

**CITIZEN REVIEW PANELS**

**STATE OF NEW YORK**

**ANNUAL REPORT**

**January 1, 2003 to December 31, 2003**

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

## Table of Contents

I.	Introduction	3
II.	New York State Citizen Review Panel Law	6
III.	Status of the New York State Citizen Review Panels	8
IV.	Joint Panel Activities	9
V.	Western Panel	11
VI.	Eastern Panel	16
VII.	New York City Panel	21
VIII.	Summary	29
XI.	Appendices	31
	Summary abstract for Western Panel	32
	Consumer Satisfaction Survey	
	Satisfaction Survey Client Letter	33
	Survey Questionnaire	34

## 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.

2003 amendment to the CAPTA revised several Citizen Review Panel requirements by:

- requiring each Citizen Review Panel to examine the *practices* (in addition to policies and procedures) of State and local agencies to evaluate the extent to which the agencies are effectively discharging their child protective responsibilities. (Section 10(c) (4) (A));
- requiring each panel to provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community (Section 106 (c)(4)(C)); and
- requiring each panel to make recommendations to the State and public on improving the child protection services system at the State and local levels. The appropriate State agency is to respond to the panel and State and local child protective services agencies in writing no later than six months after the panel recommendations are submitted. The State agency's response *must*

include a description of whether or how the State will incorporate the recommendations of the panel (where appropriate) to make measurable progress in improving the State and local CPS systems (Section 106 (c)(6)).

*Section 106 of the Child Abuse Prevention and Treatment Act, as amended was enacted June 25, 2003.*

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, 2003 to December 31, 2003. An extension to this five-year annual contract is in the re-authorization process for the period of January 01, 2004 to \*August 31, 2004.

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.

\* The FVERC's five year Contract with New York State Office of Children and Family Services expires on August 31, 2004 and will need to be renewed effective September 1, 2004.

## 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, 2003 there were thirty-one panel members with eight vacancies. The Eastern Panel has eight members and five vacancies; the Western Panel has eleven members and two vacancies; and the New York City Panel has twelve members and one vacancy. The New York City Panel had the only new appointment made in the year 2003.

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 seventeen 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 forty 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 existing and new panel members is ongoing.

## Panel Activities

### Joint Panel Activities

Although each panel has been examining issues within its specific regions, they have joined together on several statewide activities and have agreed to take a joint advocacy role on several issues.

On March 24, 2003, panel chairs from the New York City and Western Panels joined the Eastern Panel's meeting with State Senator May Lou Rath and State Assemblyman Roger Green. Senator Rath and Assemblyman Green are the Children and Families Committee chairs for their respective legislative bodies. At this meeting panelists had the opportunity to voice their support for passage of a pending Dual Track\* Bill and to express their concerns on panel vacancies. They advocated for additional panel appointments and requesting that any new appointments accurately represent the diversity of the child welfare population within the State.

\*Each of New York State's Citizen Review Panels in their 2002 annual reports agreed to support State legislation that would have created a limited demonstration program for a dual track assessment response model in a specified number of districts throughout the State. 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 had also been endorsed by a number of voluntary

Agencies including the NASW New York State Chapter, and Prevent Child Abuse New York.

A Joint Meeting of New York State's three Panels met on October 3, 2003, at OCFS offices in Albany. This meeting was attended by a minimum of five members from each panel. David Thompson, Child Welfare Reform Consultant for the Minnesota Department of Human Resources, was the keynote speaker. He presented on Minnesota's experience with an Alternative Response (AR) or Dual Track Model for CPS reporting. In the latter part of 2000, Minnesota began with a limited AR Project in 20 counties, which has been expanded to all but two counties, to be added by February 2004.

Panel members were also provided with presentations from several OCFS administrative staff, who provided an update on the State's progress on implementing their Program Improvement Plan (PIP), a new Risk Assessment Profile (RAP) and improvements to the State Information System, *Connections*.

Following the Joint Panel Meeting, panel chairs or their representatives met with members of OCFS administrative staff. They reviewed the State's need to fill panel vacancies in a timely manner, requested a clarification of the communication protocols between the panels and OCFS and issues related to possible conflicts of interest between panel activities and those outside the panel.

## 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 the seventeen local county districts of western New York State. At the close of 2003 the Western panel had eleven members and held meetings on March 7<sup>th</sup>, June 6<sup>th</sup>, October 3<sup>rd</sup>\*, and December 5<sup>th</sup>.

*\*The October 3<sup>rd</sup> meeting was a joint meeting of the three panels.*

On March 7<sup>th</sup> the panel reviewed copies of A 5315, the pending Dual Track Bill, and a pending Assembly Bill that would add clergy as mandated reporters. This bill would also require mandated reporter to make a Law Enforcement Referral on any other mandated reporter who is suspected of abusing a child not related to them.

