

**NEW JERSEY TASK FORCE ON CHILD ABUSE AND NEGLECT
CITIZEN REVIEW PANEL
2005-2006 REPORT**

SUMMARY OF RECCOMENDATIONS

- 1. The State must respond to Citizen Review Panel (CRP) Annual Reports within six months of receipt according to Federal CAPTA Guidelines.**

As of June 2006 we have still not received a written response for the 2004-2005 Annual Report. Responses in prior years have also been late. We recommend that administrative changes be made to ensure a timely response. We also recommend that the Governor, Commissioner of Human Services, and Commissioner of the Department of Education meet with the CRPs to respond to the recommendations.

- 2. The CRP recommends that the State prioritize quality assurance for the State Central Registry.**

The CRP requests the State Central Registry's (SCR) quality assurance measurement tools, reports, and data for review. The CRP remains concerned about the functioning of the SCR. In as much, we wish to review the quality assurance program. We also recommend a clear process be developed to handle the growing number of Child Welfare cases being reported.

- 3. The CRP requires support for necessary public outreach required by CAPTA.**

The CRP recommends the development of one website for all three CRPs. This website should be separate from DHS, DYFS, or any other State entity. This website should be easily accessed by citizens interested in obtaining information about the CRPs, annual reports and dates and locations of meetings that are open to the public. The CRP recommends that funding and technical assistance be provided for the development of this website and its maintenance, as well as other public outreach initiatives. The suggested URL for the CRPs' website is: www.njcitizenreviewpanels.com.

- 4. The CRP recommends that the state amend its policy regarding Kinship Legal Guardian subsidies, specifically by increasing the dollar amount received by KLGs finalized before July 1, 2004 (\$250) to the amount received by those finalized after July 1, 2004.**

During public testimony this panel heard from grandparents providing kinship care who lost their subsidies because they were finalized as Kinship Legal

Guardians before July 1, 2004. Approximately 250 families have been affected by this policy. The CRP recommends immediate action to reinstate the subsidy for these families.

5. The CRP recommends that the State increase communication and collaboration at all levels between the Division of Youth and Family Services and the Department of Education:

- a. The CRP recommends increasing the communication and cross training between the Division of Youth and Family Services and the Department of Education. Inasmuch, the CRP recommends the reestablishment of the State-level DOE/DYFS liaison and that a list of district DOE/DYFS liaisons be compiled and made available to all schools.
- b. The CRP recommends that the DHS and DOE collect data and report on all suspected abuse and neglect calls originating from schools. If such information exists, the CRP requests it for review.
- c. The CRP recommends that the DHS and DOE collect data, report on, and monitor the mandatory child abuse and neglect training received by all teachers to ensure that 100% of New Jersey's teachers and school personnel are receiving professional training to safeguard our children. If such information exists, the CRP requests it for review.
- d. The CRP cites: N.J.A.C. 6A:16-11.2 (a) (6) requires that districts provide annual delivery of information and in-service training to school personnel concerning child abuse or neglect, instructional methods and techniques relative to issues of child abuse or neglect in the local curriculum, and personnel reporting of suspected child abuse and neglect to DYFS pursuant to N.J.S.A. 9:6-8.10 et seq. All New Jersey teachers and school personnel must receive training in the detection of child abuse and neglect and current reporting laws at least once a year. Our survey results identified that approximately 45% of the teachers surveyed had not received any training on child abuse and neglect. This training should include the mandatory reporting requirement – any school personnel who suspects child abuse or neglect must report to 1-877-NJABUSE.
- e. The CRP recommends that training materials be updated and that training be conducted by appropriate professionals. The survey showed that most training was provided by the school itself and that training tools, such as the video *A Teacher Saved My Life*, are out of date and contain incorrect information.

6. The CRP recommends the allocation of additional staffing for the CRP and control of the CRP budget.

The New Jersey Task Force and the CRPs reside in but not of the DHS. Staffing and funding of the CRP is provided by DYFS. The inherent conflict of interest is apparent in that DYFS controls both the level of staffing available to the CRPs and access to its funding. This control has impeded the actions of the CRP on several important initiatives, such as transcribing official transcripts and setting up the CRPs website. The CRP requests control over its funding allocation and an increase in staff allocation.

