



DYFS let four kids slowly starve

Child advocate's report on Collingswood family case lists years of poor judgment by agency

BY SUSAN K. LIVIO AND MARY JO PATTERSON Star-Ledger Staff February 13, 2004

Through negligent casework, ignorance of the rules and poor internal communication, the state's child welfare agency allowed four "intentionally malnourished" adopted children to live in near-starvation for almost a decade, according to a blistering report released yesterday by New Jersey's Office of the Child Advocate.

Years before Collingswood police responded to a middle-of-the-night call about a "little kid" eating out of a neighbor's trash can, the New Jersey Division of Youth and Children Services should have known that there was something terribly wrong, Child Advocate Kevin Ryan found.

The "little kid," weighing 45 pounds and standing 4 feet tall when found foraging for food on Oct. 10, 2003, was actually a 19-year-old man, Bruce Jackson. At the home of his parents, Vanessa and Raymond Jackson, were three younger brothers just as deprived.

Yet DYFS workers who visited the Jackson household on at least 38 occasions since 1999 failed to do anything about their appalling state, the report documents.

"None of (them) apparently noticed the stark underweight and underdeveloped conditions of the four boys, or did anything about it if they did," Ryan wrote.

The Jacksons have been charged with child endangerment and assault. Bruce Jackson, still living in a hospital but thriving "on a normal diet," has gained 37 pounds and grown 6 1/2 inches in the last three months, the report states. His brothers, in foster care along with three other Jackson children, also are doing well.

Ryan's 35-page report provides a chilling portrait of bureaucratic dysfunction. Since the Jacksons became foster parents in the summer of 1991, it concludes, DYFS did almost nothing right in caring for the boys it placed with them.

His findings include the following:

Although physicians, school officials, therapists and even DYFS workers took note of the Jackson boys' emaciation on numerous occasions, DYFS never investigated to find out what was behind it.

"In every case, these signs were dismissed, ignored or overlooked by the state Department of Human Services and the Division of Youth and Family Services," Child Advocate Kevin Ryan said at a news conference in Newark.

Contrary to claims by Vanessa and Raymond Jackson, there is no evidence to suggest the Jackson boys suffered from any medical conditions prior to their adoptions.

In reality the four boys "were systematically malnourished over many years," Ryan wrote. "After extensive examination and testing, doctors have concluded the exceptionally low weight and exceptionally small stature were not caused by any medical condition whatsoever."

Richard Josselson, attorney for the Jacksons, did not return a telephone call yesterday seeking comment.

DYFS caseworkers, their supervisors, and licensing officials all appeared to be unaware of rules requiring annual medical evaluations of all family members living in a foster home.

State officials misled the public in October when they said a DYFS employee had gone to the Jackson household four months earlier to assess the safety of a foster child there. Such visits are required under settlement of a lawsuit brought

by a child-advocacy group.

Not only is there no record of a visit, there is evidence to suggest as many as 2,500 of 14,300 other "safety assessments" DYFS purported to have made were nothing more than reviews of notes taken during visits many months earlier.

The child advocate's four-month investigation was based on 20,000 pages of DYFS, medical and school records and testimony from eight senior DYFS officials.

It leads "to the very unsettling conclusion that policies designed to protect children are not strictly adhered to at DYFS, and have not been for many years. They are not even fully understood," Ryan wrote.

From start to finish, DYFS caseworkers had a high opinion about the Jacksons as parents, the report shows.

For example, workers praised the couple for "doing an excellent job" and being "very consistent on doctor's appointments" in a 1997 foster home evaluation. In reality, the four boys suffered emotionally and physically for many years.

In a 1994 entry in a caseworker's notes, Bruce Jackson pleaded with his caseworker to take him to McDonald's, a Dunkin' Donuts -- anywhere where he could eat. She refused, but the ravenous 10-year-old wouldn't relent. He found a cookie in the car's glove compartment, swallowed it, then begged her not to tell "Miss Vanessa," the name he used for his foster mother.

DYFS workers apparently relied on the boys' parents, rather than the boys' doctors, for information about their health. Vanessa Jackson told caseworkers and friends that the reason Bruce was so small was that he had "bulimia and depression," the report states.

Doctors and therapists who treated the boys may have conveyed concerns to the foster parents, but the caseworkers did not get wind of them or ignored them, Ryan said after his news conference.