The panel was provided an overview of the Chautauqua County S.A.F.E. program. This model program provides for a service assessment concurrently with ongoing CPS investigations. The S.A.F.E. teams consist of both CPS and service workers, who work together with the family for the life of the case. For the past two years Chautauqua has had two S.A.F.E. teams and has found that families served by these teams experienced a lower maltreatment recurrence rate.

The panel then reviewed a first draft of a work plan to conduct a CPS Consumer Satisfaction Survey. The plan is to send questionnaires to CPS clients, after their indicated cases were closed. The number of surveys per county will be weighted based on the size of the counties. Unfounded reports will not be part of the survey.

Dr. Shelly Cohen, Stony Brook University Research Specialist, met with the panel on June 7<sup>th</sup>. Dr. Cohen presented a draft copy of a CPS Consumer Satisfaction Survey that was prepared at the panel's request. The survey will consist of telephone interviews of a stratified sample of indicated CPS clients from the seventeen districts of Western New York State. The panel members reviewed both the draft proposal and the questionnaire document.

An update on the Western New York State Consumer Satisfaction Survey was provided on December 5<sup>th</sup>. At the panel's request Stony Brook University requested and received a stratified sample of 542 indicated subjects from the OCFS Data Warehouse. The subject sample contains a total of 840 allegations: 58% of which are neglect, 17.9% physical abuse, 4.5% sexual abuse, 3.2% medical neglect and 13.8% other allegations. Letters were sent to each of the subjects advising them that they had been randomly selected to take part in the telephone survey and advising them of their rights of refusal. Three-second year graduate social work students were selected and trained by Stony Brook staff to conduct the actual telephone interviews. A detailed telephone questionnaire was developed and used in the student training interviews. From the initial mailing of 252 letters, fourteen subjects had consented to be interviewed, ten had refused and ten subjects had been interviewed. On the negative side there have been thirty-eight returned letters, and fifty-eight phone disconnects. The goal is to complete the telephone interviews and data analysis by spring 2004. The panel also reviewed their 2003 recommendations and 2004 goals for the 2003 annual report.

#### Progress on 2002 Recommendations:

*Recommendation:* Passage of a Dual Track Demonstration Program.

*Progress:* A Dual Track Bill was passed by both Houses of the New York State Legislature but vetoed by the Governor.

*Recommendation:* Passage of the Senate version of the CAPTA re-authorization bill.

*Progress:* The bill was passed and signed into law. The panels sent a joint letter of support to both of the New York State Senators and the members of the U.S. Senate HELP sub-committee.

*Recommendation:* That the appointing authorities bring the panel up to its maximum membership of thirteen members and that the appointments more adequately represent the race and ethnicity of New York's child welfare population.

*Progress:* No progress was made on this recommendation. The appointing authorities have made no new appointments to the Western Panel in the year 2003.

### Progress on 2002 goals:

*Goal:* To conduct a survey to evaluate consumer satisfaction of the Child Protective System. Study to include direct input from CPS clients and an examination of both State records on consumer complaints.

*Progress:* Survey of a stratified sample of CPS clients from each of the seventeen districts in the Western Region is currently under way and data collection is expected to be completed by Spring 2004.

*Goal:* To evaluate what effect staff reduction and other State and Federal budget cuts are having on child protective programs.

*Progress:* No progress was made on this goal.

### Panel Recommendations for 2003:

- The passage and enactment of Dual Track Legislation that would create a Dual Track Demonstration Project in New York State. The panel supports a dual track or alternative response model to replace the State's current investigative only model. The flexible response of dual track offers the possibility for enhanced child abuse and neglect prevention while still maintaining a timely response to abuse and serious maltreatment reports. Given the current trend of higher caseloads and the high level of worker turnover the panel urges the Legislature, Governor, and OCFS work together to address the concerns raised in the Governor's veto message to pass and enact Dual Track Legislation in 2004.

### Panel Goals for 2004:

- To complete the consumer satisfaction survey of the Child Welfare System.
- To monitor OCFS progress on the New York State Program Improvement Plan. (PIP)
- To obtain local CPS district and State feedback on the results of the Consumer Satisfaction Panel Survey.

- To evaluate what effect staff reductions and cuts in State and Federal budgets are having on child protective programs.
- To examine the number of foster care fatalities in Regions One and Two.