7. The CRP recommends that the State provide feedback relative to progress made on past CRP recommendations.

Please see attached Recommendations Status Report.

Introduction

In 1996, the Federal Child Abuse Prevention and Treatment Act (CAPTA) was amended to direct states receiving the CAPTA Basic State Grant to submit a five-year State plan and establish CRPs to evaluate the extent to which the State is effectively fulfilling its child protection responsibilities.

NJ Comprehensive Child Abuse Prevention and Treatment Act

In July 1997, the New Jersey Comprehensive Child Abuse Prevention and Treatment Act (CCAPTA) was enacted to comply with Federal CAPTA amendments. The NJ CCAPTA required the Commissioner of the Department of Human Services (DHS) to designate entities to evaluate interagency coordination and compliance with State and Federal mandates for the protection of children.

CRP Membership

The Federal and State law requires states to establish CRPs composed of volunteer members who are broadly representative of the community, as well as members with expertise in the prevention and treatment of child abuse and neglect.

Citizen Review Panel

In 1998, the Department of Human Services Commissioner designated the New Jersey Task Force on Child Abuse and Neglect as a CRP. The responsibility of identifying CRP members was assigned to the Task Force Protection and Prevention Subcommittees. On June 30, 1999 the New Jersey Task Force on Child Abuse and Neglect CRP convened its first meeting. Meetings have continued on a monthly basis since that time. A report of the CRP's deliberations and findings are published each year in June.

Federal Child Abuse Prevention and Treatment Act (CAPTA)

In 2004, the CRP discussed the Keeping Children and Families Safe Act, Public Law 108-36, signed into law on June 25, 2003 that reauthorized CAPTA through 2008. CRP members evaluated methods to comply with the new requirements. Each CRP shall provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations. Not later than six (6) months after the date on which a report is submitted by the CRP to the State, the appropriate State agency shall submit a written response to State and local child protection systems and the CRP that describes whether or how the State will incorporate the recommendations of such CRP to make measurable progress in improving the State and local child protection systems.

I. The State must respond to Citizen Review Panel (CRP) Annual Reports within six months of receipt according to Federal CAPTA Guidelines.

- A. As of June 2006, the CRP has not received a response from the NJ Department of Human Services concerning the CRP 2004-2005 annual report. It was noted that the CAPTA coordinator has made several requests to DHS for a response. It has been nearly one year since the CRP has submitted this report – the State is out of compliance.

II. The CRP requests the State Central Registry's (SCR) quality assurance measurement tools, reports, and data for review.

A. History:

- The CRP has invested considerable energy in reviewing the policies and practices of the SCR.
- The CRP received reports from citizens who had encountered difficulties when attempting to report suspected child abuse and neglect to the SCR. The CRP made a decision to pursue a thorough investigation of the SCR. On November 17, 2004, in a letter to the Commissioner of DYFS, the CRP chairman requested that the SCR Administrator meet with the CRP.
- On December 7, 2004 the CRP chairman attended the Staffing and Outcome Review Panel meeting, at which the SCR Administrator reported on data regarding the SCR.
- On January 5, 2005, the SCR Administrator reported on data regarding the SCR to the CRP. In this presentation, the CRP learned, among other things, of the NJ SPIRIT 9-7/Referral Application, inadequate staffing, and that the operation was not yet a 24 hour operation. Soon thereafter, the SCR Administrator was removed from his post and replaced by an interim Administrator.
- The CRP chairman attended a meeting of the New Jersey Task Force on Child Abuse and Neglect at which the interim SCR Administrator presented.
- On February 16, 2005, the CRP chairman, in a letter to the Commissioner of DYFS, requested the NJ SPIRIT 9-7/Referral Application and an appointment to visit the SCR at a date in March 2005.