"Clearly, DYFS knew the children were losing weight. The explanation offered in the case record said children suffered from 'eating disorders' or 'fetal alcohol syndrome.' There is not a single shred of evidence to support either diagnosis," he said.

Doctors who treated the Jackson boys did document serious medical concerns.

For example, a physician conducting a routine physical on one of them noted that the boy was "markedly underweight, undersized and presented with failure-to-thrive syndrome." At age 3, the doctor's records showed, the boy weighed only 21 pounds.

One year later, DYFS approved his adoption, with no indication that the boy's health was of any concern. The other boys' adoptions also sailed through, with the approval of DYFS, judges, and special law guardians assigned.

In a set of recommendations accompanying the report, Ryan urged the Department of Human Services to require in-person safety assessments of all children adopted through DYFS, and to interview all members of the household during these visits.

Ryan also urged the state to coordinate medical care for foster children by establishing medical offices at DYFS offices to serve as go-betweens for physicians, caseworkers and foster parents.

Ryan also recommended that the state require parents who adopt through DYFS to provide proof that their child gets an annual physical as a condition of receiving a stipend. The federal government pays adoptive parents several hundred dollars a month.

The Department of Human Services has 30 days to respond to Ryan's report and recommendations.

Hetty Rosenstein, president of Communications Workers of America Local 1037, representing many DYFS workers,

did not dispute Ryan's contention that caseworkers routinely overlooked at least one rule.

"No one" at DYFS follows the rule requiring annual medical exams for everyone in a foster child's household, Rosenstein said.

"Management decided to not require that any longer. No one has ever done these medicals every time a child is adopted. It was a management decision to waive that," said Rosenstein, who sat in on the news conference.

The Office of the Child Advocate, assisted by the law firm of Latham & Watkins on a pro bono basis, did not delve into possible motivations for the boys' alleged maltreatment.

That is a focus of the continuing criminal investigation of the Jacksons by Camden County Prosecutor Vincent Sarubbi, Ryan said.

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DYFS chief to comply with Advocate's advice

Expert monitors reinforce steps for reform

BY SUSAN K. LIVIO Star-Ledger Staff February 14, 2004

Acting Human Services Commissioner James Davy said yesterday his department will accept all of the state Child Advocate's recommendations to fix the glaring management failures revealed in the case of four starved children in South Jersey.

"Whatever recommendations are contained in the Child Advocate's report, we intend to fulfill," Davy said late yesterday.

Davy made his vow as a panel of experts monitoring court-ordered reforms to the Division of Youth and Family Services said it expects nothing less than the changes called for by Child Advocate Kevin Ryan.

"Kevin pointed out areas of weakness and each of the areas the Child Advocate addressed must be in the (reform) plan," said panel Chairman Steve Cohen.

The Child Advocate's report detailed DYFS' failure to recognize problems in a Collingswood foster family, where four adopted boys suffered from malnourishment and medical neglect. The report found that few managers and front-line staff understood or followed policies that are supposed to ensure foster children are healthy and safe.

It made a series of recommendations aimed at making sure DYFS has clear policies to protect children and an effective system to quickly address health or safety problems.

Under a federal court consent decree to reform the child protection agency, the state will release its plan for a thorough overhaul of DYFS on Wednesday. Davy said it will call for medical directors to be placed inside DYFS offices to ensure children's health needs are addressed, and for information about medical histories to be collected in one place.

The Child Advocate's report noted that caseworkers and supervisors involved with the Jackson family in Collingswood either didn't have access to the foster children's medical information, or misinterpreted the information they had.

Davy has already agreed DYFS will visit all of the foster children who were not personally assessed last year -- a step Ryan's report recommended. Andy Williams, Davy's spokesman, said, "We may want to address these issues immediately" rather than waiting to incorporate them in the court-mandated DYFS reform plan.

Williams said the state was ready to adopt a recommendation that parents must prove their adopted children receive

annual physicals before they can get their monthly adoption cash subsidy, but federal law does not allow that on privacy grounds. Instead, the state will track whether families are using the adopted child's Medicaid benefits to determine if they are receiving appropriate medical attention.

Ryan's report also revealed that DYFS never visited as many as 2,500 of New Jersey's 14,300 foster children last summer despite assurances it was conducting face-to-face assessments of every one of them. The state agreed to do the "safety assessments" as part of its settlement of a class-action lawsuit that alleged foster children are at high risk for abuse. The Jackson foster home was among the ones that were not visited.