**Western New York Citizen Review Panel Members**

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

Mark Lazzara  
Director West Seneca Youth Bureau

Ellen T. Kennedy  
Associate Professor of Social Work  
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Children’s Hospital of Buffalo

Stefan Perkowski  
Clinical Director  
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Christine Schnars  
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Augusta Welsh  
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## 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 2003 the Eastern Panel had eight members. The panel held meetings on February 26<sup>th</sup>, March 24<sup>th</sup>, May 16<sup>th</sup>, July 16<sup>th</sup>, October 3<sup>rd\*</sup> and November 17<sup>th</sup>. Although the panel had five vacancies throughout the year no new appointments were made to this panel in 2003; panel has throughout the year advocated for additional panel appointments.

*\*October meeting was a joint meeting of New York State's three Citizen Review Panels.*

At the February meeting Richard Nells, OCFS Associate Commissioner, provided the panel with an update on the proposed 2003-2004 budget for OCFS. He reported that OCFS did not have deep cuts and may possibly receive additional monies for some programs, but cautioned that the budget process was ongoing and changes were still possible.

The panel members discussed a recent change in an OCFS interpretation to SSL Sec. 422-b, relating to the role of Child Fatality Review Teams (CFRT). The Department determined that the role of these teams was to review Foster Care and CPS cases *only*, severely limiting the number of cases that these teams can review. Tom Hess, OCFS liaison to the panels, indicated that it would require a legislative amendment to expand the scope of the CFRT to include other death and near death cases.

On March 2 the panel hosted a meeting with State Senator Mary Lou Rath and State Assemblyman Roger Green, committee chairs for the Children and Families Committee in their respective legislative houses. At this meeting the panel members had the opportunity to discuss their recommendations for dual track, the need for additional panel appointments and amending Sec.422-b of the SSL to expand the role of the Child Fatality Review Teams.

The panel addressed their goal of examining Child Protective Services workforce and retention issues at their May meeting. Mary McCarthy, Director New York State Social Work Education Consortium, reviewed a 2002 study of thirteen high turnover counties. This study was conducted at the request of the State and identified a number of common characteristics but also found that many counties had characteristics that were unique to specific counties. Low salary, high caseloads, insufficient staff training, and local

administrative issues were some of the factors that affected staff retention. In an attempt to address some of these factors it was reported that the State was working with the Schools of Social Work to offer more child welfare course offerings and to encourage the development of student field placements at DSS sites.

In July the panel was given an overview of the state's Program Improvement Plan (PIP) from Associate Commissioner Richard Nells. The plan addresses the Federal Child and Family Services Review performance factors that were found not to be in substantial compliance. As stakeholders' the panel members voiced a need to become involved in the preparation of the next review cycle. Failure to meet the national standards in the next review could result in fiscal sanctions for New York State.

The panel, following the passage of Dual Track legislation, noted that the Governor still needed to sign the bill into law. Concerns were raised over several issues: the need to gain support from the local districts, the shortened time for completion of the safety assessment for cases assigned to the assessment track, the ten-year retention of case records and the lack of funding for a program evaluation of the demonstration project. The panel agreed to send letters of support to the Governor urging him to sign the bill into law.

#### Progress on 2002 Recommendations:

*Recommendation:* The endorsement of an outcome-based evaluation of a Dual Track through the implementation of a demonstration program in NYS.

*Progress:* The panel sponsored a meeting with legislative leaders from the NYS Senate and Assembly and sent letters to the Governor and Legislature advocating for passage and enactment of a Dual Track Demonstration Program. Bill was passed by the Legislature but vetoed by the Governor.

*Recommendation:* Endorsement of the use of multidisciplinary teams in the investigation of reports of child sexual abuse and the creation of additional Child Advocacy Centers.

*Progress:* No progress was made on this recommendation.

## Progress on 2002 Goals:

*Goal:* To actively recruit for new panel members.

*Progress:* The panel developed a recruitment information packet to be sent to perspective panelists and advocated directly with appointing authorities. Seven recruitment packages were sent out but no new appointments were made in 2003.

*Goal:* To examine CPS workforce retention issues.

*Progress:* The panel reviewed a state and federal reports on CPS workforce and worker retention.

*Goal:* Examine role of CFRT and the coordination of initiatives with Health Department.

*Progress:* Panel advised of the need for legislative action to expand role of CFRT teams beyond that of CPS and Foster Care cases.

*Goal:* To promote best practice standards in child welfare and program models, like Dual Track.

*Progress;* Panel actively advocated for the passage and enactment of a Dual Track Demonstration Project. Legislation was passed by the Legislature but vetoed by the Governor.

*Goal:* Advocate for adequate financing for critical services that ensure the health and safety of children during the 2003 budget negotiations.

*Progress:* Panel members followed the State budget negotiations and advocated against cuts to child welfare programs.

