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PCCYFS Files Lawsuit Against Governor Wolf to Compel State to Fund Programs for Abused, Neglected and Dependent Children and Delinquent Youth

Organization says programs are essential services, calls for release of state and federal dollars so that children are not placed at additional risk

HARRISBURG, PA - The Pennsylvania Council of Children, Youth and Family Services announced that it has filed a lawsuit today against Pennsylvania Governor Tom Wolf and the Pennsylvania Department of Human Services seeking to compel them to perform their duty to continue to fund the critical and essential services necessary to care for and protect the most vulnerable populations of this Commonwealth - abused, neglected and dependent children, their at-risk families and juvenile offenders.

The legal action, filed today with Commonwealth Court by Lamb McErlane, PC, seeks to ensure that child safety and community protection services are designated as being essential even during budget disputes. PCCYFS, which represents more than 100 private providers of child welfare and juvenile justice services in Pennsylvania, believes that children, youth and their families must be able to access needed and defined services without fear of delay or disruption, even in the absence of state budget decisions.

“Since July 1, PCCYFS has tried to work in a proactive and positive manner with the Wolf Administration to have the state’s child welfare and juvenile justice services designated as essential services to ensure that public dollars flow despite the current budget impasse,” said Bernadette Bianchi, Executive Director of PCCYFS. “Unfortunately the Governor’s Office has failed to acknowledge the Commonwealth’s responsibility to financially support funding for these mandated services. We wish we did not have to take this legal action, but it is necessary to ensure that children, who are entitled to these services, continue to have uninterrupted access to these crucial services.”

“In the vast majority of cases, these child welfare services - which include in-home supports, foster care, and residential placements - are court-ordered. Children requiring placement out-of-their own homes due to abuse or neglect need protection, but the Administration has nonetheless

refused to classify these interventions as ‘essential’,” said attorney [Joel L. Frank](#), legal counsel for PCCYFS. “Juvenile offenders requiring rehabilitation to keep communities safe are also not included on this essential services list. That the state receives federal money for many of these programs, but the Administration is refusing to make those existing federal funds, or the necessary state funds, available to counties to pay counties and service providers is frustrating, improper and violates a comprehensive federal and state statutory scheme enacted to protect and serve this specific population”, Frank continued.

“The state has a responsibility and a duty to fund these critical, essential programs,” said Alex Rahn, Wanner Associates and Government Affairs Consultant for PCCYFS. “The Administration’s failure to fund these programs – while at the same time claiming that child daycare subsidies are “essential” -- is unacceptable and irresponsible public policy. This court action is designed to protect these vulnerable and at-risk populations. We will not stand by and allow the safety of children or our communities to be held hostage in this budget debate.”

Federal and state laws define the entitlements of children who have been abused or neglected. Services to ensure their ongoing safety, as well as the supports to be available to their families, are often also put into court orders. Many of these supports, including programs offered in the child’s home, foster family care and residential placement, are delivered through contracts between counties and private provider agencies. These services are clearly intended to be funded with designated public tax dollars.

Juvenile offenders who have been declared by the court to be in need of rehabilitation are another population of youth with entitlements to interventions. Those youth who present a threat to the safety of their community require placement interventions and are again primarily served through the private provider network. Although funding continues for some youth served in the State Youth Development Centers, services for youth presenting the same behaviors placed in private facilities are not.

Private agency staff are working every day to meet these legal and ethical expectations – many programs are staffed round the clock, seven days a week. The additional pressures of worrying about how to pay for the care, supervision, food and transportation for these children and youth by exhausting agency resources, taking out loans and staff layoffs are an unfair consequence to the agencies committed to this work. These services are absolutely essential to the health, safety, and protection of Pennsylvania’s children, are certainly required by federal and state laws and must be funded. PCCYFS is confident the Commonwealth Court of Pennsylvania will agree.

About PCCYFS

The Pennsylvania Council of Children, Youth and Family Services (PCCYFS) is a statewide membership association of private agencies that provide a broad array of services to support Pennsylvania’s at-risk children and families within the child welfare, juvenile justice and behavior health systems. PCCYFS members deliver prevention, in-home, foster family care, group home, day treatment and residential and residential treatment care, as well as behavioral health, substance abuse, education, early intervention, intellectually disability, and transition support services. PCCYFS member agencies are funded, in part, by contracts with counties using local, state and federal dollars and employ approximately 15,000 Pennsylvania residents.

About Lamb McErlane PC

Lamb McErlane PC, a full service regional law firm based in West Chester, Pennsylvania, has 25+ attorneys and built a reputation on delivering the highest caliber of legal service in an environment focused on personal attention and results. Bringing the sophistication and experience equated with large, metropolitan firms, Lamb McErlane's highly efficient, goal oriented and focused approach produces results that clients demand. www.lambmcerlane.com