- The CRP chairman never received a response to either written request. Despite repeated additional requests, the CRP did not receive a copy of the NJ SPIRIT 9-7/Referral Application until June 8, 2005.
 - Based on the data the CRP collected, the CRP developed a questionnaire (please see appendix). To prepare for the SCR visit, CRP members reviewed the protection subcommittee minutes, the allegations-based model, and the NJ SPIRIT screening applications utilized by SCR staff.
 - On October 14, 2005, four members of the CRP visited the SCR.
 - The CRP members reported back to the CRP that many of the CRP's concerns appeared to be in the process of being addressed. CRP members also stated that they were impressed with the third SCR Administrator's management of the operation and the progress reported.
 - The CRP decided to invite the SCR administrator to apply for membership of the CRP. The SCR Administrator applied and was accepted as a member of the CRP. Within a few months, it was reported to the CRP that the SCR Administrator resigned. The SCR Administrator was removed from the CRP by a unanimous vote.
- B. Over the course of less than a year, the SCR has been administered by four Administrators.
- C. The CRP is concerned about the quality of service the SCR provides for the children of New Jersey. Inasmuch, the CRP requests copies of all protocols and tools utilized by SCR and/or any outside provider or contractor to assess the quality of service delivery of SCR and its compliance with the child welfare reform plan; any reports concerning quality assurance issued since SCR was instituted; and sample of all ongoing data reports developed for tracking of implementation and/or quality assurance of SCR.
- D. The CRP recommends that the SCR Administrator meet with the CRP, initially, to vet the various documents for relevance to the CRP's ongoing monitoring of SCR. The CRP recommends that, thereafter, the SCR Administrator report to the CRP on an as requested basis.
- E. The CRP additionally recommends that the State and/or SCR Administrator identify a call screener to serve as SCR representative to the CRP.
- F. The CRP will continue to monitor the SCR process.

III. The CRP requests support for necessary public outreach.

- A. The CRP prioritized public outreach.
- B. Two years ago, the CRP decided that one of the most effective ways to provide information and be accessible to the public was through the creation of a website. The goal of the website is to inform the public about CRP activities and invite public comment on the State's child protection system. The CRP holds public hearings and therefore must make certain information about the CRP available to the public, i.e., meeting dates. Because of delays by the DHS and a lack of funding and support, the CRPs have yet to develop this important website. The CRP must receive direct funding and technical support for this imperative public outreach initiative.
- C. In February, the CRP developed a tri-fold brochure for all three CRPs (The Child Fatality Review Panel, and the Staffing and Outcome Review Panel), which will contain basic information about the goals of the CRPs. The brochure will also explain the origin and purpose of the CRPs as well as provide the public with contact information of the CRPs. The CRP will finalize the brochure in the upcoming year and develop a distribution plan. The CRP will require funding and staff assistance to implement this public outreach strategy.
- D. In an effort to be more accessible to the public, the CRP's monthly meetings were moved from New Brunswick to the NJ State House Annex, State Street, Trenton. CRP members felt that this location was more central and large enough to accommodate public testimony.

IV. The CRP recommends that the state amend its policy regarding Kinship Legal Guardian subsidies, specifically by increasing the dollar amount received by KLGs finalized before July 1, 2004 (\$250) to the amount received by those finalized after July 1, 2004.

- A. The CRP listened to public testimony from various groups and individuals that interface regularly with the state's child protection system. For example, a paternal grandmother and legal guardian testified to the CRP that her monthly payment was one-half (\$250 per child – relative to the pre-July 1, 2004 exclusion) of the regular Kinship Legal Guardian (KLG) payment. She shared with the CRP that DYFS never informed her of certain deadlines that would have doubled her allocation. Because of her plight, she has formed a support group of grandmothers who are in a similar situation – she testified that the group is quickly growing.

- B. The CRP recommends that the \$250 subsidy for the approximately 250 KLGs who were finalized before July 1, 2004, be increased to equal the amount received by KLGs finalized after July 1, 2004.
- C. The CRP has agreed to continue to follow her case to ensure that the State properly responds to this growing and unjust situation.
- D. The CRP will increase the opportunities for public testimony next year..