## **Panel Recommendations for 2003:**

- The passage of a Dual Track Model for all districts in New York State, based on the analysis and experiences from other states and in the alternative, passage of a Dual Track Demonstration Project in a select number of local districts.
- The appropriation of adequate funding to provide for an independent evaluation of the Dual Track Demonstration Project in New York State.
- That New York State ensures a Maintenance of Effort (MOE) to qualify for Federal Title IV-B funding to support child welfare programs and initiatives.
- That the State appointing authorities appoint the five new members needed to bring the panel to full membership of thirteen.

**Panel Goals for 2004:**

- To become actively involved in the New York State Program Improvement Plan (PIP). Specifically strategy #6 Development and Piloting of a Differential Protective Services Response to All Allegations of Child Maltreatment (Dual Track) and Strategy #7 Workforce Development: Staff Recruitment, Retention and Development.
- To recruit and facilitate the appointment of new panelist who will represent the diversity of the population within the panel's jurisdiction.

## Eastern New York Citizen Review Panel Members

Stacy Alvord Panel Chair  
Executive Director  
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## **New York City Panel**

The New York City Panel has within its jurisdiction the five boroughs that make up the City of New York and are 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 2003 the New York City Panel had twelve members. The panel had one new member added, Mathea Rubin. The panel met on January 15<sup>th</sup>, March 4<sup>th</sup>, May 9<sup>th</sup>, June 24<sup>th</sup>, September 4<sup>th</sup>, October 3<sup>rd\*</sup>, and December 4<sup>th</sup>. On January 30<sup>th</sup> a subcommittee of the panel met with the New York City Administration for Children's Services (ACS) administrative staff and on July 10<sup>th</sup> held a second meeting with ACS and the New York City Family Court Administrative Judge, Joseph Lauria.

\* The October meeting was a joint meeting of the three panels.

The New York City Panel has continued to examine a number of child protective legal issues within New York City. At the January 15<sup>th</sup> meeting, seven presenters from Healthy Families New York (Joy Griffith, Lisa White, Monica Dobson, Janet Miller, Sandra Lloyd, Sobeira Guillen, Roxanne Wilson and Corinne Pitts) gave an overview of the New York State Healthy Families Program and specific information on the individual Healthy Family sites within the City of New York. The panel also began to address its concerns on issues related to mandated reporters, anonymous reports, and ACS policies and procedures on the emergency removal of children prior to obtaining an emergency order of removal.

On January 30<sup>th</sup>, two panel members, Dr. Jocelyn Brown and Kelly Lenz, represented the panel at a meeting with ACS administrative and legal staff to review ACS policies and procedures relating to emergency removals.

At the March meeting Michele Cortese from the Center for Family Representation furnished a presentation to the panel. The center is funded by a grant from the Casey Foundation and helps provide parents with access to legal services early in their involvement with ACS, as well as providing services to facilitate visiting between families and children who are placed out of the home. At the May 9<sup>th</sup> meeting the panel reviewed national statistics on anonymous reporting. The report raised several local issues and the panel requested that OCFS provide some additional data from the Data Warehouse.

In September the Panel reviewed OCFS Data Warehouse reports on anonymous reporting within NYC. The report provided a breakdown of reporters by anonymous and named sources, broken down by the number of reports indicated and unfounded for each category. Panel members also raised a question on the need for clearer CPS reporting standards, with specific interest in the lack of supervision standard. Also at issue was the need to reach out to the city's multi-cultural population to educate them on acceptable child caring standards. It was noted that conflicts between ethnic and cultural practices has put children at risk and families subject to emergency removal of their children.

In December the panel heard presentations from Anne Lynn, Project Director for the Northeast Region Child Advocacy Center of the National Children's Alliance, Karel Amaranth, Executive Director of the Montefiore Child Advocacy Center and Jacqueline Winston, Director Brooklyn Child Advocacy Center. Through these presentations panel members were provided with the history and concept of the CAC model and specifics on two of New York City's CAC's.

The panel also approved the issuance of a memo to New York City family law practitioners clarifying the procedures for seeking emergency removal orders. The purpose of the memo is to inform New York City family law practitioners on the outcome of the panel's meeting with ACS and the Administrative Judge for the New York City Family Court.

#### Progress on 2002 Recommendations:

*Recommendation:* That it conduct a public hearing to obtain specific information regarding the fiscal implications regarding the implementation of a dual track model in New York State.

*Progress:* No action was taken on the recommendation. The Governor vetoed the bill that would have created a dual track demonstration project.

