

IN NEW YORK STATE, FROM SMALL TOWNS TO LARGE CITIES, MORE THAN 140,000 FAMILIES ARE REPORTED TO THE CHILD PROTECTION AGENCY EACH YEAR.







## IN THIS REPORT, WE PUT A FACE TO THOSE WHO BECOME INVOLVED WITH AND WORK WITHIN CHILD PROTECTION BY PRESENTING THEIR STORIES.

**MEET GABRIELLE**, whose family was unable to provide her safety due to a psychiatric or other disabling condition, coupled with poverty. **MEET SANDY**, who demonstrates anger and frustration with the intrusive investigation, yet is able to improve her family's situation. **MEET GEOFF**, who gives us a sense of the skill, knowledge and dedication needed to be effective. And **MEET CHARLES**, who was once involved personally with CPS and now supports others, helping them to understand the process. They represent the faces of the families, caseworkers, and others involved with over 150,000 reports investigated by New York's Child Protective Services (CPS) in 2006.

A small percentage of these families received needed services and supports. The rest have not. And in a state-supervised, locally-administered system, the only constant from county to county is that of a speedy response to every report of child maltreatment that is accepted by the State Central Register.

The New York State Citizen Review Panels are honored to serve New York's most vulnerable children and families in our role as citizen advocates and to present our 2007 recommendations for changes in policy, procedure, and practice.

The panels thank the Legislature and the Governor for enacting the Alternative Response bill which will help support and preserve the sanctity of the family. We urge its implementation across the state. Child welfare advocates from across disciplines heralded the passage with cautious optimism. Although a step in the right direction, there are inconsistencies across communities in what supports are offered to families.

Home Visiting continues to garner the attention of the Citizen Review Panels. This program has evidenced

outcomes that must be considered as we develop strategies to strengthen families and support communities. Family engagement is the key to any intervention or family development program. We commend the NYS Office of Child and Family Services for their concerted efforts to promote family engagement and other outcome-based strategies that empower and assist families in a change process.

We appreciate the increased investment this year in Multi-Disciplinary Teams and Child Advocacy Centers. These initiatives have provided a foundation for communities to target the most serious and complex child abuse cases.

The Citizen Review Panels of New York State appreciate the technical assistance and support provided by the Schuyler Center for Analysis and Advocacy. Their expertise and knowledge of public policy have enabled our panels to develop depth in our discussion of the issues that most impact child welfare in New York State.

We also value our partnership with the New York State Office of Children and Family Services and the Administration for Children's Services in New York City. Together we can change the direction of our system and create new doors of opportunity to strengthen families and create safer communities.

We respectfully submit our recommendations jointly.



**GABRIELLE (GABBY) IS A 21 YEAR-OLD WITH DREAMS AND A PLAN TO GET HER WHERE SHE WANTS TO GO.**

She is in college, working toward a social work degree. She is also a mother and a step-parent. While others her age are still discovering themselves, she is on a mission to make something of her life. Her life hasn't been easy. Gabby was one of the more than 26,000 children in foster care in New York State at any one time.

Gabby can't remember when a child protective worker was not involved with her family. You see, Gabby's mother was an alcoholic and often displayed unpredictable behavior. Her actions put Gabby and her siblings at risk. So much so, that the child protective worker removed them from their home. Gabby knows that taking her out of the home was the right thing to do in her situation.

But her time in foster care was not easy. She had two placements that did not work out, one with a sibling and one with a family who turned out to be abusive. There, she was often locked in a basement and hit on the bottom of her feet so bruises would not be noticeable. At age 16, she tried living on her own. But independent living is difficult for someone at that age. She lasted 4 months.

She found the support she needed through the program, Youth In Progress, or YIP. YIP's mission is to enhance and advance the lives of foster care youth by giving them a sense of self and responsibility. When, through YIP, she meets with others who've been in the foster care system, she calls it "therapy."

She has also developed a special relationship with her caseworker who is always there for her. For instance, her caseworker helped her gain some control over her credit difficulties when family members used her social security number without her knowledge and ran up debt in her name. Her caseworker also helped her get an internship at the Office of Children and Family Services' Buffalo Regional Office.

Gabby found her voice through YIP. She wants "foster parents and others to get to know us and don't put labels on us. Give us the guidance and patience you would give your own." It is important to her that the system collects information about the good things that foster care youth are doing. All she wants are the same opportunities available to her that everyone else has.

She now speaks to groups of foster parents and tells them to "not give up on a child. Support their needs. And don't down talk their biological parents." She feels strongly that CPS "supervisors need to stay on top of things." Caseworkers "should see kids and try to build relationships with them." She spoke of others in foster care who reported that they never saw their caseworker and yet the caseworker had developed a service plan for them without any input from them.

Gabby wonders what would have happened to her if a CPS worker had not insisted on gaining entry to her house when she was nine or if her guidance counselor at school had not been present when the CPS worker came to school to interview her. The caseworker would not have learned that she was at risk.

Gabby is doing fine, but carries some scars. She states that she still has a fear of basements. She also does not like to be surprised in any way; she gets very nervous when situations are unpredictable. One burning question remains for her, "Why couldn't my mother stop drinking to get us back?"

## Charles

ADVOCATE



**CHARLES IS AN ADVOCATE FOR FAMILIES FACING ABUSE OR NEGLECT ALLEGATIONS IN NEW YORK CITY.** He is a single parent and a lifelong New Yorker. “I got here through my own experience. My son was in foster care, and it was through my personal experience battling the system that I learned my trade.” Charles handles about 20 cases at a time. He says, “**Almost all are families with problems, and not evil people.**” More than half of his caseload involves charges of children’s school truancy (educational neglect). The rest, he says, mostly entail financial problems leading to various care inadequacies. “Very few involve intentional abuse,” he says.