V. Interface between the Department of Education and the Division of Youth and Family Services

- A. In 2004, the CRP began to explore the interface between DYFS, the Department of Education (DOE) and local school districts. This effort was in response to testimony by teachers at the CRP public forum held at the NJ Task Force conference on child abuse and neglect. Teachers testified to: conflicting school policies on reporting abuse and neglect; problems encountered in utilizing the new DYFS SCR reporting system; a lack of communication on the part of DYFS to schools; and a failure of school districts and/or DOE to provide training for school personnel.
- B. Two CRP members developed a basic questionnaire for schools and conducted an informal random survey of school personnel to determine their knowledge about child abuse and neglect reporting and the extent of training available. Feedback obtained from school personnel confirmed the testimony from the public hearing.
- C. In September 2005, the DHS Office of Evaluation was contacted for assistance in designing a formal questionnaire to elicit qualitative information from school personnel on which to base recommendations to DOE and DHS.
- D. The CRP's Public Outreach/Survey Committee met with the DHS Office of Evaluation representative to discuss the type of information that the CRP was interested in collecting. Subsequently, a formal survey instrument was developed and approved by the CRP (see attachment).
- E. One thousand (1,000) survey questionnaires were printed by the NJ Task Force on Child Abuse and Neglect for distribution at the November 2005 NJEA Convention Center held in Atlantic City, New Jersey. The CRP Chair and two student interns distributed and collected 700 questionnaires at the NJEA Conference.
- F. Six hundred and ten (610) completed surveys were provided to the DHS Office of Evaluation for analysis. In 2006, the DHS analyst met with the CRP to discuss the survey findings (full report attached). Highlights of the report include:

- Of the 610 surveys provided, 2/3 of the respondents were teachers.
- All counties were represented.
- 23.3% of survey respondents indicated that they had not been advised of their school's child abuse and neglect reporting policy
- 45.4% of the teachers stated they had not received training in child abuse and neglect.
- 49.1% reported the training they did receive was provided internally, by school personnel.
- 33% of teachers stated that if they suspected child abuse, they would first contact the school nurse. 28.6% indicated they would first contact the principal
- 18.9 % of teachers stated that if they suspected child abuse or neglect they would contact the Statewide Central Registry directly.
- 72.1% indicated that they had been advised about their school's reporting policy.

G. The CRP was very concerned about the large number of teachers reporting that they had not received any training on child abuse and neglect. Members were also concerned that those who had been trained were trained by school staff without any oversight or quality assurance to make sure the information provided to them was accurate. The survey statistics indicate that the DOE is out of compliance with state law. N.J.A.C. 6A:16-11.2 requires district boards of education to adopt and implement policies and procedures for reporting abuse and neglect. Specifically N.J.A.C. 16-11.2(a) (6) requires the provision for the annual delivery of information and in-services training programs to school personnel concerning child abuse or neglect, instructional methods and techniques relative to issues of child abuse or neglect in the local curriculum, and personnel responsibilities pursuant to N.J.S.A. 9:6-8.10 et seq. All new school district employees, both paid and voluntary, shall receive the required information and training as part of their orientation.

H. The DHS Office of Evaluation representative offered to assist the CRP with refining the survey to collect more data if we decided to disseminate the survey statewide.