*Recommendation:* That OCFS contract with an independent research entity to conduct a study to identify reasons, procedures, regulations, and omissions, which may contribute to the disproportionate involvement of African Americans, Latinos, and the poor in the state's child welfare system.

*Progress:* No action was taken on this recommendation in 2003.

*Recommendation:* That the State examines the CPS reporting laws which mandate certain individuals to report suspected child abuse and maltreatment.

*Progress:* Although there has been no formal study, panel member Margaret Magnus has been representing the panel on the Fordham University Interdisciplinary Task Force Subcommittee on Mandated Reporting. The task force has been examining mandated reporting and a revised OCFS training for mandated reporters.

*Recommendation:* That OCFS examine the State Social Services Law sections relating to the acceptance of anonymous reports by the State Central Register (SCR).

*Progress:* During the course of the year the panel reviewed a number of City, State and national statistics relating to anonymous reporting and also established a panel subcommittee that has done a literature search on the subject.

*Recommendation:* That there be an evaluation of current ACS policies and procedures on the emergency removal of children without benefit of a court order.

*Progress:* The panel reviewed ACS removal statistics and held meetings with the Administrative Law Judge for the New York City Family Court and ACS administrators. As a result of these efforts a memorandum was drafted and accepted for distribution to the City's family law practitioners.

## Panel 2003 Recommendations:

### 1. Emergency removals of children by ACS.

The New York State Citizen Review Panel for Child Protective Services in New York City had expressed concern about the number of children that ACS was removing without court order. The Panel believed that for many reasons it was preferable for ACS to seek an order whenever possible. Judicial review allows for a neutral magistrate to review the application and, when possible, give the parents a chance to present an explanation. Alternative arrangements could also be worked out in the court. ACS has agreed that the Family Court clerks would not always accept petitions or applications after a certain time (usually 1:00 p.m.) each day. ACS claimed, therefore, that it could not make applications in many cases and made removals without court review.

To ensure maximum access to the court for the purpose of removal applications a joint meeting with Judge Lauria and officials from ACS was arranged by the Citizen Review Panel. Judge Lauria has clarified the procedures and has approved the following language:

*Judge Joseph M. Lauria, Administrative Judge for the Family Court in New York City, clarified procedures for ACS applications to obtain emergency removal orders in child protective cases.*

*The New York City Administration for Children's Services (ACS), has authority to file petitions and request orders permitting them to remove children under the Family Court Act Sec.1027 and if there is not enough time to file a petitions, to file an application for and order of removal under Family Court Act Sec. 1022. In cases in which there is not enough time to apply for an order, ACS may remove children without an order under Section 1024 of the FCA.*

*As a result of a joint meeting with Judge Lauria and officials from ACS, arranged by the New York City Citizen Review Panel, Judge Lauria clarified that ACS may make applications under Family Court Act Sec. 1022 and 1027 at any time that the Family Court is in session, and has informed the supervising judges in each county that the clerks should accept all such applications*

## 2. Children Left Home Alone.

One of the pressing problems in child welfare today is the number of children who are left home alone. There is a need for clear standards to guide parents. As a result of the lack of such clear standards children suffer in two ways. First, because parents are often confused or lack expert guidance on when children can be safely left alone, some children are left alone at too young an age and their safety is imperiled. Second, because parents are not informed of the rules, caseworkers substitute their own judgment and remove children when they disagree with a parent's decision. The children then are subject to the trauma of separation from their families. Therefore, the Citizen Review Panel believes that there is an urgent need to develop such standards and publicize them, and will make the development of such standards a priority

## 3. Program Review

The following programs should receive an ongoing review, by the State and City agencies responsible for CPS service, with the idea of making the services of these programs better known and involved in a case planning level for the delivery of services designed to preserve families and protect children. Included in this review should be the adequacy of funding and the potential for procedural connecting linkages among these now marginal programs and means for evaluating measurable outcomes:

- 1) Healthy Families
- 2) Child Advocacy Centers (CAC)
- 3) Consumer Advocacy Programs (e.g., parents, youth, etc.)
- 4) Parent representation and consumer information and guidance centers.

The role of the New York State Children and Family Trust Fund should be considered, in light of the above recommendation, in financially supporting existing programs and in their role as innovators. This group is currently concerned for the continued economic viability of the Children and Family Trust Fund.

#### 4. Mandatory and Anonymous Reporting

The panel continues its concern about the current system of mandated reporting to the NYS Central Register and again calls upon the Office of Children and Family Services to conduct research on the effectiveness and impact on the system. The panel recognizes the need to balance the discovery and investigation of cases of child maltreatment with that of the impact on families and children from the intrusiveness of such investigations. The panel is especially concerned with the acceptance of anonymous reports by the SCR and the reliability of such reports. It is a serious failing of the child protective system that 30 years after the establishment of the Child Protective Act, there is little evidence to help us understand the value or harm caused by these elements of the child protective structure (i.e., anonymous and mandated reporting).