He views the advocate’s role as a teacher, coach, and representative: “Most families in the system aren’t educated about what they’re facing. They need to learn their rights. They need encouragement. And they often need someone to speak up for them.” As Charles describes it, ACS Protective Services investigators typically arrive when families have already reached their breaking point. Charles sees several major gaps between the needs of his clients and the City’s approach to protective services. First, he believes the adversarial approach taken by investigators forces confrontation, when conciliation and aid would lead to more trust and better long-term outcomes. “**We should help struggling people, not punish them.**”

Another concern is that caseworkers deal with overwhelming numbers of referrals. Moreover, he says, “When they’re really stacked up, they often lie about meeting investigation criteria. They come down on parents just to cover their backs.” Also of concern, he says, are the inconsistent skills and often-hostile attitudes displayed by workers and supervisors. Charles further believes that many ACS investigators stereotype parents, leading to unfair investigations and findings. “It’s not a race thing,” he says. “The problem is the assumptions they make about how people get into the holes they sometimes find themselves.” He points out that most parents under investigation are young, single mothers with little education or work history. “The investigators haven’t been there,” he says. “They don’t understand the stress. They don’t know what it is to fight to survive.”

The reverse is often true as well, says Charles: “[Clients] often stereotype caseworkers. The typical PA [public assistance] mother lives a stressful life. She sees the caseworker as an obstacle to the help she needs. She sees the caseworker as condemning her. As a result, she may bring a closed mind to the caseworker’s effort to help her move forward.”

Charles sees a wider role for advocates. “The system tells families ‘do this, do that, and we’ll help you.’ That’s not enough. Many families don’t have the knowledge or strength to understand, let alone comply. That’s a critical gap that advocates fill.” Charles believes that cross-training and better communication between ACS and advocates would lead to better family outcomes. He lauds the contributions of borough public defenders and the state’s Court Appointed Special Advocates as being, “critical, superb, and yet not appreciated by ACS.”

He also believes that ACS should better integrate its programs for assistance, prevention, and protection. “Preventive Services is where many cases handled by the investigators should be in the first place. And Neighborhood Services often provides the answer,” noting the non-adversarial approach taken by the two non-investigative units in resolving family difficulties.

Charles’ biggest frustration as an advocate is that **he’s often unable to help a family find a long-term answer.** “People living in poverty don’t have many choices,” he says. “But many fight their way through. And that makes the job very rewarding.”



**SANDY IS NOW IN HER LATE 30S AND HAS FIVE CHILDREN.** Of Puerto Rican ancestry, she grew up in Brooklyn and now lives in the Bronx. The events that led to her involvement with the Child Protective Services system began in 2001, when she separated from an abusive husband and took refuge in a New York City shelter with her youngest daughter. Her other four children stayed with various family members.

At the shelter, Sandy became a client of the City's Administration for Child Services. ACS' Neighborhood Services program pieced together a housing and aid package enabling her to move with her children to a Bronx rental apartment. "We had a good understanding. [They] knew I was a good mom," she says, referring to her involvement with ACS Neighborhood Services.

After she settled into the apartment, she says, her situation took a downward turn. She was the subject of abuse complaints to the state hotline that triggered mandatory investigations by ACS Protective Services. Sandy asserts that neighbors, jealous of the relatively settled household she'd set up with her children, registered false allegations with the child abuse hotline.

Of the investigations, she says, "I took their visits seriously. They saw I was a good mother." But in time, Sandy declares, the relationship with ACS deteriorated. She feels that the lead investigator assigned to her family's case developed a personal dislike for her. "Being a single mother is hard, but despite that, people resent you for having lots of children." This, she feels, was the root of the investigator's disaffection with her.

After recurring charges of parental neglect, ACS acted to remove Sandy's children. The causes for removal cited by Protective Services investigators included educational neglect. Sandy declares this "nonsense," though she acknowledges occasional disruptions in her children's school attendance during unsettled periods. She describes ongoing difficulty in getting her children enrolled in the right schools and programs. "They never helped with the enrollments," she says of her contact with child protective investigators. "They want to punish you, but not help you."

Sandy happened into a family advocate and a public defender while in the lobby of Family Court awaiting a hearing on custody of her children, who helped her understand her rights.

With help from her newfound family advocate and attorney, she pressed for and received a delay of the hearing. At her advocate's suggestion, she requested assistance from a third ACS program, the Preventive Services division, which assigned her a caseworker.

The collective efforts of advocate, attorney, Preventive Services caseworker, and abuse investigators resolved her children's school situation. Some enrolled in the neighborhood elementary school; the rest went into various special education programs suited to their needs. As part of negotiations with ACS Protective Services to drop its action for custody revocation, Sandy agreed to a 12-month monitoring period with Preventive Services and enrolled in parenting classes. In time, she entered a job training program and began doing related volunteer work. As she thinks about her overall ACS experience, she recognizes that ACS services have provided her family with unaccustomed household stability, and led her to prospects for future employment and independence.

## Geoffrey

CHILD PROTECTIVE SERVICES

SUPERVISOR



**GEOFFREY SUPERVISES CHILD PROTECTIVE INVESTIGATORS IN ONE OF NEW YORK'S COUNTIES.** He has worked as a child protective investigator, in an ongoing protective unit, and with a reunification and foster care department. Geoff sums up successful case management as: "Relationships. When you visit a family in response to a report of neglect or abuse, you must form a relationship with that family while you are investigating them. And that's difficult." Most of the families receiving services from his county do so via a State Central Register report triggering an investigation; voluntary referrals happen rarely.

"A mandatory safety assessment through an unannounced home visit is the first point of contact for most of our clients," he says. "Once the family understands who you are, there's an initial negative reaction. Some show fear, anger, or silence. A few will slam the door in your face. Some people just get numb." Geoff believes that casework requires much more than a mechanical application of policy: "The caseworker arrives at the door with statutory authority. But it takes candor, sensitivity and desire to approach total strangers and connect."

While he says there's no "typical" case in his county, there are commonalities. Many clients receive public assistance, live far from extended families and have few or no local supports. Most are single parents. Often the parents' backgrounds include substance abuse, domestic violence, and neglect or maltreatment as children. Many have mental and physical health issues. He says, "Most are in the poverty cycle. Many clients exhibit an inability to connect-the-dots linking their behaviors and risks to their children. Caseworkers who are able to help clients connect are the most successful."

As a supervisor and trainer, Geoff sees a change in approach coming. While not ignoring child safety, "We're trying to transition from an attitude of authority to a more client-friendly stance." This approach attempts to systematize the field success achieved by the most gifted caseworkers. One example is linking new caseworkers with experienced hands. Looking at the overall state of protective services, Geoff says that levels of need outstrip capacity. "We're running caseloads of 25 to 30 cases for each protective worker, and 20-plus for each ongoing and preventive worker. Those are difficult caseloads, given the volume of office work required."

