

CITIZEN REVIEW PANELS

STATE OF NEW YORK

ANNUAL REPORT

January 1, 2002 to December 31, 2002

The Family Violence Education and Research Center
School of Social Welfare
State University of NY at Stony Brook

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Introduction

The 1996 amendments to the federal Child Abuse Prevention and Treatment Act (CAPTA) requires states that receive federal funding under that legislation establish volunteer Citizen Review Panels. The purpose of this citizen review is to determine whether state and local agencies are effectively discharging their child protective responsibilities. Under the legislation, each state shall establish no less than three citizen review panels, with the exception of states that receive the minimum allotment under the statute. The federal statute defines the functions of the Citizen Review Panels rather broadly. The panels must meet not less than once every three months and shall produce an annual public report containing a summary of their activities. They must evaluate the extent to which the State is fulfilling its child protective responsibilities in accordance with its CAPTA State Plan by: (1) Examining the policies and procedures of State and local agencies, and (2) reviewing specific cases, where appropriate. In addition, consistent with section 106(c)(A)(iii) of CAPTA, a panel may review other criteria that it considers important to ensure the protection of children.

The Child Protective Services (CPS) system in New York State is state supervised by the New York State Office of Children and Family Services (OCFS) and administered by local Departments of Social Services. The Office of Children and Family Services was created in 1998 through the merging of the New York State Department of Social Services and the New York State Division of Youth to improve the integration of services for New York's children, youth and other vulnerable populations, to promote their development and to protect them from violence, neglect, abuse and abandonment. There are six State regional offices, each responsible for the administration of designated local social service district offices. There are fifty-eight local districts. In New York City, the five boroughs/counties are administered by the Administration for Children Services (ACS). Local departments of social services administer, under OCFS supervision, the social service program of the State. They provide a range of services, including foster care, mandated preventive, adoption, protective services, residential placement services and protective services for adults, unmarried parents' services, and child day care.

There is one State Central Register on Child Abuse and Maltreatment (SCR) that accepts reports of child abuse and maltreatment for the entire state. Although Monroe and Onondaga counties have local registers into which reports can be made, these reports are then transmitted to the State Central Register in Albany.

The Family Violence Education and Research Center (FVERC) of the School of Social Welfare, State University at Stony Brook, was awarded a contract through a competitive Request for Proposal process to administer the New York Citizen Review Panels for the period from January 1, 2002 to December 31, 2002. A one-year extension to this five-year annual contract is in the re-authorization process for the period of January 01, 2003 to December 31, 2003.

The Research Foundation is responsible for the scheduling and arranging of panel meetings, preparing research and briefing materials requested by the panels or by OCFS, initial and ongoing training of panel members, coordinating panel activities, and insuring that the panels carry out the citizen review panel mandates of the CAPTA legislation. FVERC is also responsible for providing the minutes to all meetings and any other written materials requested by the panels, the facilitating of the panel's goal to develop achievable performance targets and milestones and the preparation and distribution of the annual report.

New York State Citizen Review Panel Law

In compliance with the federal Child Abuse Prevention and Treatment Act Amendments of 1996, New York State legislature passed Chapter 136 of the Laws of 1999. Governor Pataki's "CAPTA bill" requires the establishment of at least three citizen-review panels, at least one of which must be in New York City for addressing the issues particular to the City. The New York City panel must also establish one subcommittee for each borough. The other two panels to be located in Buffalo and Albany.

Under this legislation the panels are authorized to:

- Review the policies and practices of the State and local agencies relating to child protective services.
- Examine specific cases to evaluate the effectiveness of the agency's discharge of its duties and responsibilities.
- Have access to pending and indicated cases reported to the SCR.
- Have reasonable access to public and private facilities providing child welfare services within their respective jurisdictions.
- Call public hearings on issues within their jurisdiction.
- Review and evaluate any criteria that the panel considers important to provide for the protection of children.
- Issue an annual report, setting forth a summary of the panel activities and the findings and recommendations of the panels.

OCFS is required to assist the panels to have reasonable access to public facilities that receive public funds and are providing child welfare services.

Each panel is to be composed of thirteen members, seven of who are appointed by the governor, three by the temporary president of the Senate and three by the speaker of the Assembly. Each panel is to elect a chairperson and shall be composed of volunteer members who broadly represent the communities in which the panel is established. Panels shall include members who have expertise in prevention and treatment of child

abuse and neglect. No person employed by federal, state, county or municipal agencies, which directly deliver child welfare services may be a panel member. Any panel member who knowingly discloses any identifying information about a specific child protection case to any person or governmental official may be subject to a civil penalty and removal from the panel. Each panel shall meet no less than once every three months. There are no term limits established for panel members.

The specific focus of each panel will be determined by its membership as they gather information on child protective laws, policies, and procedures. The Panels have elected to target such issues as the consistency of practices with these policies regarding child protective services across the state, to examine child welfare trends and current issues and to make policy recommendations. Further to identify successful program models and service strategies, increase community ownership and understanding of child protective services and determine the extent to which the requirements of the federal Child Abuse Prevention and Treatment Act are being met. Assurances that must be included in the state CAPTA plan and are subject to compliance reviews by the Citizen Review Panels are:

The operation of a statewide program relating to child abuse and neglect that includes but not limited to:

- Procedures for reporting known and suspected instances of abuse and neglect.
- Procedures for immediate screening, safety assessment, and prompt investigations of reports.
- Procedures that immediate steps are taken to ensure child safety.
- Cooperation of law enforcement, courts, and appropriate state agencies in CPS.
- Procedures for reporting and dealing with medical neglect.