The group inquires whether an investigation prompted by anonymous reporting to law enforcement could be sufficiently investigated. There should be an ongoing evaluation of the mandated reporting education process, including the refinement of the child abuse training videos and the distribution of these videos to a larger mandated reporting population. We are particularly interested in the variations amongst the mandated reporting groups as to their reporting reliability.

#### 5. Overrepresentation of Minorities

The panel continues to be concerned with the overrepresentation of minority families in the child protective system and recommends the evaluation of data pertaining to such reports. The panel supports the Administration for Children's Services' initiative to better understand the systemic causes of overrepresentation of minority families by examining the infrastructure of these communities as well as the various procedural and decision-making biases that may exist in the child protective process.

The Administration for Children's Services and other groups must identify and institutionalize methods to eliminate racial and ethnic disproportions in child welfare.

6. Permanency, Life-Long Family Connections for Adolescent's in Foster Care.

The panel will explore collaborative strategies supportive of public and private efforts to facilitate permanent life-long family connections for adolescents in foster care and those aging out of care. The recommendation recognizes ACS' recently launched concurrent planning strategies aimed at significantly reducing the number of youth with the permanency goal of independent living by, among other things, requiring diligent efforts by caseworkers to assist youth in care in identifying, contacting and maintaining connections with relatives and other "significant adults" throughout the youths' placement in care, connections the youth will be better able to maintain upon discharge. The panel strongly recommends that all of the ASFA permanency options, reunification, placement with relatives, kinship foster care, guardianship, and adoption, be aggressively explored and periodically revisited on behalf of older adolescents in care.

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## **SUMMARY**

The fourth year of the New York State Citizen Review Panels has seen a continuation of the work done by the panels last year, identifying specific areas of interest and concern within their specific jurisdictions as well as issues that are common to all three panels.

An issue common to all panels was the passage of child welfare reform legislation that would have created a “dual tack” demonstration project in up to ten local social service districts. All panels actively advocated for the passage of this pending legislation during the year 2003, meeting with legislative leaders and sending letters of support for passage. Once the Dual Track Bill had passed the legislature, panels sent letters urging the Governor to sign the bill into law. The Governor cited support for the Dual Track concept but noted several areas of concern that had been raised by the Mayor of the City of New York and subsequently vetoed the bill. In his veto message the Governor directed his staff and OCFS to work with the Bill’s sponsors, local social services districts and other interested parties to develop legislation that corrects these defects.

The panels also encouraged the appointing authorities (Governor, State Senate and Assembly) to fill the panel vacancies and bring them to their full membership of thirteen. During 2003 only one new panel member was appointed to the New York City Panel. By statute, the panels are unable to appoint new members to fill vacancies. Panels have again established a goal to have full membership and that they represent the ethic and cultural diversity of the State’s child welfare population.

Notwithstanding the disappointments noted above, 2003 was also a year of positive outcomes. The New York City Panel successfully worked cooperatively with the Administrative Judge for the New York City Family Courts and ACS administration in drafting and issuing a memo to New York City Family Court practitioners clarifying emergency removal procedures. This panel has also identified a number of other issues for further investigation namely: anonymous reporting, disproportionality representation, home alone laws and permanency goals for adolescent foster children.

The Eastern panel was instrumental in arranging for the meeting with State legislative leaders and the planning for the successful first joint meeting of New York State's three Citizen Review Panels. The Joint Panel Meeting was enthusiastically received and attended by a quorum membership from each panel. Panels were all in agreement to have another joint meeting in 2004.

The Western Panel has been actively involved with the development and progress of a Consumer Satisfaction Survey of CPS clients in Western New York. The anticipated date of completion is Spring 2004.

The State Office of Children and Family Services has continued to provide support for the work of the panels. Thomas Hess an OCFS staff member 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, making staff available for panel meetings and providing 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, they have examined the results of the Review and PIP and look forward to working more closely on the implementation of the PIP and future Child and Family Service Reviews. Two panels have identified specific areas of interest in the PIP and the goal to be included in the planning for the next federal review.

Special thanks again must be given to the panelists for volunteering their time, efforts, and work. The Citizen Review Panels cannot exist without each members

continued dedication, support, and commitment to the welfare of the children of New York State.