Geoff sees a need for more funding to reduce caseloads and allow "caseworkers enough time to work with each of their clients. Home-based intervention is best. Put people on site. Bring in specialists to demonstrate and teach, be it effective parenting skills or whatever."

Geoff sees a role for greatly increased preventive education. This would translate into home-based intervention aiming to set up household management plans—adequately staffed and undertaken in a spirit of empathy and respect. Reducing caseloads is his agency's near-term priority. "A caseworker can't have a caseload of 20 and spend hours every week with each client. The overload is stopping a lot of good work from happening."

Over the long term, he says, "We have to think out of the box. Casework isn't meeting all the needs—the needs are outstripping the budgets available to deliver traditional casework. Overall, client need is both more far-reaching and cross-cultural than ever before." Looking back, Geoff accentuates the positive: "We've had some successes. I've seen families turn around. People often ask why I stay with it." His answer? "There's a need here."

# PARTNERING WITH PARENTS: AN APPROACH THAT PUTS PARENTS IN THE DRIVER'S SEAT.

## WHAT DO THESE PERSONAL STORIES HAVE IN COMMON?

All four emphasize that families are often at the breaking point when they become involved with Child Protective Services (CPS). Each of the stories emphasizes the importance of relationships to successful outcomes.

For Gabrielle, a strong relationship with a caseworker made a difference. Her caseworker guided and stood by her when she needed it most. Although angry at the CPS intrusion into her life, Sandy recognized that her willingness to work with a preventive caseworker and accept services helped her and her family. Both Geoff and Charles understand that an adversarial approach does not work. Involvement, not coercion, works best.

The New York State Office of Children and Family Services (OCFS), understanding the value of relationship-building, is **piloting the use of several family engagement strategies throughout the state**. These include Family Case Conferencing, Parent to Parent, downsizing caseloads, Teaming Approach, and offering a Family Assessment Response. All are at varying stages of implementation and evaluation. The Family Case Conferencing pilot is well underway. The Family Assessment Response will be implemented in 2008. All pilots are part of OCFS' movement toward child-centered, family-focused child welfare practice. All are extremely promising practices.

Family Case Conferencing is now used in 20 counties throughout the state. Six models have been identified for use in CPS and foster care. The purpose of the family meeting is to **increase participation on the part of families, including extended family members, in planning for the safety and well-being of their children**. The role of child welfare personnel in these conferences is to aid families in devising solutions to child welfare concerns by using their strengths, resources, and relationships. The approach puts families in the driver's seat and works toward sustainable change. Careful evaluation of the strengths and weaknesses of each model will enable counties to adopt the most effective strategies for their communities.

Workload size is another issue on everyone's mind. The 2006 Walter R. McDonald and Associates *New York State Child Welfare Workload Study* reports that child welfare caseloads in New York State are above the recommended levels for Child Protective Services. The 2007-2008 Budget included \$9,700,000 to improve client-to-staff ratios in child welfare, offering a unique opportunity to examine the relationship between caseload size and CPS investigatory practices.

Involvement with Child Protective Services can be a terrifying experience. It is critical that families understand the process, their rights and their responsibilities. Parent to Parent in Monroe and Ontario Counties is an alternative approach to engage families in the investigation process through matching a family newly involved with CPS with a "parent consultant" who has already been through the child protective investigation and is trained to mentor the family under investigation.

And now, for the first time, New York State families will have a different front door into CPS with passage of Alternative Response legislation in 2007. It permits counties that implement the Family Assessment Response to assign less serious cases, where a child's safety is not in question, to an assessment track. These families will not receive an investigation; instead, they will receive a service needs assessment and be offered help and support, if needed, without the intrusiveness of an adversarial investigation. At this time, six local departments of social services have expressed interest in offering the Family Assessment Response and implementation is scheduled to begin in mid-2008.

We are encouraged by the family engagement efforts to date, but simply piloting these approaches is not enough. Far too few families will benefit. Evaluations of each will be critical for identifying program modifications before moving to scale. New York State must then **put a plan in place to bring these programs to scale with adequate funding** and continued, committed leadership.

# IS IT TIME TO RETHINK OUR CHILD PROTECTION SYSTEM?

**NEW YORK STATE WAS A PIONEER IN CHILD PROTECTION.** In response to new medical developments in the 1960's recognizing abuse in children, and some highly publicized deaths of young children, New York took action. We were among the first to establish a Central Register of Child Abuse, mandatory reporting, anonymous reporting, emergency removals of children, broad definitions of abuse and neglect, preventive services, court review of voluntarily-placed children, termination of parental rights, an emphasis on permanency over attachment, and an almost religious belief in adoption as a universal panacea.

The federal Child Abuse Prevention and Treatment Act of 1973, federal requirements for reasonable efforts, and the Adoption and Safe Families Act of 1997, as well as the systems established by all the states, were modeled on New York's system. And that is the problem. We are using a model which we hurriedly developed to deal with the relatively small number of serious abuse cases and use it to cast an enormously wide net to bring in thousands more people. Sixty-five percent of the reports accepted by the SCR in 2006 were "unfounded." All received an investigation tying up caseworkers who should be doing other work. Thousands of children enter foster care each year, many for a short and unnecessary period; many others in a situation that ends unhappily after many years. We have perhaps three million names in our State Central Register, eliminating major fields of employment for many of our poorest citizens. And it is our poorest citizens to whom this system applies.

Since 2001, the Citizen Review Panels in New York State have served "as a voice of the public in the child protection services system," reporting each year on areas that needed attention. We have recommended many improvements, including expansion of home visiting and Alternative Response to CPS reports. But the time has come for all of us to think about fundamental change to the system itself.

Today, Child Protective Services is a system to receive, investigate, and make determinations of reports of suspected child maltreatment. Originally conceived as a way to protect children by helping families to take better care of their children, the system has increasingly failed

to achieve that goal. We pour billions of dollars into our child welfare system. And yet the deaths still come; after four decades, the number of deaths of children due to abuse has hardly changed. Indeed, experience has shown that highly-publicized deaths lead to more reports and more removals. Some observers have noted that greater removals, rather than making children safer, leads to more deaths.

The only solid facts we have are that poverty is the greatest threat to children, for both deprivation and maltreatment. Abuse occurs at five times as high a rate among the poor than among the middle income. Most cases of neglect are primarily a result of poverty, with over-stretched parents who are unable to care for their children as we would like. Had our enormous expenditures on child welfare gone into jobs, housing, education, and health care, children might well be far better off today.