Yesterday, members of the New Jersey Child Welfare Panel, created by a court settlement to track progress at DYFS, said they will scrutinize the state's reform plan to make sure it provides both the money to do things right, and accountability when things go wrong.

Progress "won't happen until the system begins to hold itself accountable for the bad things that happen," said Judy Meltzer, panel member and deputy director of the Center for the Study of Social Policy in Washington, D.C.

Three of the five panel members held a press briefing yesterday to discuss their role in directing the state's reform effort. They will seek the public's input on the plan at public hearings on yet-to-be determined dates next month in Newark and Camden.

The Office of the Child Advocate's report is online at <http://www.childadvocate.state.nj.us/projects/index.html>.

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Newark Star-Ledger Editorial

A new indictment of DYFS Friday, February 13, 2004

An ugly new picture of the state Division of Youth and Family Services traces a culpability that goes right up to the officials assigned to turn the agency around.

It is a portrait painted by the state Office of the Child Advocate, which used its powers of subpoena, deposition and investigation to penetrate the layers of failure in the case of the Jacksons, four severely malnourished boys who were taken from their adoptive home in Collingswood last year.

The four children were cheated out of years of growth and health that can never be replaced because the agency that should have rescued them could not see what was under its nose.

That is as heartbreaking as it is enraging. And the most damning part of the advocate report deals with a study DYFS issued hours before the Jackson case became public. DYFS said it did what a court settlement required and "conducted face-to-face safety assessments on more than 14,000 children in foster care," and all were well except for a handful. The Jacksons proved the report a fraud because their household was one of the ones that should have been visited.

Last month, the advocate asked Deputy Human Services Commissioner Colleen Maguire if there had been face-to-face checks of each child. Maguire's answer was "No." She has resigned. Now we know there was good reason to quit.

The advocate found that staff used reports as much as eight months old to declare children safe. There is no way that could have happened to any degree unless higher-ups were complicit in the lie or negligent in their operation of the agency.

Even before that study, state workers were in and out of the Jackson home over a period of years, placing the boys and other children for foster care or adoption.

The Jackson case raised cries for new laws and safeguards to require medical exams for DYFS kids and scrutinize home schooling so it could not be used to hide abuse and neglect.

But the advocate found that DYFS already has good common-sense rules governing medical exams and clearance for home school. It had everything it needed to do its job -- including warnings from school officials and others who suspected something was wrong with the boys.

Had DYFS simply followed its own policies, it would have discovered what the advocate says was the systematic starvation of four kids. They did not grow during the years they were in the Jackson home. On normal diets -- not super supplements or special feeding -- they have put on pounds and grown many inches in the few months since they left.

The distance between what DYFS is supposed to do and what it does is so great that we now understand why this agency has had one reform after another wash over it and gotten worse instead of better. That will continue unless someone fixes what the advocate found.

For instance: Many DYFS staff -- including the director of licensing -- do not know the agency's rules and procedures, like the ones about medical exams. Yesterday, a union representative for caseworkers said medical exams are never done. If that is true, even a casual sampling of cases would make it clear so it could be corrected. Even a mediocre manager would require such a sampling. What have the reformers been doing?

Maguire is gone. The governor is working on his second reform team, headed by close aide Jim Davy. There is a review council in place, assigned by the courts as part of a lawsuit brought by a national children's advocacy organization. Next week, the state is supposed to hand that council a new game plan for DYFS. The governor has organized a Children's Cabinet made up of all state agency heads.

So far, all we have is the embarrassing mess the advocate just spread before us.

The advocate has demonstrated the unassailable value of a state agency with the power and will to tackle the problems of state agencies head on.

The rest of the reform effort has not earned the right to any measure of confidence.

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DYFS has long road to adequacy

Regaining credibility and trust may be the hardest tasks the child-care agency faces in reinventing itself.

By Mitch Lipka

Inquirer Trenton Bureau

Feb. 15, 2004

If New Jersey's child welfare agency had any credibility left, it probably vaporized last week.

In October, the state Department of Human Services publicly pronounced that it had, as required, visited 14,000 foster children to ensure their safety.

But a report released on Thursday by state Child Advocate Kevin Ryan pointed out that didn't happen: Potentially thousands of children reported as being safe actually had no one recently checking on them in person.

Now the department and its Division of Youth and Family Services is in an even deeper hole as it seeks to reinvent itself. Details for the most ambitious overhaul in DYFS' history are to be unveiled Wednesday.

