Legislation Details (With Text)

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Title:	Authorizing the Committee on Children and Youth to hold hearings concerning recommendations to establish an independent Youth Services Ombudsperson office to receive, investigate, and report on concerns from youth and families about safety or services for young people in congregate care, secure or other forms of detention, or any institutional facility.				
Sponsors:	Councilmember Gym, Councilmember Thomas, Councilmember Brooks, Councilmember Gauthier, Councilmember Johnson, Councilmember Henon, Councilmember Gilmore Richardson, Councilmember Domb, Councilmember Squilla, Councilmember Bass				
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Date	Ver.	Action By	Action	Result	Tally
4/8/2021	0	Committee on Children and Youth	HEARING NOTICES SENT		
4/8/2021	0	Committee on Children and Youth	HEARING HELD		
4/8/2021	0	Committee on Children and Youth	RECESSED		
2/11/2021	0	CITY COUNCIL			
2/11/2021	0	CITY COUNCIL			

Authorizing the Committee on Children and Youth to hold hearings concerning recommendations to establish an independent Youth Services Ombudsperson office to receive, investigate, and report on concerns from youth and families about safety or services for young people in congregate care, secure or other forms of detention, or any institutional facility.

WHEREAS, Each year, thousands of Philadelphia children are mandated to live in state-operated or private residential placements, costing annually close to $175 million in public funding. Youth enter these residential placements through the child welfare or juvenile justice systems, or for psychiatric treatment needs; and

WHEREAS, The City of Philadelphia has made significant strides in strengthening its oversight and reducing its use of congregate and institutional facilities for children in recent years, with residential placement rates dropping 71% since 2015, and has committed to achieve further reductions and to improve the quality and safety of such residential placements across all three systems; and

WHEREAS, Youth placed in residential settings are more likely to have experienced previous trauma such as physical, sexual, or emotional abuse; domestic or community violence; traumatic loss; or having an impaired caregiver. Additionally, youth of color, LGBTQ and gender expansive youth, and youth in foster care are disproportionately committed to residential institutions when compared to their peers, with Black and Latinx

children being twice as likely as White children to be placed in these institutions; and

WHEREAS, While residential placement should provide youth with a safe and caring environment in which to heal and grow, far too often placements have been dangerous and harmful for the youth they serve. Violent assaults, sexual victimization, verbal abuse and humiliation, and maltreatment at the hands of staff and other youth has been documented extensively in studies, including the "Broken Bridges" report from the Juvenile Law Center's Juveniles for Justice program and the "Unsafe and Uneducated" report from the Education Law Center and Children's Rights; these abuses have also been brought to light in Council hearings and other public forums by the powerful voices of young people who spoke out about the abuses they witnessed and endured; and

WHEREAS, In 2016, 17-year-old David Hess was killed while living at Wordsworth Academy's Residential Treatment Program after being held in a headlock by staff seeking to confiscate a cell phone. His death was ruled a homicide by the Philadelphia Medical Examiner's office. In the wake of the death of David Hess, reporters revealed that, over an eleven year period at Wordsworth Academy, police made reports of 12 rapes, two cases of involuntary deviate sexual intercourse, seven reports of indecent exposure, four cases of corruption of the morals of a minor, and one case of child endangerment, 23 reports of sexual abuse, and six reports of physical abuse against children, including broken bones; and

WHEREAS, In 2019, a *Philadelphia Inquirer* investigation exposed two decades of abuse at Glen Mills Schools where youth were subjected to physical assaults, including broken bones, and sexual abuse; accounts from youth who were victimized over decades described in chilling terms how they faced intimidation and retaliation for any attempts to report the abuse; and

WHEREAS, In 2020, the *Philadelphia Inquirer* exposed severe and recurring abuse at Devereux Behavioral Health while 53 Philadelphia children continued to live there for their treatment. The reporting noted that Pennsylvania's Department of Human Services received 254 reports of suspected child abuse and neglect at Deveraux's campuses in Chester County between 2018 and 2020, none of which triggered the state agency to take action on their license; and

WHEREAS, Philadelphia's Youth Residential Placement Task Force was created in 2018 pursuant to a City Council resolution, in partnership with Mayor Kenney's administration, to address systemic abuses within the residential youth placement program, to prioritize youth safety and well-being, and to develop a plan to reduce the number of youth in residential settings; and

WHEREAS, The final report of Philadelphia's Youth Residential Placement Task Force, released in November 2019, included the unanimous recommendation to create a Youth Services Ombudsperson office as a centralized, accessible, and independent means to receive and investigate concerns from youth and families about safety and services while they are housed in these facilities; and

WHEREAS, The recommendation for an Ombudsperson office was driven by overwhelming testimony from youth who said they felt there was no safe way to report mistreatment while in placement, and the recognition

that no single point of contact exists for addressing concerns about services in youth residential placement across multiple systems and regulators; and

WHEREAS, Since the Task Force report was released, City agencies and partners have made progress on short-term recommendations, including developing guides for youth and their families that include information on their rights, publishing the first summary assessment of congregate care facilities, and conducting training with providers on evidence-based strategies to reduce the use of seclusion and restraint. Other efforts to increase safety and reduce utilization of residential placements are underway; and

WHEREAS, Governor Tom Wolf signed an executive order in 2019 on the Protection of Vulnerable Populations, creating a Council on Reform to make recommendations for improvements and establishing a Child Advocate position. Additionally, Governor Wolf established the Pennsylvania Juvenile Justice Task Force, an interbranch effort to develop statutory, budgetary, and administrative changes to protect vulnerable youth and improve the state's juvenile justice system; this work remains ongoing; and

WHEREAS, Other jurisdictions have faced these same challenges and in response created Youth Ombudsperson offices, including the District of Columbia which receives complaints from parents and youth in their child welfare system on issues such as safety and rights violations, and responded to 137 reports in 2018; and

WHEREAS, At least forty-two other states have established Youth Ombudsperson offices that have a variety of powers with respect to investigating and reporting abuses and maltreatment of youth in the child welfare, behavioral health, or juvenile justice systems, and making recommendations for systemic reforms; now, therefore, be it

RESOLVED, THAT THE COUNCIL OF THE CITY OF PHILADELPHIA, Authorizes the Committee on Children and Youth to hold hearings concerning recommendations to establish an independent Youth Services Ombudsperson office to receive, investigate, and report on concerns from youth and families about safety and services for young people in congregate care, secure or other forms of detention, or any institutional facility.

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