## Appendices

**Western New York Citizen Review Panel Consumer Satisfaction Survey  
of Child Protective Services in OCFS Regions I and II**

**Summary Abstract**

The 1996 amendments to the Federal Child Abuse Prevention and Treatment Act and the New York State Citizen Review Panel Law required that New York State establish three Citizen Review Panels made up of volunteer members who broadly represent the community in which the panel is established. The Western New York Panel has within its jurisdiction Office of Children and Family Services (OCFS) Regions I and II, which is made up of seventeen counties in western New York State.

In the 2002 Citizen Review annual report the Western New York Citizen Review Panel set a goal of conducting a consumer satisfaction evaluation of child protective services within their jurisdiction. The specific objective of this evaluation is to determine the quality of CPS client contacts, protection of client rights, worker attitude and behavior toward clients, willingness of CPS staff to engage clients in a meaningful helping process by developing a service plan that protects children and meets client needs.

The evaluation will be conducted by a telephone interview of a randomly selected stratified sample of 100 CPS clients in the counties within OCFS Regions I and II. The OCFS data warehouse will select clients, who had a recently indicated CPS report. Sample will be proportional to number of reports received by the individual counties. A questionnaire will be utilized to survey only those CPS clients who have given an informed consent to participate in this study.

All identifying information gathered for this study will be kept in a locked file and only available to the project researchers. All computer files will be stored on a server maintained by the School of Social Welfare in a password-protected directory. The aggregated data summarizing the responses of study participants will be published as part of the New York State Citizen Review Annual Report of the year in which the study is completed. Copies of the Annual Report will be sent to the Governor, the Legislature, the Commissioner of OCFS and any member of the public requesting it.

## ***New York State Citizen Review Panels***

*Administered by the Family Violence Education and Research Center 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.cc.sunysb.edu](mailto:Atascarella@notes.cc.sunysb.edu)*

September 30,2003

Dear Parent,

I am the Director of the Family Violence Education and Research Center located at Stony Brook University and am asking for your help. The Center is working with the Western Citizen Review Panel, an independent group of citizens, who want to find out the ways in which Child Protective Services (CPS) is helpful, fair, and respectful to the families they have been involved with.

We will be calling a number of randomly selected families, like yourself, to ask a number of questions on their experiences with the workers assigned to their case, such as how respectful the workers were, if workers were helpful, and willing to work with families. **All of your answers will be kept confidential and will not be shared with CPS or the workers.**

Please indicate below if you do or do not wish to take part in this survey or if you would like more information before being called.

**I want** to be included.

**I do not** want to be called. **If you do not check this box we will make an effort to call you.**

I may want to participate but **please call me first.**

After checking your choice please return in the enclosed envelope. If you have any questions or want any additional information you may call me at 631-444-3152.

Thank you very much for taking the time to read this letter and giving us the opportunity to work with you to evaluate CPS in New York State.

Name \_\_\_\_\_ . Telephone Number (\_\_\_\_) \_\_\_\_\_

Please Print

The best time to call me is \_\_\_\_\_ .

Sincerely,

Kathleen Monahan, D.S.W., Director

## Survey Questionnaire

The following questions are about the initial contact CPS made with you regarding the incident reported in (mention month) about (mention allegations).

1. How were you first contacted? Mail    Phone    Home Visit    Other \_\_\_\_\_
  
2. If by phone or visit:
  - a. Did you also get a letter? Yes No
  - b. How soon after the initial contact did you get the letter? \_\_\_\_\_
  
3. If by mail:
  - a. How soon (after the letter or after the initial report, if known) were you contacted by a CPS worker? \_\_\_\_\_
  - b. Was this a phone call or home visit or other? \_\_\_\_\_
  
4. In general, were you satisfied with the way in which the initial contact was made?  
Yes    No    Comments \_\_\_\_\_  
\_\_\_\_\_
  
- II. How many CPS workers did you have involved in this case? \_\_\_\_\_  
If more than one, get details (e.g. 2 on first visit, then 1 continued to end; 1 did initial visit and 1 continued after that, etc.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Did you feel you need to start over every time with each new caseworker? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- III. The following questions are about the visits the first CPS worker(s) made to your home (in order to complete the safety assessment).
  1. What did the worker say was in the report (what were the allegations)?