Portions of the plan that have emerged show the state intends to dramatically increase its staff of caseworkers, provide considerably more training, lighten workers' loads, and take greater control over the services being provided.

By all accounts, it is going to cost the state considerably - an estimated \$125 million will have to be added to DYFS' \$521 million budget.

And it's not yet clear how the state will pay that tab, which includes an extra 1,100 workers, including 540 caseworkers, at a time when the state already is working to cut \$4 billion from next year's budget.

"It's going to take a lot of hard work and a long time before confidence is built back," said Mary Jane Awrachow, director of Foster and Adoptive Family Services, a nonprofit organization that runs informational hotlines for would-be DYFS foster and adoptive families.

One of the most notorious failures of the agency was documented in detail in last week's report - the alleged starvation of the four adopted Jackson brothers in their Collingswood home despite years of involvement by DYFS workers.

Ryan's report on Thursday accused DYFS of failing to follow its own rules, which likely would have uncovered any neglect of the Jackson brothers. "The distinction between policy and practice is so great as to make DYFS' written rules almost meaningless," the report concluded.

Before and after the Jackson case came to light in October, the DYFS overhaul resulting from a lawsuit settlement last year with advocacy group Children's Rights Inc. was stumbling. Goals were missed and the plan for change itself wasn't submitted by the Jan. 20 deadline. Experts say the struggle to rebuild trust in the agency will be lengthy.

"The process of transformation and reform takes a long time," said Beatriz Otero, a member of the court-appointed panel that will review the plan. "The process of gaining trust takes even longer."

Although the path from being among the nation's worst child welfare systems to being one that is at least acceptable is steep, perhaps the greatest challenge will be getting people to believe it is even a possibility.

Panel chairman Steven Cohen said it will take years of DYFS' communicating its progress - step by step, bit by bit - before the public will accept the agency as one of benevolence rather than incompetence.

He said it is vital that strong leadership be in place to see the agency through the vast changes. Cohen said he is hopeful that acting Human Services Commissioner James Davy is right for the job.

"I'm not asking people to trust us," Davy said. "I'm asking people to work with us. Judge us by our actions."

Even those who have been critical of the system have embraced Davy's appointment after the resignation of Commissioner Gwendolyn Harris.

"What's always been lacking in the past, with other plans, is a commitment to getting funding," Awrachow said. "Commissioner Davy appears to be committed to getting that funding. I'll be honest - I'm impressed with him."

Children's Rights lawyer Eric Thompson said he also is impressed with Davy, a longtime confidant of Gov. McGreevey's.

Those who have witnessed the many attempts at improving DYFS over the last 20 years see signs of difference this time around.

"This plan is comprehensive," Awrachow said. "It's everything. Nothing is being left the way it was."

Cecilia Zalkind, executive director for the Association for Children of New Jersey, agrees.

"I think it's far more comprehensive and broad-based than any effort in the past," she said. "With sufficient support, it can turn the system around."

"Given what we know about New Jersey, it's going to be a three- to five-year reform process," panel member Judith Meltzer said.

The settlement with Children's Rights compels the change and puts the expert panel - with the force of the federal court behind it - in a position to ensure that the ship is being steered in the right direction.

Even those who have a vested interest in the success of the overhaul are cautious, noting that untold pitfalls remain.

"Foster parents want to see services," Awrachow said. "They want to be not viewed as the bad guy. The only way DYFS will get its credibility back with foster parents is to give them what they need to help children, period."

Scarred by years of bad blood, foster families are wary of the latest new plan.

"People are taking a wait-and-see attitude," she said. "There has to be real culture changes. How people are treated on a one-on-one basis is going to matter strongly."

And, she added: "The New Jersey taxpayer isn't going to support anything unless they see changes."

Cohen cautioned that if New Jersey changes DYFS and makes it credible, the agency will need to have the resilience to bounce back from inevitable setbacks.

"You can't overestimate the potential harm of another tragedy," he said. "It is certainly possible anywhere down the road that there is some terrible case that takes the wind out of the sails even if the state is making real progress."

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Plan for New Jersey Youths Puts More in Foster Homes

By RICHARD LEZIN JONES NY Times February 16, 2004

NEWARK, Feb. 15 - Hundreds of foster children who linger in detention centers, psychiatric wards and shelters - sometimes for as long as a year and a half - would be transferred into more "familylike" settings under a plan being drafted to overhaul New Jersey's child welfare agency.