Status of the New York State Citizen Review Panels

Each of New York State's Citizen Review panels is to have thirteen members. As of December 31, 2002 there were thirty-one panel members with eight vacancies. The Eastern Panel has eight members and had four resignations, the Western Panel has eleven members and had one resignation and the New York City Panel has eleven members with one resignation and one new appointment in 2002.

Each panel is charged with the responsibility to examine the child protective practices within a specific jurisdiction.

The jurisdiction for the Western Panel includes the following counties:

Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genessee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, Yates

The jurisdiction for the Eastern Panel includes the following counties:

Albany, Broome, Cayuga, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Nassau, Oneida, Onondaga, Orange, Otsego, Oswego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, St. Lawrence, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Westchester

The New York City panel is comprised of the five boroughs of New York City.

Kings County (Brooklyn), Bronx, New York County (Manhattan), Queens and Richmond (Staten Island).

FVERC staff has continued to be responsible for the coordination and administration of panel activities, the provision of technical assistance, research and analysis of defined panel issues, panel correspondence and the writing of panel reports. Staff is also involved with insuring communication between panels and with the Office of Children and Family Services. Training of new panel members and training for all other panel members is ongoing.

Panel Activities

State Wide Panel Activities

Although each panel has been examining issues within their specific regions they have, through the use of conference calls between panel chairs and other communications, joined in examining several statewide concerns and have agreed to take a joint advocacy role on some state and national matters.

- The panels have each agreed to support pending State legislation for a limited demonstration program of a dual track assessment response model in several county districts. This pilot model would provide for reports of maltreatment to be assigned to either an investigation track or an assessment track depending on the severity of the allegations. Dual Track provides flexibility for CPS to respond to less serious cases with an immediate assessment of family needs and provision of services, while continuing to respond to cases of child abuse and severe neglect with the requisite CPS investigation. Various forms of Dual Track or “differential response” have been implemented in a number of states throughout the country and has also been endorsed by the NASW New York State Chapter, and Prevent Child Abuse New York.
- Two panels, the Western and New York City Panels opposed a pending legislative amendment to the State’s child protective service regulations. This amendment, if passed, would add clergy to the list of mandated reporters and would add non-legally responsible persons to those who could be reported to the State Central Register. This legislation was not acted upon in 2002 and it is not clear if it will be re-introduced in the 2003 legislative year.
- Panels also sent joint letters of support to all the members of the United States Senate Health, Education, Labor and Pensions Committee as well as the two New York State Senators to support the Senate version of the CAPTA re-authorization bill S.2998.
- Panels each examined the executive summary of New York State’s Federal Child and Family Service Review and the State’s draft of its Program Improvement Plan

(PIP). As stakeholders, the panels wish to have a role in future Service Reviews including, but not limited to, the development and evaluation of the Program Improvement Plan.

- A statewide questionnaire was sent out to each of the States fifty-eight CPS directors. The survey contained both open and closed ended questions in six topical areas that the panels had identified of concern and interest to them. Forty-three of the fifty-eight questionnaires were returned indicating a 74% return rate. The questionnaire responders represented a diverse cross section of the State's child protective districts. Nine of the responding districts had 2,000 or more reports for 2001, four had more than 4,000 with NYC having 54,853 of the State's total of 154,369. The balance of the forty-two districts that responded ranged from a minimum of 372 to 1,947 reports with all reporters representing more than 75% of the total reports made to the State Central Register in the year 2001.

Analysis of CPS Questionnaire

	<u># of Responses</u>	<u># in Favor</u>	<u># Opposed</u>	<u># in Favor with Concerns</u>
1. Dual Track				
Are you in favor of an alternate response to a CPS report? Do you have serious concerns with Dual Track?	40	31 (78%)	8	20 (50%)
2. Amendment to CPS Reporting Regulations				
Are you in favor of an amendment that adds all acts of sexual exploitation of children being added to SCR?	42	4 (10%)	38 (90%)	
3. Anonymous Reports				
Are you in favor of the SCR not accepting or screening out anonymous reports?	42	15(36%)	27 (64%)	
		<u># of Responses</u>	<u># Yes</u>	<u># No</u>
4. Staff Training				
Does the Common Core training curriculum meet your staff's basic training needs?		43	30 (70%)	13 (30%)
5. Staff Retention				
Do you see high staff turnover and staff satisfaction as a significant problem?		41	24 (59%)	17 (41%)
Have you been significantly affected by Retirements?		41	10 (24%)	31 (76%)
6. Child Advocacy Centers and Multidisciplinary Teams				
		<u># of Responses</u>	<u>Access to CAC</u>	
Does your county have access to a CAC?		43	14 (33%)	
		<u># of Responses</u>	<u>Use a MDT</u>	
Is a multidisciplinary team response used to Investigate reports of sexual and physical abuse		43	32 (74%)	
		<u># or Responses</u>		
If you do not now have access to a CAC is one planned?		12		

In addition to close-ended questions each topical area had an open-ended question to allow responders of expand on their answers. The following is a summary of the number of comments that were received by subject area:

- Caseloads too high. 17
- Dual track concerns. 16
- Pay equity with other departments. (Probation) 7
- Screening out anonymous reports risk to children. 11
- Training needs. 26
- Clergy and other non-responsible persons should go Law Enforcement. 10

Case loads:

In addition to the questions in the six topical areas listed above there was also a question in regard to the breakdown of average caseloads by staff assignment.

CPS investigative staff	24
Service staff	21.7
Foster staff	15.3

* Caseload averages do not adequately reflect the averages for all responders since there was an inconsistency in the way in which the various counties reported their caseloads numbers.

Each panel reviewed the responses to the questionnaire both in its entirety and as it related to the counties within their specific jurisdictional regions.