New York, and the United States, have lost their way in child welfare. America has half a million children in foster care, an exponentially higher rate than any other industrial nation. New York State's rate is among the highest in the nation, and New York City's rate of placement per indicated report is almost double that of the rest of the state. Something has gone wrong here.

Passage of the Alternative Response legislation allowing districts to choose to triage CPS reports at the front door and offer either an assessment or an investigation was an important step, but it does not address the fundamental question: Is CPS able to both ensure child safety and support families?

Now is the time—based on years of recommendations and many experts, and a staggering volume of CPS reports—to undertake a fundamental review of the entire child protection system. We recommend starting with a review of a number of areas:

**Mandated Reporting** The number of professional groups required to report suspected child maltreatment has increased, without any evidence that it helps children. Instead, it discourages parents from seeking medical care or receiving effective counseling. It turns over determination from experienced professionals to new caseworkers. And, it is well documented that many mandated reporters do not report out of a belief that it does not help. In 1993, the US Advisory Board of Child Abuse and Neglect said that effective protection of children must be a part of every day life, built into the very fabric of every community structure and institution. Instead we have assigned child protection to a small number of inexperienced, overburdened caseworkers.

**Anonymous Reporting** New York accepts anonymous reports, even though 90% of them are marked unfounded. The investigations that result from these reports traumatize families and divert investigators' time from serious cases.

**Investigation** New York law mandates an investigation be commenced within 24 hours of receipt of the report. Too many workers leave to meet with families without planning and with no ability to provide services to the families. We have a system which “depends upon a reporting and response process that has punitive connotations, and requires massive resources dedicated to the investigation of allegations.”<sup>1</sup> Where is our service model?

**Safety** Safety has become a paramount consideration for the system. Unfortunately, it is the safety of the caseworker, the supervisor, the CPS attorney, the law guardian, the judge, and the politicians, in which

removal protects them from criticism. But all research agrees that removing children from their homes is harmful to them. We need to acknowledge the sad fact that we can never prevent all deaths, and any system designed to do so will not only fail, it will cause unnecessary suffering to thousands of unthreatened children.

**Permanency** The ideological underpinning of New York's child welfare system is to ignore the primacy of children's attachment to their parents (but overvalue “bonding” with foster parents) and elevate permanency to the highest good. But termination of parental rights does not always lead to adoption, and adoption often does not lead to permanency. We do not have accurate data, but do know anecdotally of many children adopted out of foster care that do not make it to adulthood in their adoptive homes. The reality is there are youth placed back into foster care, informally returned to their natural parents, or living on the street.

These are just some of the many areas needing the attention of policymakers in order to answer the fundamental question: Are New York's children and families better off because of contact with Child Protective Services? For far too many, the answer is no.

We call for a fundamental review of statute, policy and practice. Can a structure such as CPS really keep children safe? Can families needing help and engagement possibly be served by a punitive, criminal-justice model system? How can we mobilize other institutions to improve the lives of families and reduce maltreatment? And finally, how can we conscientiously separate the good elements of our current system from those that need improvement, and build upon the good? New York's families and children deserve nothing less than focused attention on both keeping children safe, and enabling their families to be the people who keep them safe.

<sup>1</sup> Melton, Gary B., Chronic neglect of family violence: more than a decade of reports to guide US policy, Child Abuse & Neglect 26 (2002)

# HOW DATA CAN MAP THE WAY. UNCOVERING THE STORY BEHIND THE NUMBERS.

The Citizen Review Panels are asked to evaluate the extent to which the state is fulfilling its child protection responsibilities. Evaluation requires a systematic look at CPS practice data to recommend new models for improving practice and services in New York State.

Over the past two years, the panels worked with the Office of Children and Family Services (OCFS) to review available child protection data to gain understanding, clarity and direction for policies and practice. The four profiles demonstrate the ambiguities and complexities inherent in CPS practice, where needs and problems nest in each other. Data about programs and practice is one tool for untangling these complexities. OCFS and local districts use data to develop deeper insight into current practices and the challenges to practice as we want it to be. Since effective data analysis hinges upon the quality of data collection, the Citizen Review Panels propose continued work with counties around ensuring that information being captured is accurate and consistent. Evaluations must examine the impact of ongoing and pilot programs. **The primary goal for this work must be continuous quality improvement in services to children and families.**

Data requires interpretation, which means uncovering the story behind the numbers. Every story—like those illustrated in the profiles—reflects a unique element of practice. As critical reviewers we have to ask what pattern emerges from the data. How are we interpreting the findings? What effect do the findings have on decision-making practices?

In 2006, panels received a “data book” that included reports on multiple aspects of the child protective process (i.e., number of children in reports, caseload size and timeliness). The compilation enabled panel members to review aspects of child protective procedures. Specific questions guided development of the data book, thus increasing its value in helping panel members understand particular challenges and strengths of the current child protection system. The findings informed the panels’

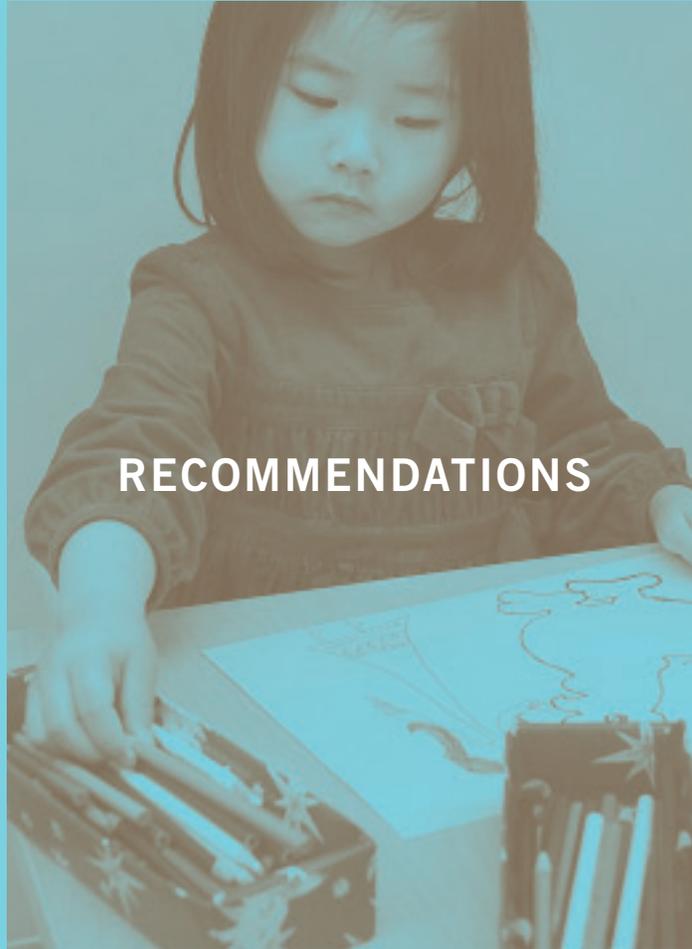
recommendations to the Office of Children and Family Services.