The proposed transfers, part of sweeping court-ordered changes at the state Division of Youth and Family Services that the agency will unveil this week, is an ambitious attempt by state officials to solve one of the child welfare system's most intractable and disturbing problems.

Across New Jersey, foster children have been sent for what were intended to be short-term stays in detention centers, psychiatric wards and shelters, yet have often remained in those settings long after judges, doctors and others agree that they are ready to be released.

According to a state review conducted last August, more than one out of three foster children in group homes and other institutional settings - 381 out of a sampling of about 1,000 - were ready for discharge but not released. Those children, the study found, remained in those settings from six to 18 months.

The children, some of whom suffer from severe mental and emotional problems, linger because of a lack of space in long-term programs or specialized foster care.

The 10-page draft of the transfer plan, which is still being written by a team of state officials led by the acting human services commissioner, James M. Davy, and was obtained by The New York Times, lacks specifics such as how much it would cost or how the agency would recruit more foster parents or create other homelike settings for the children. Agency officials declined to comment, but details are expected to be included when the plan is submitted Wednesday to an independent panel overseeing changes at the agency.

But two child welfare advocates familiar with a draft of the transfer plan question whether the agency's timetable would move quickly enough to help children who are already among the state's most troubled.

The proposal calls on child welfare officials to move about a third of the children in residential centers and group homes

- about 450 children - to more homelike settings over a three-year period. That translates to about 150 children a year. There are roughly 12,000 children in foster care.

Kathy Wright, executive director of the New Jersey Parents' Caucus, questioned that pace. "Is it too slow? Absolutely," Ms. Wright said, noting that according to state figures there are about 1,350 children in institutional settings. "You're talking about something that's going to take 10 years to finish."

Ms. Wright, who reviewed a draft copy of the transfer plan at the request of The Times, said it was a significant first step that must go further. She would like to see greater emphasis placed on treating children in their own homes before they are moved to residential centers and other institutions.

"Kids do better in their homes; kids do better in their schools," said Ms. Wright, whose nonprofit group supports the parents of children in the system. "All we've been doing is perpetuating this system of trauma, perpetuating more trauma in these kids' lives."

Like Ms. Wright, Cecilia Zalkind, executive director of the Association for Children of New Jersey, also wonders if more can be done to quickly move children who have unnecessarily long stays. If officials are aware that there are 381 children ready for discharge, "why are the kids still there?" Ms. Zalkind asked. "The fact that they're still there means there's no place for them to go."

If nothing else, the draft of the transfer plan illustrates the scope of the problem of children lingering in institutional settings. It reports that there are about 550 children in shelters. Although shelters are intended for adolescents as emergency short-term stays of about a month, the draft notes that the average stay is five months and that children as young as 5 years old are being housed.

The plan also states that as of last month, there were 67 children in detention who were waiting to be moved to less restrictive settings. Those children had been detained an average of 68 days, the draft says. It also cites research that shows the children do better in "the most familylike" settings than in institutions that can be especially harmful to children.

"Despite all this, New Jersey places some children into institutions solely because appropriate resource homes have not been developed - which is to say because there's no place else to put them," the draft reads. "This is unacceptable."

Ms. Zalkind, who has seen portions of the state's plan while working in an informal advisory role, gave a nod to the state for acknowledging the seriousness of extended stays. But at the same time, Ms. Zalkind said that officials would do well to back up that recognition with more money and additional staff. "It's not as simple as saying 'Our kids shouldn't be there,'" she said, adding that without a support system, "We won't make a dent in this problem."

The transfer plan does include provisions for offering more in-home treatment. It also calls for the recruitment of more foster families who would receive training in dealing with the needs of children who come from residential centers and group homes.

The proposal to move children is part of the state's formula for self-reform. As part of the settlement of a federal lawsuit against the foster care system, the state agreed to take a number of steps to change the way the Division of Youth and Family Services does business.

A key part of the settlement is the agency's overhaul plan, a document expected to exceed 150 pages and titled "A New Beginning: The Future of Child Welfare in New Jersey."

An independent panel has 30 days to either approve the plan or send it back to the state for revisions. If the panel requests changes that the state is unwilling to make, a federal judge may intervene and order virtually any remedies to the system that he sees fit.

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DYFS aims to put roofs over its kids' heads

36 million dollar effort will provide housing for client families

BY SUSAN K. LIVIO

Star-Ledger Staff

February 17, 2004

Child welfare officials will spend \$36 million over the next five years to provide safe and affordable housing for families under their care, state Department of Community Affairs Commissioner Susan Bass Levin said yesterday.