Western Panel

The Western Panel located in Buffalo has within its jurisdiction OCFS Regional Offices 1 (Buffalo) and 2 (Rochester). Within Regions 1 and 2 are seventeen local county districts of western New York State. At the close of 2002 the Western panel had eleven members* and held meetings on March 8th, June 8th September 6th and November 8th.

*There was one panel resignation, Arlene Kuakas.

At the March 8th meeting panel member Dennis Wittman reviewed his report on the December field visit to the Justice for Children Child Advocacy Center in Batavia, N.Y. Panel agreed on the need for additional CAC's in their region and the State as a whole.

Panel reviewed OCFS statistics on the number of CPS reports in their region, noting an increase in reporting since 1999. At this meeting the panel also had examined the results of Ongoing Monitoring Assessments reports for 15 of the 17 local Social Services Districts in regions 1 and 2. The Ongoing Monitoring Assessment is a tool used by OCFS Regional Offices to audit a random number of local district CPS records for safety and risk assessments, appropriateness of removals, case determinations, service plans and decisions around case closings. These 1999 – 2000 reports will be used as a baseline for a review of future OMA reports of these counties.

Panel reviewed an Assembly and Senate version of proposed legislation to fund a Dual Track demonstration project. Panels agreed to send a letter of support for this legislation and expressed a desire to consider other forms of support such as public hearings and appearing before the appropriate committees of the State Legislature.

At the Panel's June 8th meeting they continued to review the role of Interdisciplinary Teams and Child Advocacy Centers as a best practice model for investigating reports of child sexual abuse. The panel held this meeting at the Erie County Child Advocacy Center and examined the practices and procedures for this CAC and that of the Niagara County CAC. Center Director, Edward Suk, provided a tour of the Center, which is based on a Medical model. Using a multidisciplinary team approach the center is able to bring health, mental health, CPS and law enforcement agencies together for a coordinated

response. In addition the Center has also contracted with Erie County to use its medical facilities to give physicals for children in the county's foster care system.

Ann Marie Tucker, Director of the Niagara County CAC, gave a presentation on the history and organization CAC's. Both centers use a medical model and are members of the National Children's Alliance and have met the criteria for full certification.

The panel supports expanding the number of MDT's and CAC's in New York State.

Panel also reviewed Senate Bill S. 6625 amending CPS reporting requirements to include clergy as reportable to the SCR as a non-familial responsible person; the Western Panel sent a letter of opposition to members of the State legislature.

At the panel's meeting of September 6th members reviewed the Executive summary of New York State's Federal Review and the draft copy of the State's Program Improvement Plan (PIP). This draft plan contains several of the recommendations supported by the panel: a Dual Track demonstration project and improved cross-system collaborations.

Panel examined the Single Point of Accountability (SPOA) for Coordinated Children's Service Initiative programs (CCSI). It was pointed out how using a SPOA model on a case-by-case basis can significantly reduce the risk for placement or help maintain a child in the least restrictive level of placement. By bringing representatives from a number of disciplines together at the same table, a comprehensive service plan can be developed with identification of which agencies will provide what services and the agency responsible for funding these services. Panel raised the question as to how many CCSI programs existed and how much money has been budgeted for them.

At their November meeting Panel members reviewed the summaries of the U.S. Senate and House versions of the proposed CAPTA reauthorization bills. Panel supports the Senate version of the CAPTA bill that would add a requirement that states must respond in writing to the recommendations made in the CRP annual reports and would add the examination of State and local practices to the role of the Citizen Review Panel.

Panel members, after being informed about several situations involving several active cases, questioned the due process and removal policies and procedures of the local districts

office. Buffalo Regional Office representative, Felicia McLaurin, reported to the panel that one of the roles of the Regional Office is to review consumer complaints relating to the actions of local district staff. Panel agreed to pursue a post determination review of policies and procedures applied to these cases and a broader study on the application of emergency removals and due process policies and procedures.

Progress of 2001 Recommendations:

No recommendations were established in 2001.

Progress on 2002 short-term goals:

- Goal: To examine collaborations between CPS and other agencies.

Progress: Panel reviewed OCFS Regional Office reports on multidisciplinary team models, county and school collaborations, met with directors from two Child Advocacy Centers and made a field visit to the Erie County Child Advocacy Center.

- Goal: To examine extent to which CPS is impacted by Day Care and Foster Care investigations.

Progress: Panel requested and received copies of OCFS statistics on Day Care complaints for 2000-2001 and Intuitional abuse statistics for the period June 1998 to May 2001.

Panel 2002 Recommendations:

- Passage of a Dual Track Demonstration program.
- Passage of the Senate version of the CAPTA re-authorization legislation.
- That the appointing authorities to bring the panel up to its maximum number of thirteen members and that appointments more adequately represent the race and ethnicity of New York's child welfare population.

Panel Goals of 2003:

- To conduct a study to evaluate consumer satisfaction of the Child Protective System. Study should include an examination of both State records on consumer complaints and input from CPS clients.
- To evaluate what effect staff reductions and other State and Federal budget cuts are having on the programs to protection of children.

Western New York Citizen Review Panel Members

James A. Vazzana, Esq. Panel Chair
Law Firm of Chamberlain, D’Amanda,
Oppenheimer, and Greenfield
Rochester, New York

Kathleen Crowley, Esq.
Erie County Family Court

Geraldine Donovan
Executive Director
Niagara County Head Start Inc.