In 2007, the Eastern Panel reviewed a detailed analysis of recurrence rates prepared by OCFS. The analysis contained findings that were statistically significant with regard to factors that may be predictive of a repeat report. This **“evidence” offers the opportunity to consider resource deployment, technical assistance, and policy recommendations** on action strategies to reform practice in specific areas of CPS.

How does data guide decision-making? Charles tells us that caseload size influences investigations and may even lead workers to misrepresent their contacts with families. Gabrielle reminds us that having time to build a relationship with a child can influence whether a worker has accurate information to assess safety and risk. Data now exists through the Workload Study that proposes specific caseload sizes for discreet service sectors. The Workload Study illustrates how timely, quality data can be a powerful tool to identify “best practices” and to support the case for new funding. For example, enhanced 2007-2008 funding will enable counties with high caseloads and large numbers of overdue determinations to hire new workers. However, the analysis should not stop there. OCFS must continue to track funded counties to learn whether overdue determinations decrease as caseload sizes decrease. Ongoing inquiry can help panel members and others to recognize pathways that may or may not connect caseload size, timely investigations, and linkage with appropriate services.

Gabrielle, Charles, Sandy and Geoffrey painted a vivid picture that spoke to the possibilities that exist when we work together on a new vision for child protection. Data can guide the work to reflect evidence-based improvements in practice and policy, helping to realize this new vision. Utilizing focused inquiry, researchers, families, practitioners and policy-makers collaboratively can influence future practices and help make informed choices about systemic reforms.

## RECOMMENDATIONS



# SYSTEM RECOMMENDATIONS

## SYSTEM REFORM

**Form a task force with the responsibility to thoroughly review current laws, policies and practices to assess whether or not changes over the last 40 years have indeed led to improvements in child safety, permanency, and well-being, and to issue a report with recommendations for reform. Provide adequate funding for the task force to complete its work.**

Among the numerous pieces of legislation passed in New York State since the Child Abuse Prevention and Treatment Act of 1973 and the Adoption and Safe Families Act of 1997 are many passed in response to highly publicized cases of abuse or neglect. It is time to step back and assess whether or not these changes have led to the hoped-for improvements or have resulted in unintended consequences.

Panel members ask that the task force address the following questions:

- Are we keeping more children safe and improving their lives?
- How much more good than harm have we done?
- Have we cast too wide a net, bringing too many families into the system?
- Are we able to give adequate attention to those cases which rise to the level of serious and immediate concern?
- Are we putting enough financial and other resources into services and supports?
- What part does race/ethnicity and poverty play in who gets reported and how they are treated?

An independent chair should be appointed to lead the task force. Representatives should include families, advocates, nationally recognized experts, and representatives from the Office of Children and Family Services (OCFS), State Department of Education, Office of Court Administration, local departments of social services, law enforcement personnel, and the Citizen Review Panels. The task force should issue its report and recommendations within one year of formation.

## COMMUNITY CHILD PROTECTION

**Continue to develop a system of community child protection throughout the state that:**

**Integrates prevention services and family engagement strategies such as Family Case Conferencing and Family Assessment Response as part of a comprehensive neighborhood-based service delivery system.**

**Provides the leadership necessary to implement a Family Assessment Response throughout the state, including the provision of funding for start-up costs, incentives, and evaluation to support implementation.**

**Provides for adaptations to Connections software for documentation of case records within the Family Assessment Response.**

**Offers increased funding for preventive services which allows flexibility, implementation of best practices, and innovation in order to meet the complex needs of families involved in child protection.**

Keeping our children safe is not just the responsibility of the child welfare system; it is a community responsibility. Adequate neighborhood-based preventive services, family engagement strategies and an increased awareness on the part of families about available supportive community resources are essential to keeping families together.

In 2007, the Governor signed legislation that will allow an alternative response to child protection reports made to the State Central Register (SCR). Beginning in 2008, this Family Assessment Response will be available for use by local districts. With this approach, families are more likely to be receptive to services and caseworkers will be able to focus their attention on the most serious cases where a child's safety is immediately at risk. Currently six districts out of 58 have expressed interest in offering the Family Assessment Response. The panels urge all districts in New York State to consider offering this approach. The panels are hopeful that the New York City Administration for Children's Services (ACS) will consider implementation of this approach in the near future. The law currently excludes New York City.

Implementation of the Family Assessment Response will require revisions to Connections to allow tracking of these cases. The panels advocate for the development of such adaptations so that use of Connections is simplified, enabling caseworkers to have more time to spend in direct contact with families and less time entering records.

Funding for needed preventive services is inadequate. In 2006, 157,407 reports were made to the SCR, an increase of 14.4% over the reports made in 2005. For some of the families named in these reports, preventive services could help stabilize their situation by linking them to needed services and financial supports. Sadly, only a small fraction of families who could benefit from services actually receive services. In a recent survey conducted by the panels, local districts reported a number of preventive/intervention services were either insufficiently available to meet the need in their communities or were lacking altogether. There is a need for more flexible (i.e., less categorical, changes in regulations allowing for funding to cover costs such as transportation) and open-ended funding that would allow districts to address complex family needs through a comprehensive plan. Many districts mentioned that they can not absorb the additional costs for these services and asked that the state revise the funding formula to increase the state share of these costs to 75%, with local districts paying 25% instead of the current 35%.