Hundreds of parents and foster families would benefit under the plan, which is one element of a top-to-bottom overhaul of the troubled Division of Youth and Family Services.

The reform package, estimated to cost about \$125 million in the coming year, is expected to be formally announced tomorrow by the Department of Human Services. The far-reaching package includes hiring more caseworkers to reduce caseloads and expanding drug treatment for foster families.

"The plight of children in the DYFS system is well documented," Levin said. But one overlooked problem in these children's lives, she said, is how the lack of safe and affordable housing in New Jersey often disrupts families by keeping them apart.

"The goal is to make sure the child has a safe place to live. Every child is entitled to that," Levin said.

The housing plan includes:

A \$5 million home improvement fund to rehabilitate homes where foster children live, or where children supervised by DYFS with their biological families live. An estimated 250 homes would be repaired, based on an average of \$20,000 in improvements.

A \$1.5 million rental assistance fund serving approximately 100 families under DYFS supervision. The state would sign a contract with a landlord, who then would make Section 8 vouchers available to renters. Section 8 vouchers provide up to two-thirds of a family's rent, which averages about \$800 a month.

A \$5 million home ownership loan program for about 50 families with poor credit histories who are adopting or obtaining legal guardianship of a child through DYFS.

A \$6 million loan pool to encourage the construction and management of group homes and other housing for 60 to 100 teenage foster children preparing for adulthood. DYFS will provide half of the money for this initiative

An \$8 million fund to encourage homeless shelter operators to build permanent housing for as many as 180 families. The money would train people who run emergency housing programs to assemble long-term housing projects. The money also could be used toward construction costs.

A \$6 million fund to help domestic violence victims find a place to live after they leave a battered women's shelter. As many as 300 families would receive money to pay the security deposit and the first month's rent at apartments they lease. The fund also would provide help paying the rent for as many as 100 families.

A \$1.5 million pool targeting three depressed neighborhoods that serve a high concentration of children monitored by DYFS. The money, spent over five years, would be used to make repairs at nearby parks, install street lights, or replace a house's crumbling porch. A local nonprofit or municipality would administer the effort.

The programs will be paid for with existing funds provided by the U.S. Department of Housing and Urban Development as well as the Housing and Mortgage Finance Agency, Levin said. "We can start right away," she said.

The state is required to develop a reform plan to comply with a settlement it reached eight months ago with a child advocacy group that sued DYFS for violating the civil rights of foster children.

The state's plan must get the approval of the plaintiff, Children's Rights Inc. of New York, as well as a panel of national child experts who will critique the document. If the panel rejects the plan, attorneys for Children's Rights may go to federal court and ask a judge to impose the changes they seek.

One affordable housing advocate cautioned that housing assistance alone won't end a family's problems.

"You can give a dysfunctional family a place to live, but if you don't work on the dysfunction, a year later you still have a dysfunctional family," said Sandy Accomando, chief executive officer for the Apostles' House, a nonprofit that runs a shelter, a food pantry and housing programs in Essex County.

"There has to be someone doing in-home case management, someone who will help people negotiate the system -- welfare, DYFS, the courts," Accomando said.

For 20 years, Apostles' House has provided in-home assistance to families at risk of losing custody of their children to DYFS.

Levin's plan, Accomando said, is a "very good first step. ... The fact that they understand housing is an integral part of a family's stability is very encouraging."

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State to take the wraps off mega-plan to reform DYFS

BY SUSAN K. LIVIO Star-Ledger Staff February 18, 2004

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State to take the wraps off mega-plan to reform DYFS

BY SUSAN K. LIVIO Star-Ledger Staff February 18, 2004

A sweeping plan that would commit an unprecedented level of state funding to reinvent New Jersey's system of protecting abused and neglected children will be unveiled today as state officials attempt to end decades of mismanagement at the state's child welfare agency.

The plan proposed by Gov. James E. McGreevey and acting Human Services Commissioner James Davy is expected to commit an additional \$125 million in the coming year to revamp the troubled Division of Youth and Family Services, assailed for the past 13 months over a series of high-profile tragedies.

State officials are expected to add 1,100 employees to drastically reduce caseloads and create 2,200 new drug treatment openings for drug-addicted parents. Foster parents and relatives who act like foster parents will be paid more, and get their own caseworker.