Kathryn Bryk Friedman, Ph.D., Esq.
Confidential Law Clerk
Presiding Justice Fourth Department

Arlene Kaukas
President United Way of Buffalo and
Erie Co. *

Ellen T. Kennedy
Associate Professor of Social Work
Buffalo State College

Mark Lazzara
Director West Seneca Youth Bureau

Staff

Thomas Hess
OCFS Liaison for Citizen Review Panels
Bureau of Program Development
Office of Children and Family Services

Paula Mazur, MD
Children’s Hospital of Buffalo

Stefan Perkowski
Clinical Director
Child Advocacy Center

Christine Schnars
Community Director of Loyaltan of
Lakewood

Augusta Welsh
Director of Clinical Services
Genesee County Mental Health Services

Dennis J. Whittman
Director Genesee Justice Programs

* resigned

Anthony Tascarella
Project Coordinator
Family Violence Education and
Research Center

Eastern Panel

The Eastern Panel located in Albany has within its jurisdiction OCFS Regional Offices 3, 4 and 5; comprised of forty (40) counties. These counties represent the whole of eastern New York State including Long Island. At the close of 2002 the Eastern Panel had eight members and had held meetings on January 23, April 24, June 24, October 18, and December 13. There were four resignations since the inception of this Panel: Lori Ennis, Carmi Smullen, Andrew Buchan and Ester Carpenter. No new appointments were made to this panel in 2002, however the Panel is actively pursuing new appointments.

At the January meeting Andrew Buchan gave a presentation on the NYS Healthy Families Home Visiting Program. This primary preventive service targets prenatal women and families with infants at risk of abuse or neglect. New York State has twenty- seven (27) Healthy Families sites, many of which are in the regions served by the Eastern Panel. Promoted nationally by Prevent Child Abuse America, this initiative has evidenced positive outcomes. The Eastern Panel recognizes the importance of investing in community supports that ultimately will decrease the number of families that enter Child Protective Services. The Eastern Panel also invited Christine Schoonmaker, Director of the NYS Child Advocacy Resource and Consultation Center to the January meeting. Christine briefed the Panel on the progress in NYS developing multidisciplinary teams in the investigatory process. OCFS has also provided incentives for communities to establish Child Advocacy Centers. These strategies promote collaboration among law enforcement, medical providers, and Child Protective Units. Renee Bradley, from the NYS Family Resolutions Project, provided a presentation on the use of Family Group Conferences as a process to empower families within the child welfare system. OCFS has provided training and technical assistance in an effort to encourage local districts to develop strategies that place the responsibility back with families to have a safety plan in place for their children.

The April meeting provided opportunities for the Eastern Panel to gather data on the well being of children in NYS. Deborah Benson and Toni Lang from the New York State Council on Children and Families reviewed the New York State Kids Count Data Report, *Touchstones*. Several other initiatives supported by OCFS were also highlighted: Task Force on School Community Collaboration, Coordinated Children's Services Initiative (CCSI), Community Justice Training Initiative, Head Start Collaboration Project, and Prisms. Copies of New York State Touchstones/Kids Count 2002 Data Book were distributed to each panel member;

publication was made possible by an Annie E. Casey Foundations grant. It was noted that New York State is part of a National KIDS COUNT network founded to improving life outcomes for children and their families. Touchstones is an important decision making tool that can be used to guide the development of quality services for children and families.

The Eastern Panel identified in 2001 an issue for many districts, the use of court ordered investigations. Local district representatives cited that Family Court Judges were burdening the Child Protective System by ordering investigations when no specific allegation of child abuse or neglect was evident. The purpose was to obtain a study of the home and provide more information to the court on issues that were outside the Child Protective system's scope of work. On May 30 a letter was sent from the Eastern Panel to the Office of Court Administration to advocate that training be considered for Family Court Judges in the most effective use of 1034 court ordered investigations.

CAC Coordinators Kevin Revere, and Kathleen Paciello, CPS supervisor hosted the panel's June meeting at the Oneida County Child Advocacy Center (CAC) located in the city of Utica, New York. The center was established in 1989 and is a member of the National Children's Alliance. It was noted that one of the most difficult tasks in the development of the Center was to establish and strengthen the relationships between various law enforcement agencies, each wanting to maintain their own jurisdictions. The physical co-location of CPS and law enforcement helps facilitate a smooth collaborative process for investigations of child sexual abuse. Further, the medical expertise available at the CAC provides continuity for children and families in the investigatory process. This was an extremely informative site visit for Panel members, some who have CACs in their own district.

The October meeting examined issues surrounding CPS staffing, caseloads and pay equity. Information gathered by a Panel survey to CPS local districts was discussed. The Panel noted that some counties are leaving positions vacant resulting in higher caseloads and higher worker stress. Further challenges surrounding recruitment and the length of time required for mandated training of new workers were cited. The Panel identifies several areas impacting the child welfare system:

- Negative public opinion and the need for public education.
- Civil Service system and the need for more flexibility due to the specific skills needed within CPS.
- Budgetary constraints and the need for more resources within an overburdened system.

The Eastern Panel concluded 2002 with a meeting in December that reviewed their efforts during the year and established goals for 2003.

Review of Goals for the Eastern Panel:

- The Panel has discussed the need for a shift in the present financing strategy of child protective and preventive services. The NYS legislature passed a new financing bill providing for a 65% state and 35% local reimbursement for child protective, preventive and other child related services excluding foster. The Panel will continue to track the impact this will have on local districts and incentives offered to promote best practice programs like Child Advocacy Centers and NYS Healthy Families Home Visiting.
- The Panel has supported the initiation of a multi-year “Dual Track” demonstration project. Legislation for a Dual Track demonstration project was not passed prior to the close of the 2002 legislative session.
- The use by Family Court Judges of 1034 court ordered investigations has not yet had a response from the Office of Court Administration. There is the possibility that a proposed shift in the structure of Family Court and Criminal Court venues will impact this issue. The Panel will continue to keep abreast of these shifts.
- An examination of the impact of anonymous reports resulted in the Panel discussing the option of NYS changing the present policy. Not all states allow anonymous reports for child maltreatment. The Panel decided not to recommend a policy change at this time.
- Workforce retention is critical within the child welfare arena and it is evident that there are factors that impact this issue. Pay equity for caseworkers continues to impact child welfare units in NYS. The Panel continues to gather data on workforce retention.