- I. The DHS Office of Evaluation survey report was shared with the Task Force, the DHS commissioner, the NJEA, Principals and Supervisors Association, the NJ School Board Association, the DOE commissioner and the DOE Office of Program Support Services' liaison to the Task Force. The CRP will follow up with the above entities receiving the survey report to ensure that they are able to respond to the results and that their comments are considered when designing future surveys.
- J. In October 2005, the CRP viewed the training video *A Teacher Saved My Life* and recommended that the Task Force update the video before utilizing it again because it contained outdated information.
- K. Additionally, it was learned that local school districts are responsible for developing policies and for training school personnel annually, and there is no state monitoring due to a lack of funding. It is reported that some schools have an unwritten rule called 'three to agree' – meaning that the reporter must meet with the Principal and another school official, i.e., the School Nurse – when reporting abuse and neglect. This does not comply with State law: N.J.A.C. 6A:16-11.2(a) (1) requires school personnel, compensated and uncompensated (volunteer) to immediately report to DYFS alleged incidents of child abuse and neglect. The report shall include, when possible, the following information: name of child, age and grade of child, name and address of the child's parent; description of the child's condition, including any information concerning current or previous injuries, abuse or maltreatment; the nature and extent of the child's injuries and any other pertinent information that the referrer believes may be relevant. Notice of the report may be given to the school principal or designee after the referral has been made. However notice need not be given when the person believes that such notice would likely endanger the child or referrer or result in retaliation against the referrer or child.
- L. In response to questions regarding how many local school districts have DYFS liaisons, it was learned that each district school board is mandated to have a DYFS liaison. However, there is no list to determine which school districts have DYFS liaisons. The CRP recommends the creation of such list.
- M. The Department of Education is currently in the process of updating the NJ DOE Administrative Code and would not be able to discuss any proposed changes. The NJ DOE Administrative Code was published in the November 2005 New Jersey Register for comment and adopted in March 2006. CRP members learned that the new DOE Administrative Code must reflect statute N.J.S.A.18A:36-25 requiring school districts to establish a policy for dual reporting of missing children and suspected cases of abuse and neglect to law enforcement and the child welfare system.

- N. A policy memo dated September 8, 2005 sent by the DOE commissioner advised all school districts of this 1985 dual reporting statute. The CRP discussed the policy requiring dual reporting and the issues it raised for teachers and local law enforcement. It was learned that a DOE representative presented information to the Task Force on DOE focus groups with school districts. Participants in the focus groups expressed confusion with the policy and voiced concerns regarding confidentiality and the overburdening of local police. Individual school personnel observed that with dual reporting they were less inclined to report abuse and neglect.
- O. In January 2006, the DOE Commissioner sent a clarifying directive to the school administrators acknowledging that dual reporting had created confusion among school personnel. The clarifying directive advised that individual school personnel are required to report to the Division of Youth and Family Services and not required to report to law enforcement. The requirement to report to law enforcement rested with school districts.
- P. The CRP will review the new DOE Administrative Code as it applies to training, when it becomes available.
- Q. In 2006, the CRP learned that the state level DHS liaison position had been eliminated. The CRP will follow up on this and continue to encourage collaboration between the DHS and DOE. If the communication between DHS and DOE is poor, so too will be the protection of New Jersey's children.

VI. The CRP recommends the allocation of additional staffing for the CRP and control of the CRP budget.

- A. The CRP recommends that the relationship between the CRPs and DYFS be clearly defined and documented. Currently, there is an obvious conflict of interest.
- B. The CRPs need increased staff support. The CRP recommends the provision of 1.5 FTE positions for this CRP.
- C. Funding emerged as an issue for the CRP. During discussions concerning strategies to conduct public outreach, it became clear that funding would be critical to the CRP's ability to carry out its responsibilities. The CRP relied on the Task Force for printing and mailing and on the DHS for analysis of surveys. DHS has allocated \$6,000 for the CRP, but the CRP is not in control of this money or the budget. The CRP recommends that the CRP continue to receive funding for its work and also be in charge of its own budget in order to accomplish important initiatives such as transcription of testimony and creation of a website and brochures.

VII. The CRP recommends that the State provide feedback relative to progress made on past recommendations.

- A. This year, the CRP developed a tracking tool to monitor and report on progress made by the State regarding the CRPs recommendations. In the appendix, please find the document “Recommendations Status Report.” There are many recommendations on which the State, to date, has made no progress, or has not made evident to the CRP the progress that has been made. Inasmuch, the CRP requests that the State provide a progress report on these past recommendations, or information concerning the State’s intention to address these recommendations.