The plan must convince a panel of national child welfare experts that state officials are capable of fixing an agency that has rebuffed past attempts at reform.

The five-member New Jersey Child Welfare Panel, court-appointed to monitor DYFS reforms, must decide within the

next 30 days whether the plan is both ambitious enough and realistic to enact. If the panel rejects it, a child advocacy group that sued DYFS may go back to U.S. District Judge Stanley Chesler in Trenton and ask him to impose needed changes.

"We are confident one way or another the child welfare system is going to be reformed," said Marcia Robinson Lowry, executive director of Child Rights Inc., the advocacy group that sued the state. "The important lesson here is one way or another, a state that runs a child welfare agency as badly as New Jersey is going to have to turn its system around either voluntarily or involuntarily."

Five years ago, Children's Rights Inc. filed the lawsuit, *Charlie and Nadine H. v. Gov. Christie Whitman*, accusing DYFS of trapping foster children in a mismanaged bureaucracy that puts them at risk. The lawsuit stalled until last January, when Newark police discovered the battered body of 7-year-old Faheem Williams, a child whose case file DYFS closed without investigating a charge of physical abuse.

The McGreevey administration settled the lawsuit in June and promised to develop a comprehensive plan to fix what it admitted was a "broken" system.

While some of the key elements of the plan have emerged, there has been little information on how the state is going to pay for the reforms, noted Cecilia Zalkind, executive director of the Association for Children of New Jersey, an advocacy group in Newark.

McGreevey and the Legislature must invest in DYFS while grappling with an estimated \$4 billion shortfall for the budget year that begins July 1.

"Clearly this is going to take some big bucks," Zalkind said, who feels that the state must disclose right away "how much money they need now and where it's going to come from."

"This will be a critical issue," Zalkind said.

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DYFS plan calls for wide-ranging changes to stop abuse

By TOM BELL The Associated Press 2/18/2004, 4:44 p.m. ET

TRENTON, N.J. (AP) — State officials unveiled a long-awaited plan to fix New Jersey's troubled child welfare system, emphasizing closer and more frequent contact with the children who are under the supervision of the Division of Youth and Family Services.

The reforms, once in place, should put an end to years of agency problems that have contributed to several nightmarish deaths and the abuse of other youngsters under the state's care, officials say.

The nearly 200-page report calls for new procedures for handling cases, expanded social services statewide and increasing the size of the work force that serves New Jersey's most troubled families.

"It reinvents child welfare in fundamental ways, from the front line to the commissioner's office; from the case work with families to the system's relationship with neighborhoods and communities; from accountability to the provision of resources," the report said.

Gov. James E. McGreevey and other officials introduced the plan at an afternoon news conference Wednesday.

"For too long we failed," McGreevey said. "This plan sets us on a corrective course of action."

The plan calls for the hiring of 1,500 new DYFS workers over the next 2 1/2 years and for boosting by 25 percent the \$420 stipend foster families receive monthly for each child.

It would also create forensic investigator positions so that all cases of child abuse are probed within 24 hours. Under the current system, caseworkers do the investigating and they aren't done quickly enough, officials said.

Significant portions of the funding would also go toward social programs in an effort to help families at risk of needing DYFS services. Those programs would include substance abuse treatment, mental health services, housing assistance, and aid for victims of domestic violence.

"It's a preventive model that keeps children from coming through DYFS' door in the first place," said James Davy, newly appointed Department of Human Services commissioner.

State officials also want to recruit 1,000 new foster homes by June 2005, and make an effort to keep children in their own neighborhoods and schools if they are taken from their parents.

Children's advocates had mixed reactions. They generally praised the state's ambitions, but questioned whether parts of the plan were detailed enough.

The improvements will cost the state \$125 million in the next fiscal year and \$180 million in fiscal year 2006 at a time when the state is faced with budget problems. McGreevey said the increased expenditures for DYFS would come from the general budget and not from a specifically created tax increase.

The state was required to produce the reform plan under terms of a lawsuit settlement reached last year with the New York-based child advocacy group Children's Rights Inc.

Marcia Lowry, executive director of Children's Rights, said she found the plan to be "ambitious and comprehensive." But she criticized the state for not being specific enough in how its goals for change would be reached.

"What I'm concerned about is that it does not at this stage have sufficient specificity to let us have confidence that the state knows how it will accomplish these goals," Lowry said. "It needs a lot more at this point."