If the child welfare system is to improve outcomes for children and families, reduce recurrence rates, and meet federal standards, families must be engaged partners in developing their case plan and must participate fully in every decision made on behalf of their children. OCFS has convened a strategic workgroup whose efforts have led to several family engagement pilots in the state. The panels strongly support these efforts and urge the state to evaluate each and fully fund implementation of the most promising practices.

## RACIAL AND ETHNIC DISPROPORTIONALITY AND DISPARITIES

**Audit child welfare data to document the existence and extent of racial and ethnic disproportionality and disparities in child welfare and develop a strategic plan with goals to eliminate disparities at the various decision points within the system.**

**Expand MAPS data to present breakdowns by race and ethnicity for all entry and decision points.**

**Develop a strategic plan to include recommendations, action steps, timelines, and outcomes to remove or revise policies, procedures, and practices identified as contributing to disparate treatment.**

The National Incidence Study by the National Center for Child Abuse and Neglect found that there is no significant racial difference in incidence of maltreatment and that the average African-American child is not at greater risk for maltreatment than the average Caucasian child. Yet, African-American, Hispanic and Asian/Pacific Islander children have a disproportionately higher rate of maltreatment investigations when compared to Whites. African-American children are twice as likely as White children to be substantiated as abused or neglected when investigated. The GAO reports New York State's Disproportionality Index for African-American children is 2.63, higher than the national average of 2.26.

We will not reach the desired child outcomes unless New York looks carefully at the underlying reasons for this uneven involvement and treatment in the child welfare system and develops a remediation plan. Therefore, the panels urge OCFS to undertake such an effort. Solutions may point to the need for increased cultural competence and/or specialized recruitment and training of all decision makers within the system including child welfare staff, mandated reporters, judges and court personnel. In all cases, improvements begin with an acknowledgment of the existence of overrepresentation and the commitment to eliminate disparities.

## ACCOUNTABILITY

**Require OCFS to provide leadership to ensure implementation of continuous quality improvement systems at the local district level, driven by data, to improve practice and outcomes in child welfare across the state.**

Panel members have a serious and deep concern regarding the lack of accountability in New York's child welfare system. Panel members believe that accountability is essential for effective child welfare reform to take place.

1. OCFS has failed in recent years to offer a balanced system of supports, incentives, and sanctions in its supervision of local districts of social services. OCFS must create and strengthen strategies to ensure accountability in order to achieve the best possible outcomes for children and families. The panels ask OCFS to find an effective strategy to hold local districts accountable for implementing policies into practice and for preserving constitutional rights and family rights for those involved with the child welfare system.

In order to support the movement from an emphasis on compliance with the timeliness of investigations to a system based upon improved outcomes for children and families, panel members urge the implementation of a Quality Improvement System throughout districts in New York State. OCFS and ACS must develop a strategy to enforce compliance with the policies, procedures and practices adopted at the management level and to achieve a culture in each district that respects parents and engages them in a partnership.

2. While many staff provide high quality services, local districts have, in too many cases, failed to carry out reforms enacted by the Legislature or promulgated by the local commissioner; there is often a large disconnection between official policy and actual practice. Local commissioners must develop systems, including retraining, reassignment, and discipline to ensure compliance with legal and management policies.

3. The court system, both the Family Court and the Appellate Divisions, must also hold districts and foster care agencies accountable by using the tools already at their disposal, including contempt and sanction powers, to hold agencies to proper legal standards.

4. Where existing laws are insufficient in providing the appropriate resources or authority, the panels ask the Legislature to provide the means to improve child and family outcomes.

## SCHOOL SYSTEMS AND THE REPORTING OF CHILD ABUSE AND MALTREATMENT

**Provide the leadership necessary to bring together interested parties to review reports of maltreatment and abuse made by school district staff, particularly educational neglect cases, and to develop a uniform definition, model protocols, and oversight of these cases. Additionally, identify and deliver the needed resources and services to improve the educational outcomes for these children.**

School district personnel make reports to the SCR in all categories of abuse and maltreatment, including educational neglect. School district staffs are mandated to make reports when there is reason to suspect a child is at risk. Additionally, each individual district must have a protocol in place for making these reports and for handling such cases. The panels ask that OCFS provide the leadership to bring together appropriate staff from the State Department of Education, the Courts and other interested parties to address these issues, develop model practices, and encourage uniform implementation across districts. Panels ask that the State Department of Education review and approve individual districts' protocols.

Educational neglect cases represent a significant percentage of the cases reported to the State Central Register. The panels are concerned that there is no common definition of educational neglect used by school

# WORKFORCE RECOMMENDATIONS

districts, no statewide model for school protocols, and little oversight once protocols are in place. There are also differences in law and responsibility between public school districts and private and parochial schools. And, there are variances in Family Court treatment of these cases across the state. The panels ask that the commissioners across state agencies agree to and issue a guidance document with uniform definitions, model protocols and practices to be publicly available at the state and local levels.

Particular attention needs to be placed on special education students and the services they require to achieve academic success. A number of the families of these students are reported to the SCR for neglect. An assessment is essential to determine the underlying reasons for these reports. Are school districts unable to meet their needs through existing resources and services? What changes are required to achieve better educational outcomes for these students?

## CASELOADS

**Introduce legislation that will allow OCFS to set minimum workload standards for child welfare workers and provide the necessary funding to fully support local districts' implementation of these standards.**

The panels encourage New York State to enact legislation giving OCFS the authority to set minimum workload standards based upon the report and recommendations from the Walter R. MacDonald & Associates study. Such a reduction in caseloads will require additional funding to support local social services districts to meet these new mandates. A reduction will allow workers more face-to-face time with clients, increased ability to assess and meet families' needs, and reduce recurrence rates.

## WORKFORCE QUALIFICATIONS

**Enhance local social services districts' ability to hire, train, and develop a qualified workforce through additional financial incentives for Bachelor and Masters degrees in Social Work (BSW and MSW), implementation of an aptitude and skills test before entry into the field, and through targeted recruitment efforts. Further, conduct a cost analysis and develop a strategy to fully implement higher standards.**

Child protection work is complicated and difficult and requires a workforce with a high degree of skill, experience, training, and adequate resources to be effective and competent on the job. Therefore, the panels recommend that OCFS provide the leadership necessary to enhance local districts' ability to hire, train, and develop their workforce. Panels encourage the offering of financial incentives to attract workers with BSW and MSW degrees, instituting a competency skills test to assess workers' aptitude and skills prior to entry into the field. Both Civil Service leaders and local union leaders must

# PROGRAM RECOMMENDATIONS

be involved in developing new protocols that facilitate targeted recruitment and selection of applicants.