Eastern Panel 2002 Recommendations:

- The Eastern Panel endorses the use of a multidisciplinary team in the investigation of child sexual abuse and the creation of Child Advocacy Centers. Resources should continue to be targeted for existing centers and for the creation of new centers.
- The Eastern Panel endorses an outcome-based evaluation of a “Dual Track” system through the implementation of a demonstration program in NYS.

Eastern Panel 2003 Goals:

- Actively recruit through appropriate appointment processes new Eastern Citizen Review Panel members who will represent the diversity of the population within the jurisdiction of the panel. Ensure that panel members are prepared for their responsibilities through the development of an information recruitment package.
- Examine Child Protective Services workforce retention issues and develop realistic recommendations that stabilize units and services across NYS.
- Examine the role of Child Fatality Review Teams and the coordination of initiatives with NYS Department of Health.
- Promote best practice standards in child welfare and program models, like Dual Tracking, that give opportunities to explore policy and practice shifts that may evidence better outcomes.
- Advocate that adequate financing for critical services that ensure the health and safety of New York's most vulnerable children is at the forefront of budget negotiations in 2003. Ensure that anticipated cutbacks in the NYS budget are not those that further jeopardize the safety of children and advocate for funding that promotes stable and safe families in NYS.

Eastern New York Citizen Review Panel Members

Stacy Alvord Panel Chair
Executive Director
Community Action Program for Madison
County

Lance R. Jackson
Executive Director
Northeast Parent and Child Society

Julia Smead Bielawski, Esq.
New York State Appellate Division, Third
Department

Dianne R. Meckler
Executive Director
Capital District Child Care
Coordinating Council

Andrew T. Buchan *
Executive Director
Healthy Kids Program

JoAnn Merriman, RPA-C
Seton Health Pediatrics

Esther Carpenter *
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District Attorney's Office

Adam R. Shaw, Esq.
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New York City Panel

The New York City Panel has within its jurisdictions the five boroughs, which make up the City of New York and is served by OCFS regional office six. The panel created one subcommittee for each borough for the purposes of evaluating the extent to which the state and social services district are discharging their child protection responsibilities within a particular borough. The Administration for Children's Services (ACS) is the citywide agency that provides child protective and other child welfare services to the children of New York City. At the close of 2002 the New York City panel had *eleven members and had held meetings on February 6th, April 1st, May 16th, June 16th, September 25th, October 29th and December 2nd.

* Panel had one resignation, Paula Sharf, and one new member, Dr. Jocelyn Brown.

The New York City Panel examined several child protective legal issues within New York City. In February the panel met with Judge Joseph Lauria, Administrative Judge for New York City's Family Courts. Judge Lauria reviewed the efforts that the court have made to more adequately meet the needs of the children and families that come before the City's Family Courts. At this meeting the panel also heard from Harriet Weinberger and Emily Olshansky representing the two 18b Assigned Council Districts that serve New York City's Family courts. The Panel was made aware of the problem created by the insufficient number of 18b and institutional attorneys to represent children and families that come before the court in child neglect and abuse matters.

Panel voted to support a demonstration of the Dual Track model in New York State and raised concerns about the legal representation given to families and children in Family Court.

James Purcell, from the Council of Family and Child Care Agencies and Henry Orenstein, from the NYC Office of the Public Advocate both attended the Panel's April 1st meeting. These stakeholders were invited as part of the Panel's goal to hear from as many New York City Child Welfare stakeholders as possible. Some of the issues that were discussed at this meeting were the need for additional staffing, training and higher salaries for the voluntary

childcare agencies that serve the children placed with them by ACS. Also reviewed was the need for greater accountability of ACS Policy and procedures and casework staff.

This panel is supportive of the dual track demonstration project and is advocating that New York City be one of the demonstration sites. Another interest of this panel is the number of children placed on an emergency basis, without benefit of a court order. The panel reviewed a requested ACS report on emergency placements at the May 16th meeting. As a result of their review the panel has made a request of ACS to provide a more detailed report.

Panel voted to oppose State Senate Bill S.6625. This legislation, if passed, would widen CPS reporting to include persons who were not legally responsible for a child's care and would also include Clergy as mandated reporting parties.

At the June 16th meeting the panel initiated an inquiry into the time it takes to place a child through the interstate compact.

In September the panel reviewed an expanded ACS report on the number of removals that were made on an emergency basis, and the number made prior to the issuance of a Family Court order of removal. Two members of the New York City Panel will be reviewing SCR reporting issues: Margaret Magnus mandated reporting, and Kelly Lenz the impact of anonymous reporting. Members to report back to the whole panel at future meetings.

The panels also created sub-committees, one for each of the boroughs of New York City as required in the State Citizen Review Law.

The October and December meetings were spent looking at SCR reporting issues. SCR Assistant Director John Sulzman attended the December meeting and provided an overview of the most recent SCR initiatives relating to improving services to reporters and local social service districts. Copies of a recently revised mandated reporter's manual were distributed and reviewed by the panel. Since the State Legislature did not pass the Dual Track legislation in the 2002 legislative session panel agreed to actively pursue this issue again in the 2003 legislative session.

