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Phila. DHS Targeted by Parents, Legal Experts at Intense Council Hearing

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BY P.J. ANNUNZIO

Of the Legal staff

At an emotionally charged Philadelphia City Council hearing that was often interrupted by shouts of anger from the gallery, parents of children in foster care and legal experts told council members that the city's chief child welfare agency needs an overhaul.

The council Public Health and Human Services Committee hearing on Tuesday was related to a resolution drafted by City Councilman-at-Large David Oh, who is calling for DHS to implement "objective guidelines and uniform reporting standards" for social workers to rely on when they suspect a child is being abused.

Oh, who was himself investigated for child abuse after accidentally injuring his son during a Judo demonstration, argues that city social workers can too easily remove children from their parents based on nothing more than a gut feeling. Philadelphia has the highest rate of child removal from parents than any other major city in the country.

"What happened to me was a peek behind the window, and what I saw

was not good," Oh said at the beginning of the hearing.

However, City Councilman Al Taubenberger stuck up for DHS and its employees, who he said are making the right decisions to safeguard children.

"DHS should not be criticized for taking extraordinary measures to get to the truth ... no matter how much grief and embarrassment it may bring to family members," Taubenberger said.

During the hearing, committee chairwoman, Councilwoman Cindy Bass, frequently urged the audience to remain calm and refrain from shouting over those testifying.

Audience jeers were especially frequent during the testimony of DHS Commissioner Cynthia Figueroa, who defended her agency's work. She argued that the agency is bound by state law and cannot impose independent standards for its social workers when it comes to reporting child abuse.

However, the panelists who followed claimed that Philadelphia's child removal practices are seriously harming those they were created to protect.

One panelist, New York University School of Law professor Christine Gottlieb, likened the situation in Philadelphia to the controversial federal policy of separating immigrant children from their families at the southern border with Mexico.

"It is simply harmful to a child, to take them from the security of their parents" she said.

She added that while separation is necessary in some cases, "Philadelphia has the unfortunate distinction of having the highest removal rate in the country. ... and there is not a single piece of evidence that Philadelphians are more abusive toward their children" than parents in other major cities.

The hearing comes after the publishing of a series of Legal Intelligencer articles detailing abuse and oversight issues in Philadelphia's foster care system and problems in family court.

Among those present at the hearing were two women previously interviewed by The Legal about their experiences with having children in foster care and their treatment by former Philadelphia Family Court Judge Lyris Younge, who was transferred after the publishing of a

Legal article detailing her extensive history of due process violations.

Virginia McKale, who shared the story of her grandson's sexual abuse in a foster home, was prohibited from testifying because of a subsequent gag order imposed upon her by Family Court Judge Joseph Fernandes. However, her husband was not bound by that restriction.

"Our grandchildren are not even together in DHS custody," Jeffrey McKale told the committee while fighting back tears. One of the grandsons is disabled and resides in a specialized facility, while the other has been moved between foster homes five times.

McKale told the committee he and his wife are emotionally devastated from the affair. "After each hearing, and when the boys don't come home to us, our hearts break," he said.

Miltreda Kress, whose children were ordered into foster care by Younge without allowing Kress the right to speak in court, told council members that her experience with DHS has been "a nightmare."

Among the other testifying panelists was Nadeem Bezar, a lawyer at the Center City firm Kline & Specter who deals exclusively with child abuse lawsuits.

"Child abuse in the child welfare system, in foster homes and residential treatment facilities and other youth facilities around the state, is not a small issue," he told the committee. "It has grown to be a common occurrence. It is an epidemic that continues to not only impact an individual but to derail generations of our cities children and families."