---

(interviewer: note whether this matches report)

2. Were you happy with how well it was all explained?  
Very much OK Not at all (interviewer: make sure they chose an answer)  
Comments \_\_\_\_\_

3. How well did the CPS worker explain what was going to happen next?  
Very well OK Not well at all  
Comments \_\_\_\_\_

4. How many contacts did the CPS worker make with you before your case was determined (indicated)? \_\_\_\_\_  
Describe \_\_\_\_\_

5. Please tell me how you would describe your relationship with the first worker, using often, sometimes, rarely, never, or doesn't apply:

a.	Was respectful to you and your family?	O	S	R	N	DA
b.	Appeared rushed?	O	S	R	N	DA
c.	Appeared interested in listening to what you had to say?	O	S	R	N	DA
d.	Took time to answer all your questions?	O	S	R	N	DA
e.	Appeared interested in helping you and your family?	O	S	R	N	DA
f.	Understood your family's problems?	O	S	R	N	DA

6. If worker did not understand you or your problems, do you think it was because of any differences between you and your worker (such as culture, race, or anything else)?  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Any other comments that you would like to make about your experience with CPS?  
Comments \_\_\_\_\_  
\_\_\_\_\_

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IV. The following questions are about your experiences after your case was indicated (determined).

1. Did a caseworker continue to visit with you after you learned the results of your report?

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2. Was a court petition filed against you?

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2a. If yes, were your child(ren) placed? \_\_\_\_\_

2b. Did you understand what you had to do to have your child(ren) returned to you?

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—

*If no services (case monitoring) after case was indicated go to question V 3.*

*If participant had more than a different caseworker after case was indicated: Ask the following questions:*

3. Please tell me how you would describe your relationship with the ongoing (service) caseworker's attitude using often, sometimes, rarely, never, or doesn't apply: (If more than one, answer separately for each using the additional pages):

a.	Was respectful to you and your family?	O	S	R	N	DA
b.	Appeared rushed?	O	S	R	N	DA
c.	Appeared interested in listening to what you had to say?	O	S	R	N	DA
d.	Took time to answer all your questions?	O	S	R	N	DA
e.	Appeared interested in helping you and your family?	O	S	R	N	DA
f.	Understood your family's problems?	O	S	R	N	DA

4. If worker(s) did not understand you or your problems, do you think it was because of any differences between you and your worker(s) (such as culture, race, or anything else?).

Comments \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Any other comments about your experience with CPS worker(s) after your case was indicated (determined)?

Comments \_\_\_\_\_

\_\_\_\_\_

- V. The following questions are about the services you received after your case was indicated (determined)?

1. Please tell me whether you agree or disagree with the following statements about the services you received, using agree, don't know, or disagree:

a. The worker was knowledgeable about community services	A	DK	D
b. The worker arranged referrals for you	A	DK	D
c. The service plan was helpful to your family	A	DK	D
d. You would have sought out these services if there had not been a CPS report	A	DK	D

2. Any other comments about services you received?

\_\_\_\_\_

\_\_\_\_\_

—

\_\_\_\_\_

—

\_\_\_\_\_

—

\_\_\_\_\_

—

\_\_\_\_\_

3. If your case was closed with out you receiving services:

a. Were you offered any help in obtaining services to help your family?

\_\_\_\_\_

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—

b. Would you have liked anything else to have been done to help your family? \_\_\_\_\_

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—

c. Did you attempt to get services on your own as a result of the CPS report?

\_\_\_\_\_

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—

d. If yes to above, would you have sought out services if there had not been a CPS report?

\_\_\_\_\_

---

—

e. Any other comments about services you obtained, or needed but did not obtain?

Comments

\_\_\_\_\_

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—

VI. Is there anything else about your case that we should have asked, or that you would like to tell us about, or suggestions for improving the work of CPS in your community?

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VII. Interviewers remarks:

Please comment on the extent to which interviewee was:

a. Cooperative

\_\_\_\_\_

\_\_Hostile

\_\_\_\_\_

\_\_\_\_\_

b. Resistant

\_\_\_\_\_

\_\_\_\_\_

c. Overly eager to please

\_\_\_\_\_

d. Other issues that might effect validity of information obtained

\_\_\_\_\_

\_\_\_\_\_

**ADDITIONAL PAGE FOR MULTIPLE CASEWORKERS**

*If participant had more than one caseworker: Ask the following questions:*

1. Please tell me how you would describe your relationship with the ongoing (service) caseworker’s attitude using often, sometimes, rarely, never, or doesn’t apply: (If more than one, answer separately for each):

e.	Was respectful to you and your family?	O	S	R	N	DA
f.	Appeared rushed?	O	S	R	N	DA
g.	Appeared interested in listening to what you had to say?	O	S	R	N	DA
h.	Took time to answer all your questions?	O	S	R	N	DA
i.	Appeared interested in helping you and your family?	O	S	R	N	DA
j.	Understood your family’s problems?	O	S	R	N	DA

2. If worker(s) did not understand you or your problems, do you think it was because of any differences between you and your worker(s) (such as culture, race, or anything else?).

Comments \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Any other comments about your experience with CPS worker(s) after your case was indicated (determined)?

Comments \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_