Panel 2002 Recommendations:

I. Dual Track Legislation

During the last legislative session, the Governor's office, the NYS Senate and the NYS Assembly showed enormous interest in developing and implementing a dual track demonstration project. Dual track is a system whereby some reports made to

the State Central Register are handled in a service model instead of an investigative or prosecutorial model. The executive, through its Office of Children and Family Services, introduced dual track legislation. The Senate and Assembly followed suit, introducing and amending a bill that had been developed by dual track advocates like Karen Schimke and the Schuyler Center for Analysis and Advocacy. An initial three-way meeting was held to begin to reconcile the legislation, but a threshold issue arose as to whether or not New York City and the other large social services districts would be eligible to apply to participate in the dual track project or whether participation by these larger social services districts jeopardized title IV-E funding that the state as a whole was entitled to receive? These important questions have not yet been answered. All sides clearly agree that developing a dual track response model (which has been accomplished in several other states, e.g., Minnesota and Missouri) would be a major step in reforming the way families access services and enter the child welfare system. A thorough effort must be undertaken to conclusively address the fiscal issues that now stand as an enormous barrier to reaching a three-way agreement on implementing a dual track model in New York State.

Therefore, the New York City Citizen Review Panel recommends that it conduct a public hearing to obtain specific information regarding the fiscal implications of implementing a dual track model in New York State. Public hearing should be held in conjunction with the other two Citizen Review Panels in New York State, if possible, and be co-chaired by the Senate and Assembly sponsors of dual track legislation in each respective house. Programmatic aspects of dual track could also be addressed at the public hearing, but the major focus should be on ascertaining answers from the fiscal experts on, 1) whether there is any merit to the concern that New York State jeopardizes funding by permitting the participation of New York City and other larger local social services districts in the dual track demonstration, 2) whether there are ways to minimize the reduction or the loss of funds, and 3) how other states have circumvented this funding challenge. Every effort should be made to secure testimony from the federal department of Health and Human Services as well as from the relevant department commissioners in states now implementing a dual track model. The public hearings should be held early in the legislative session, with at least one each in New York City and Albany.

II. Racial And Ethnic Disparities in New York City’s Child Welfare System

Recommendation: The executive should require the Office of Children and Family Services to contract with an independent research entity, e.g., a university, to conduct a study to identify reasons, procedures, regulations, omissions which may contribute to the disproportionate involvement of African Americans, Latinos and the poor in the state's child welfare system.

Any study on racial, ethnic and socio-economic status disproportionality in child welfare should be modeled after the study the federal government required of states with disproportionately high placement/incarceration rates of African American and Latino youth in juvenile facilities. The recommended study should be similar in scope and purpose as the mandated study the state performed in order to remain in compliance with funding eligibility criteria set by the Office of Juvenile Justice and Delinquency Prevention. The study should contain recommendations on how to reduce and eliminate the disproportionality, how to remove biases and better standardize initial contacts with families and how to better ensure that the child protective system treats all of the families that it encounters in a fair, equitable and professional way.

Study recommendations should be as specific as possible. Recommended training, for example, should be detailed with specifics on desired training outcomes, targeted cohorts, and potential trainers.

III. Mandatory Reporting

The Citizen Review Panel recommends that OCFS and the appropriate committees of the New York State Legislature examine the provisions of Social Services Law §§413, which mandates that certain individuals report suspected child abuse, neglect or maltreatment. Mandated reporters make 66.8% of all the reports made in New York City with 65.5% of all reports determined to be “unfounded,” meaning that no credible evidence of abuse or neglect was found to support the report. (OCFS 2001MAPS data report). OCFS and the Legislature should examine the current list of categories of reporters and the training provided to those reporters.

The operation of the current system does not comply with the law in at least two areas. First, mandated reporters are required to file form 2221A, a written follow-up to their telephone call

within 48 hours of making an oral report, (Social Services Law § 415) however many mandated reporters fail to file form 2221A, which could provide a more complete and accurate report, with no apparent program or procedures in place follow up on missing 2221A reports. Second, mandated reporters are entitled to request the finding of the investigation (Social Services Law § 422(4)(A)). Such information would assist mandated reporters in determining whether cases they suspect are actually cases of abuse or maltreatment, however mandated reporters have indicated difficulty in obtaining these findings.

IV. Anonymous Reporting

The Citizen Review Panel recommends that OCFS and the appropriate committees of the New York State Legislature examine the provisions of Social Services Law §422, which require the State Central Register of Child Abuse and Maltreatment to accept anonymous reports of child abuse and maltreatment. Less than 15% of anonymous reports accepted by the SCR are substantiated (OCFS Data Warehouse report 7/17/02), meaning that for 85% of the reports no credible evidence to support the alleged allegation of abuse or neglect was found. Since all reported families are subject to investigations, including a safety and risk assessment of every child in the home, there needs to be a balance between the primary goal of protecting children and a family's right to privacy, that is, *to safeguard the right of parents to raise their children as they see fit, free of governmental intrusion, except in cases of neglect and abandonment.* (Godstein, Freud, Solnit (1973). *Beyond the Best Interest of the Child*, p7).

V. Removal of Children

When comparing the rate of removal per indicated report, the Panel found that New York City removes children at nearly twice the rate as the rest of the nation (*National Clearing House on Child Abuse and Neglect Information, Children's Bureau-Administration on Children, Youth and Families [April 2002]*), with many of the children returning home within a few months. (*ACS Top 12 Performance Reports 01-Oct-02*). The Citizen Review Panel also found that the Administration for Children's Services removes many children on an emergency basis prior to receiving a court order of removal. (ACS DLS Intake Report July 2002.)

