General that complaints of this nature should be categorized as "high risk" and that "high risk" complaints should be investigated immediately, rather than DPW's current standard of three working days.

Source - Pennsylvania Department of the Auditor General Performance Audit of the Commonwealth's Oversight of Child Care in Pennsylvania

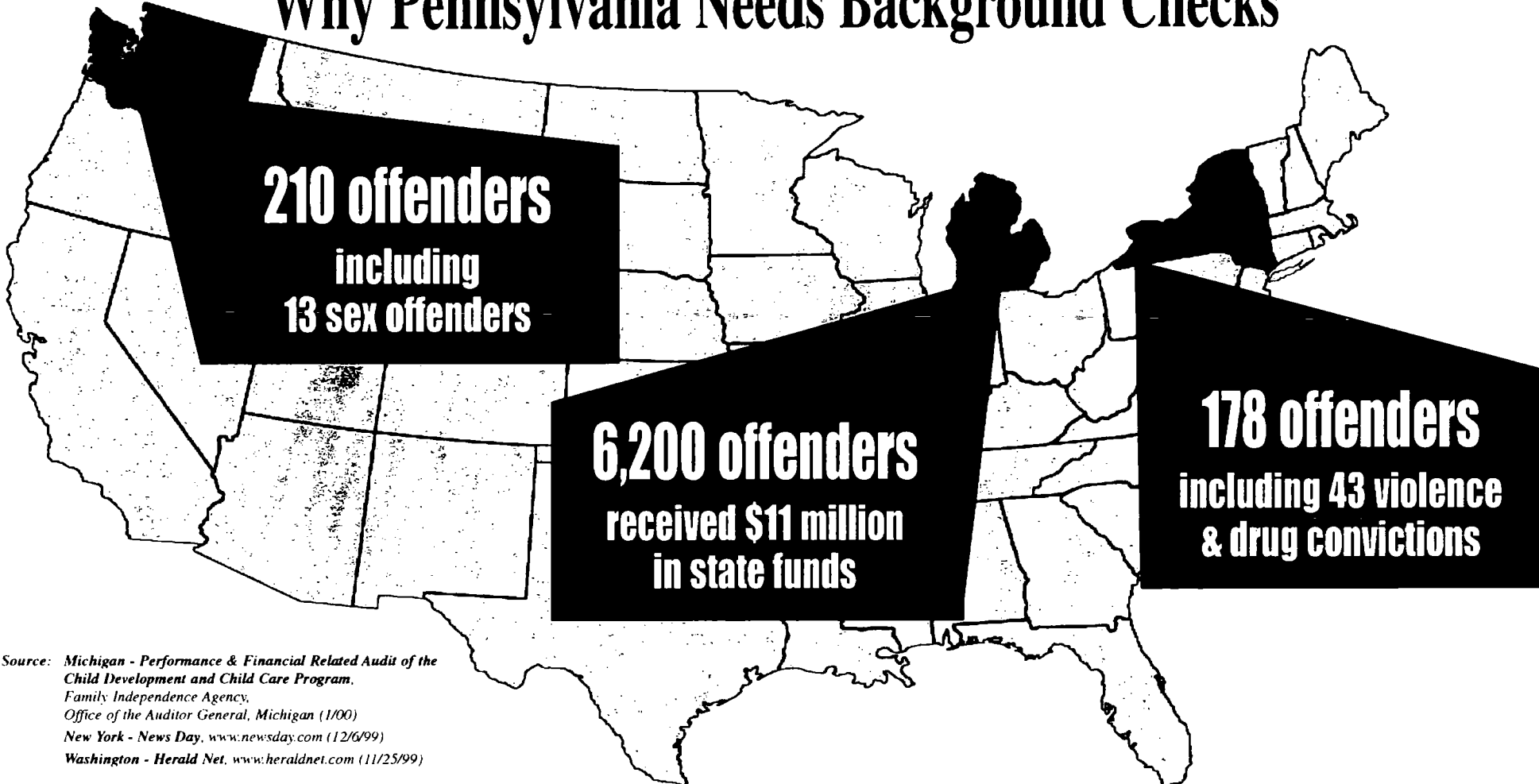
CHILD CARE IN PENNSYLVANIA

facility type	facility definition	number of facilities at 6/30/99 by region & in total	license type and period	required inspections	important audit findings
<i>Child Day Care Centers</i>	<i>7 or more children age 15 or younger</i>	Central: 809 Northeast: 603 Southeast: 1,329 Western: 869 TOTAL: 3,610	<i>certificate of compliance; yearly renewal</i>	<i>Yearly</i>	■ high-risk complaints investigated late ■ not all were inspected yearly as required ■ facilities operating with expired certificates ■ insufficient number of unannounced inspections
<i>Group Child Day Care Homes</i>	<i>7-15 older school age children or 7-12 children of any other age</i>	Central: 238 Northeast: 121 Southeast: 175 Western: 165 TOTAL: 699	<i>certificate of compliance; yearly renewal</i>	<i>Yearly</i>	■ high-risk complaints investigated late ■ not all were inspected yearly as required ■ facilities operating with expired certificates ■ insufficient number of unannounced inspections
<i>Family Child Day Care Homes</i>	<i>4, 5, or 6 children who are not related to the operator and are younger than age 15</i>	Central: 1,199 Northeast: 458 Southeast: 1,538 Western: 1,133 TOTAL: 4,328	<i>certificate of registration; reapplication every two years</i>	<i>None, except to investigate complaints or as part of small random sample</i>	■ high-risk complaints investigated late ■ insufficient number of unannounced inspections
<i>Unregulated Child Care</i>	<i>3 children or less who are not related to the operator</i>	Central: ? Northeast: ? Southeast: ? Western: ? TOTAL: ?	<i>none</i>	<i>none</i>	■ no safety requirements even if facility receives public funds

For more details, see Pennsylvania Department of the Auditor General Performance Audit of the Commonwealth's Oversight of Child Care in Pennsylvania

CRIMINALS CARING FOR CHILDREN

Why Pennsylvania Needs Background Checks



210 offenders
including
13 sex offenders

6,200 offenders
received \$11 million
in state funds

178 offenders
including 43 violence
& drug convictions

Source: Michigan - Performance & Financial Related Audit of the
Child Development and Child Care Program,
Family Independence Agency,
Office of the Auditor General, Michigan (1/00)
New York - News Day, www.newsday.com (12/6/99)
Washington - Herald Net, www.heraldnet.com (11/25/99)