The child welfare workforce is integral to both offering quality child welfare services and achieving desired outcomes. Caseworkers and supervisors must possess skills to make critical decisions regarding complex family situations and to engage families to support their access to services. The decisions caseworkers make can affect families and children for the rest of their lives. Consequently, it is imperative that OCFS also conduct a cost analysis to determine the financial resources necessary to increase minimum qualifications for these positions at Bachelor's and Masters levels in social work and develop a strategy to fully implement these higher standards.

## FOSTER CARE

**Seek a federal waiver in order to implement a federally funded statewide subsidized guardianship program. Increase funding for foster care to provide for a continuum of care for youth who age out.**

New York State is increasingly moving toward a policy favoring placements with relatives when a child is removed from the care of his/her parents. Yet many children are placed with non-family members. Placement with kinship providers helps a child stay connected to his/her family members and supports successful return home. Such a placement could provide permanency for children while not requiring kin caregivers to seek termination of parental rights, and could reduce disproportionality in foster care.

Family members interested in custody of a child who has been removed from the care of his/her parents are often unable to take custody for financial reasons. Adequate financial support for these kinship providers, typically grandparents, would help enormously. In addition, Family Court procedures by which family members gain custody are confusing, time-consuming, and often discouraging.

The panels ask OCFS to review policies and practices within foster care agencies, Family Court, and local districts and offer solutions so that more children can be placed with family members. Family members require easier access to the courts to gain custody and should not be held to higher standards than unrelated foster parents.

In addition, the panels ask that OCFS report on the number of children adopted out of foster care who reach the age of 18 having left their adoptive homes, so that the success of the adoption policy can be assessed.

Youth who have been unable to return home or have not been adopted are too often on their own once they leave foster care. At a young age they are expected to live independently, an often difficult task for any young person. These youth need a continuum of care and support to increase their likelihood of achieving success and to prevent their entry into another state system.

## PARENT EDUCATION

**Evaluate the effectiveness of OCFS' and ACS' marketing and educational efforts to carry important messages of prevention to families and make revisions that will achieve decreases in shaken baby and co-sleeping deaths.**

New York State and ACS have used special media campaigns and educational programs to bring important prevention messages regarding Shaken Baby Syndrome and the dangers of co-sleeping to parents. A review of recent child fatality reports indicates that a significant number of deaths are attributed to co-sleeping and shaking babies. Improvements are needed to guarantee these important messages result in behavior changes that lead to reduced child deaths.

Education must go beyond media messages. Too often, these campaigns are under-funded to achieve the outcomes desired. It is not enough to give parents a brochure to read and expect appropriate behaviors as outcomes. We urge OCFS and ACS to continue to look at best practices, an example of which is the model used by Dr. Mark Dias in western New York, and work closely with hospitals in particular to improve outreach to parents. We also urge OCFS and ACS to offer guidance to parents on the use of corporal punishment and when children can be left alone.

## HOME VISITING

**Increase funding for home visiting in the 2008-09 budget and develop a strategic plan to bring these programs to scale.**

The panels continue their strong support for home visiting programs, an essential prevention strategy to strengthen families' ability to care for their children and reduce child abuse and maltreatment. In a recent survey of social services commissioners conducted by the panels, many districts reported their inability to implement a home visiting program due to a lack of funding. Home visiting programs such as Healthy Families New York, Nurse Family Partnership, and Community Health Worker are primary prevention programs that work. The panels urge increased funding to bring these proven programs to scale.

## CHILD ADVOCACY CENTERS AND MULTI-DISCIPLINARY TEAMS

**Continue financial support for Child Advocacy Centers (CAC), Multi-Disciplinary Teams (MDT), and the Child Abuse Medical Provider (CHAMP) network.**

Continued financial support for these specialized centers and teams is needed in order to continue best practices, build forensic interview skills, and implement train-the-trainer models to achieve sustainability. The CHAMP program provides important training, mentoring, and a support network for physicians to help improve access to skilled care so that every child suspected of being sexually abused can receive a specialized medical examination and treatment. The training provided by CHAMP falls outside the standard medical school curriculum and pediatric practice experience. The panels fully support Child Advocacy Centers, Multi-Disciplinary Teams and CHAMP.

# 2007 PANEL ACTIVITIES



## Western Panel

### MARCH 9, 2007 MEETING

Linda Kurtz, Regional Director, OCFS Rochester Office and Strategy Coordinator for Family Engagement, talked with panel members regarding her workgroup's efforts to bring family engagement strategies to local districts. Their work has led to 20 counties now using family case conferencing as part of their practice, a tool kit to help workers engage absent fathers, and a study conducted by University of Rochester experts on the use of parent mentors.

### MAY 18, 2007 MEETING

Representatives from the Town of Tonawanda Police Department, Erie County Child Protective Department, and Niagara County Child Advocacy Center gave an overview of their collaborative work on cases involving child abuse. Child Advocacy Centers and Multi-Disciplinary Teams have greatly improved communications between each entity and the way they work together. The work is not without some challenges, such as varying institutional philosophies, funding limitations, and legal limitations.

### SEPTEMBER 21, 2007 MEETING

Carl Friedman, Associate in Planning and Evaluation in the Office of Student Support Services within the State Department of Education joined the panel by phone for a conversation about educational neglect. Panel members learned that there is no single definition of educational neglect used across the state and protocols vary from school district to school district. The only requirement is that each school district has a protocol in place. Approximately 60% of calls to the State Central Register in Region 1 are educational neglect cases.

### NOVEMBER 16, 2007 MEETING

Panel members reviewed and discussed drafts for their *2007 Annual Report and Recommendations*, planned their 2008 meeting schedule, and discussed systems issues brought to their attention by parents involved in the Child Protection System.

## Eastern Panel

### MARCH 16, 2007 MEETING

Sheila Poole, Albany County Commissioner of Services, gave the panel an overview of Albany County's practice and experience co-locating all services for children, youth and families under one umbrella. The panel also received a report from OCFS staff with an overview of the 2006 workload study conducted by MacDonald and Associates and OCFS' next steps towards implementing recommendations from the study.