Panel recommends an evaluation of current ACS policies and procedures relating to the emergency removals without benefit of a court order.

Panel Goals for 2003:

1. To examine ACS policy and procedures relating to the emergency removal of children prior to a court order of removal.
2. To continue the panel's study of the SCR reporting regulations for mandated reporters.
3. To continue the Panel's ongoing investigation into anonymous reporting and an exploration of a future amendment on SCR reporting requirements.
4. To hold a public hearing on Dual Track.

New York City Citizen Review Panel Members

Eric Brettschneider, Esq. Panel Co-Chair
Director Agenda for Children Tomorrow

David J. Lansner, Esq. Panel Co-Chair
Partner Law Firm of Lansner and Kubitschek
New York, N.Y.

Christina D'Angelo
Program Director Universal Pre-K/Nursery
School/Day Care Program

Sania Andrea Metzger, Esq.
Director of Policy
Casey Family Services

Dr. Jocelyn Brown, Dir
Child Advocacy Center of New York

Gerard J. Papa, Esq.
Founder and President of Flames Youth Organization

Diana Pichardo-Henriquez
Parent Organizer New York Foundling
Parent Center

Yvonne Hutchins Plummer
Associate Director of Nursing (retired)
Elmhurst Hospital Center

Kelly A. Lenz
Project Coordinator
Office of the Chief Medical Examiner
In the City of New York

Paula Held Sharf *
Director
Pride of Judea Community Services

Margaret M. Magnus, PhD. R.N.
Retired Professor Emeriti
Hunter College

Marion White
Founder and Executive Director
Child Abuse and Prevention Program Inc.

* Resigned

Staff

Thomas Hess
OCFS Liaison for Citizen Review Panels
Bureau of Program Development
Office of Children and Family Services

Anthony Tascarella
Project Coordinator
Family Violence Education and Research Center

SUMMARY

The second year of the New York State Citizen Review Panels has seen a continuation of the work done by the panels last year, to become familiar with local state and national child welfare issues. In addition each panel has started the process of identifying specific areas of interest and concern within their specific jurisdictions as well as issues that are common to all three panels.

Issues common to all panels are the passage of child welfare reform legislation that would create a “dual tack” demonstration project in three to ten local social service districts. Panels all actively advocated for the passage of this pending legislation, which failed to go before the legislature prior to the end of the legislative session. Each panel has voted to continue their efforts to have this legislation reintroduced and voted into law in the 2003 legislative session. Two of the three panels have also taken a position to oppose pending State legislation that would have added non-legally responsible persons to the list of those who could be reported to the SCR. This pending legislation was also was not voted on in the 2002 session. Nationally the panels advocated for the U.S. Senate version S. 2998, would strengthen and expand local oversight by requiring Citizen Review Panels to study, in addition to policies and procedures, agency practices, and would require States to provide a written response to panel recommendations.

This year has also seen a number of panel resignations leaving each panel with two or more vacancies. By statute the panel are unable to appoint new members to fill vacancies, however they are advocating to have their vacancies filled.

The State Office of Children and Family Services has continued to provide support for the work of the panels and an OCFS staff member, Thomas Hess, has been assigned as a liaison to the panels and the panel coordinator. OCFS, its Regional Offices and local districts have cooperated with panel requests, have made staff

available for panel meeting and have made available requested information and statistical reports.

Although the panels did not have an opportunity to participate in New York State's Federal Child and Family Service Review and subsequent Program Improvement Plan (PIP), as stakeholders, the panels have examined the results of the Review and PIP and look forward to work more closely on the implementation of the PIP and future Child and Family Service Reviews.

Thanks must be given to all the panelists for volunteering their time and efforts to the work of their panels, which could not exist without them. Their commitment to the welfare of the children of New York State has been their primary concern and is greatly appreciated.

Appendices

Citizen Review Panel Questionnaire

Dual Track:

Currently OCFS, the Assembly and the Senate have each put forth versions of a CPS demonstration project for Dual Track also referred to as Differential Response.

- Are you familiar with the Dual Track concept? Y / N
Are you in favor of an alternate response to a SCR report? Y / N
Do you have serious concerns with Dual Track? Y / N
If yes what are your concerns?

Amendment to Reporting Regulations:

Senate Bill S6625 would, if passed, expand SCR reporting to include a person who is not the parent or other person legally responsible for a child's care. Bill would also add clergy, in some instances, to the list of mandated reporters.

- Are you in favor of this amendment being passed? Y / N
If not what are your concerns?

Child Advocacy Centers and Multidisciplinary Teams:

- Does your county have access to a CAC? Y / N
Is a multidisciplinary team response used to investigate reports of sexual abuse? Y / N
Physical abuse? Y / N
If you do not now have access to a CAC is one being planed? Y / N

Anonymous Reports:

Some states do not accept anonymous reports to their SCR.

- Are you in favor of the SCR not accepting or screening out anonymous reports? Y / N
If yes what are your reasons?

Staff Training:

Common Core, Core Essentials and Supervisory Core trainings are currently being utilized as the base training for all CPS and child welfare staff.

Are these training curriculum meeting your staff's basic training needs? Y / N

If not what changes would you suggest?

Staff Retention:

High turnovers rates and staff satisfaction are seen as a national concern for CPS and other child welfare staff.

Do you see this as a significant problem for your agency? N / Y

Has your department been significantly affected by retirements? N / Y

What are your average caseloads for:

CPS investigations? _____

Services only? _____

Combined caseloads? _____

Foster care? _____

In your county what would be the most significant factors to improve staff satisfaction and reduce staff turnover?

Other comments.

New York State Citizen Review Panels
*Administered by the Family Violence Education and Research Center of the School of Social Welfare,
State University at Stony Brook
Stony Brook University, New York 11794-8231 Tel.: 631-444-6187 Fax: 631-444-7565
E-mail: Atascarella@notes.sunysb.edu*

Dear

New York's Chapter 136 of the Laws of 1999 created three citizen review panels with a variety of functions, including reviewing the policies and practices of the State and local agencies relating to child protective services and reviewing and evaluating any criteria that the panel considers important to provide for the protection of children. All three panels have been meeting over the last year or so and the Legislature received the Annual Report of activities of January 1, 2001 to December 31, 2001.

All three Citizen Review Panels were pleased to learn that the Office of Children and Family Services has developed legislation to reform CPS investigations and that discussions are underway in the administration as well as in both houses of the Legislature to move this legislation forward.

All three panels recommend that the New York State Office of Children and Family Services be granted the necessary authorization, through statute, to conduct a three-year demonstration project in ten counties to test a differential response for the handling of child abuse and neglect cases reported to the SCR. This project is commonly referred to as the “Dual Track” model.

The goal of the Dual Track Project is to identify those families where services and support are needed although not a CPS investigation. Through the family assessment approach services can be offered that strengthen families, without jeopardizing the safety of children. The focus on both child safety and family engagement is central to this approach.

Under this proposal OCFS, or another agency, would be required to conduct a comprehensive evaluation of the demonstration project, report key findings to the Governor and Legislature, and make recommendations regarding continuation or expanding of the program.

We urge that New York State join the many other states across the nation who are reforming child protection to both safeguard children and strengthen families. The Citizen Review Panels stand ready to support and assist you in any way appropriate.

Sincerely,

EASTERN PANEL
Stacy Alvord, Chair

New York City Panel
Eric Brettschneider, Esq. Co-Chair
David J. Lansner, Esq. Co-Chair

Western Panel
James J. Vazzana, Esq. Chair

New York State Citizen Review Panels

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The Honorable Members of the Senate Committee on
Health, Education, Labor, and Pensions

Dear Senators:

With the passage of the Child Abuse Prevention and Treatment Act (CAPTA) on October 3, 1996 New York State established three Citizen Review Panels. These panels have been meeting regularly for the past two years and to date have filed two annual reports enumerating a summary of their activities and the findings and recommendations of these panels. The New York State Office of Children and Family Services (OCFS) has supported the panels in their review of State and local policies and procedures to assess how effectively these jurisdictions are discharging their child protective responsibilities.

The passage of S. 2998 “Keeping Children and Families Safe Act”, will reauthorize CAPTA for the next four years through, FY 2007. As coordinator for the State’s three Citizen Review Panels and with the authorization of the panels I am writing to you for the purpose of seeking your support for the passage of S.2998. This proposed bill would strengthen and expand local oversight by requiring Citizen Review Panels to study, in addition to policies and procedures, *agency practices*, and also includes a recommendation for a change in the annual report. This change would require that States provide a written response to panel recommendations for the improvement of the State and local Child Protective System.

These revisions to the current CAPTA legislation will help to strengthen the role of Citizen Review Panels by providing them with greater access to the Child Protective System and would help to insure that States provide a response to the recommendations of Citizen Review Panels.

We thank you for your attention to this letter and would welcome any questions that you may have in regard to it.

Sincerely,

Anthony Tascarella, CSW
Coordinator, New York State Citizen Review Panels

EASTERN PANEL
Stacy Alvord, Chair

NEW YORK CITY PANEL
Eric Brettschneider, Esq. Co-Chair
David J. Lansner, Esq. Co-Chair

WESTERN PANEL
James J. Vazzana, Esq. Chair

New York State Citizen Review Panels

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July 3, 2002

«Title» «FirstName» «LastName»
«JobTitle»
«Company»
«Address1»
«Address2»
«City», «State» «PostalCode»

Dear «Title» «LastName»,

At the June 14, 2002 meeting of the Western Citizen Review Panel members in attendance voted unanimously to oppose Senate Bill S. 6625.

This bill while well intentioned has several flaws. The State Central Register for Child Abuse and Maltreatment (SCR) currently accepts cases involving a child abuse by a person who is a parent, relative or other person legally responsible for the child's care. The first part of the bill will add to these cases by including not only members of the clergy but school personnel and total strangers. Indeed any report of an assault involving a child would have to be accepted by the already overburdened SCR.

We believe that these new reports are **criminal matters** and should not be handled by Social Service agencies that are designed to investigate and provide services to keep families together. Once reported, these cases will then have to be investigated by local Child Protective Services with no authority to take any action. At some point the cases will have to be referred to Law Enforcement agencies, therefore this bill simply **adds another step in the process**. Additionally, as mandated reporters, the police will be required to report every assault on a child by a stranger to the SCR. Yet another instance of increased workload on overburdened agencies without any benefit to the young victims we are trying to protect.

We are also concerned about adding clergy as mandated reporters. The bill makes an exception for a clergy member acting as a spiritual advisor raising the question of when a clergy member is acting as such and will differ from religion to religion. The courts may be led toward unconstitutional entanglements.

This proposal makes a significant change in the current law and should not be undertaken without thorough study and public hearings. For your information I have enclosed a list of members on the Western Citizen Review Panel.

Sincerely,

Anthony Tascarella, CSW
New York State Citizen Review Panel Coordinator

Enc:

EASTERN PANEL
Stacy Alvord, Chair

NEW YORK CITY PANEL
Eric Brettschneider, Esq. Co-Chair
David J. Lansner, Esq. Co-Chair

WESTERN PANEL
James J. Vazzana, Esq. Chair