### JUNE 15, 2007 MEETING

OCFS Evaluation and Research staff gave a presentation highlighting the findings from three studies conducted by OCFS on recurrence in NYS. The federal government has set a standard of 6% recurrence six months from the time a report is made to the State Central Register. Study results showed that recurrence rates increase in the longer term. They reviewed case records up to two years after a report was made. They also found that recurrence rates double for those families with inadequate housing, financial difficulties, few informal supports, mental health issues, or substance misuse.



#### **SEPTEMBER 14, 2007 MEETING**

Panel members met with Gail Hallenbeck, OCFS Bureau of Program Monitoring, and Jim Brustman, Project Coordinator, CDHS, to learn about the Teaming pilot launched in March, 2007. The Teaming Approach has been adopted from one developed by Harry Spence and is used in Massachusetts. The six counties involved in the pilot include Schenectady, Westchester, Nassau, Tompkins, Clinton, and Chautauqua. The approach leads to a reorganization of the child welfare workforce into teams with a goal of offering individual caseworkers support, improved decision making, and increased retention. Massachusetts has anecdotal reports that the approach also leads to improved outcomes for families.

#### **DECEMBER 7, 2007 MEETING**

Representatives from New York State's Youth in Progress (YIP) program met with panel members to give an overview of their program and detailed their concerns and recommendations for improvements to foster care. Panel members participated in a focus group to provide input into OCFS' self-assessment for the CFSR. They reviewed and discussed drafts for their *2007 Annual Report and Recommendations*, and planned their 2008 meeting schedule.



## **New York City Panel**

#### **JANUARY 4, 2007 MEETING**

Panel members met with Assemblyman William Scarborough, Chair of the Assembly's Children and Families Committee. Assemblyman Scarborough answered panel members' questions regarding legislation, the Assembly's Child Welfare hearings, and his interest in legislation to establish an Office of the Child Advocate. Panel members discussed their CPS concerns including: issues with lack of training, qualifications, and accountability; issues with family court; and issues with mandated reporters lacking training and fearing lawsuits if they fail to report.

#### **APRIL 3, 2007 MEETING**

NYC panel members met with OCFS staff, ACS Commissioner John Mattingly, Executive Deputy Commissioner Zeinab Chahine and two other staff from the Commissioner's office to discuss the panel's 2006 Recommendations. Commissioner Mattingly gave an update on the ACS Community Initiative and his plans for foster care reform. Foster care reforms involve a reorganization of ACS staff, an overhaul of funding for foster care services, and improved accountability for outcomes for children and families by strengthening oversight and instituting a common set of practice principles and guidelines.

#### **MAY 3, 2007 MEETING**

Representatives from the Mayor's Interagency Task Force on Child Welfare and Safety gave panel members an update on the Task Force's recommendations and implementation of those recommendations. Many of the recommendations have been implemented including a school absence alert system, appointment of liaisons at each school to link to ACS, early identification of

needs for services by the school district, a NYPD officer located full time at ACS, a command center available 24/7 and joint trainings with NYPD and ACS staff. The Task Force issued another report in December with recommendations for improved collaborations between ACS and the medical community.

**JULY 12, 2007 MEETING**

Panel members devoted the meeting to a discussion of the case review process, the learning gained from those cases, and possible recommendations to make. They prepared for a discussion with ACS leadership at their September meeting by listing concerns they have over several workforce issues, interest in learning more about the training academy's work and the lack of an adequate appeal process within ACS for families.

**SEPTEMBER 6, 2007 MEETING**

Panel members met with ACS leadership for a discussion regarding workforce issues, supervision, and appeal processes within ACS, themes highlighted from the case reviews conducted by the panel in 2006-07. ACS representatives reiterated their concerns and detailed some of the work they are conducting to make improvements. This work includes revisions to hiring procedures, Improved Outcomes for Children Initiative, and instituting Child Stat—all of which should lead to improvements in practice.

**NOVEMBER 1, 2007 MEETING**

Panel members reviewed and discussed drafts for their *2007 Annual Report and Recommendations* and planned their 2008 meeting schedule.

## Joint Panel Meeting

**OCTOBER 18, 2007 JOINT MEETING  
OF THE THREE PANELS**

Khatib Waheed, Senior Fellow from the Center for the Study of Social Policy, and Sania Metzger, Director of Policy from Casey Family Services gave an overview on the topic of Racial and Ethnic Disproportionality and Disparities and highlighted recommendations made in the recent GAO (United States Government Accountability Office) report on African-American Children in Foster Care. Greg Owens, Director of Special Projects from the NYS Office of Children and Family Services, presented data from New York State and gave a report on progress made by OCFS to date. Panel members discussed the content pieces for their 2007 Annual Report and selected items for this year's panel recommendations.

*For the full minutes of these meetings go to [www.citizenreviewpanelsny.org](http://www.citizenreviewpanelsny.org).*



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**FEDERAL LAW AND THE CITIZEN REVIEW  
PANELS**

The 1996 amendments to the federal Child Abuse Prevention and Treatment Act (CAPTA) mandate that states receiving federal funding under that legislation create volunteer Citizen Review Panels. The purpose of these panels is to decide whether state and local agencies are effectively carrying out their child protection responsibilities. The federal statute broadly defines the work of the Citizen Review Panels.

The panels must meet not less than once every three months and produce an annual public report containing a summary of their activities and recommendations to improve the child protection system at the state and local levels. They must evaluate the extent to which the state is fulfilling its child protective responsibilities under its CAPTA State Plan by:

1. Examining the policies, procedures, and practices of state and local agencies.
2. Reviewing specific cases, when warranted.
3. Reviewing other matters the panel may consider important to child protection, consistent with Section 106(c) (A) (iii) of CAPTA.

Following the order of federal CAPTA Amendments of 1996, the New York State Legislature passed Chapter 136 of the Laws of 1999, setting up no less than three Citizen Review Panels, with at least one in New York City. The other panels are in Eastern and Western New York.

Each panel has up to thirteen members; the Governor appoints seven, with the Senate President and Assembly Speaker appointing three each.

For further information please visit [www.citizenreviewpanelsny.org](http://www.citizenreviewpanelsny.org) or contact:

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Administrative support is provided to the panels by the Schuyler Center for Analysis and Advocacy.

*The panels thank Todd Borressoff, Early Childhood Consultancies, for his photos*

\*Appointed December, 2007

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