The New Jersey Child Welfare Panel, an independent oversight body established as part of the lawsuit settlement, now has 30 days to review the plan and either approve it or reject it. The entire settlement is being overseen by a federal judge.

Steve Cohen, the head of the panel, called the plan "ambitious." But he said Wednesday that the panel would give it more scrutiny and hold public hearings next month in Newark and Camden before deciding whether to approve it.

Cecilia Zalkind, executive director of the Association for Children of New Jersey, praised the fact that the plan was backed by funding, but said she had concerns over accountability. She was also worried about the section on management and how new workers would be supervised as all the changes take place.

"You need experienced levels of supervision," Zalkind said.

Davy dismissed the doubts.

"We will get this done. This is not an option," said Davy, who led the plan formulation effort. "Everything in this plan will get done."

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DHS PRESS RELEASE: February 18 , 2004

Plan To Reform DYFS Would Cut Caseloads Significantly, Boost Help to

Foster Families, Increase Substance Abuse Programs

DHS Acting Commissioner Calls It an Historic Effort to Rebuild New Jersey's Children's Services

Caseloads of Division of Youth and Family Services (DYFS) workers would be dramatically reduced to among the lowest in the nation, the monthly rate for foster parents would be increased by nearly 25 percent, forensically trained investigators will respond to all allegations of abuse or neglect within 24 hours, and millions will be poured into the creation of a vast array of local support services for at-risk families, under a plan submitted today by the Department of Human Services to the New Jersey Child Welfare Panel.

DYFS will be completely re-engineered so that it concentrates only on safety, wellbeing and permanency of children who have been abused and neglected while two separate divisions will be created to focus on children's mental health services and child abuse prevention, according to the plan. Moreover, the plan calls for an unprecedented level of cooperation and partnership with local communities to lift up struggling families, before they become part of the DYFS caseload.

To accomplish the ambitious goals set forth in the plan, the Department of Human Services would add nearly 1,500 new staff at DYFS over two and half years and would load millions of additional funding into community-based substance abuse, mental health, domestic violence and housing services, requiring the added expenditure of \$15 million this year, \$125 million in fiscal year 2005, and \$180 million in fiscal year 2006.

"I am very optimistic about this plan," said Governor James E. McGreevey. "It touches on all elements of the child protection system. I made it quite clear that I was dissatisfied with the state of our child welfare system, and we needed to make drastic structural changes like the ones outlined in this plan."

"This is the day that we begin to put the never-ending crises behind us and seize the opportunity to reinvent ourselves as an outstanding agency committed to protecting children and healing broken families," said Department of Human Services Acting Commissioner James M. Davy.

"Today we advance a revolutionary vision that sets in motion events that will forever change the lives and health of countless tens of thousands of New Jersey's children for generations to come. Together with our partners in the community, we have developed a blueprint for the future of children in New Jersey that is ambitious, specific and complete," he said.

The plan, entitled "A New Beginning: The Future of Child Welfare in New Jersey," was submitted as part of the June court settlement of a class action suit filed on behalf of foster children by Children's Rights Inc. in 1999. Five weeks ago, the Governor's Office negotiated a 30-day extension with the court-appointed Child Welfare Panel and the plaintiffs, when the plan was obviously not going to be ready to meet the deadline. At that time, Lisa Eisenbud, the Governor's Deputy Chief of Management and Operations stepped in as the chief architect of the plan.

The plan outlines major changes in the areas of recruiting, retaining and supporting resource families; programs for adolescents; use of institutional programs; case practice; expanding core services; community partnerships; the workforce, accountability and quality assurance.

Jerry W. Friedman, executive director of the American Public Human Services Association applauded the scope of the plan.

"We are pleased that the plan addresses important critical markers of success including increased staffing with on-going training and building on local community resources and partnerships to deal with complex child welfare issues," he said.

"Of critical importance, DHS has recognized the value of resetting the organizational culture and the role of accountability and continuous learning in this rapidly changing environment."

Melvin D. Miller, president of Legal Services of New Jersey said, "This plan represents the most important and comprehensive new vision for child welfare in New Jersey in the last 30 years with many critical proposed initiatives. While we still have some recommendations for enhancements in areas where we think it does not go far enough, we very much look forward the state to secure its implementation."

The plan calls for the hiring of 1,463 new DYFS staff between now and the end of fiscal year 2006. The new hires would be made up of: 1,000 direct care employees and 463 support staff.

"One of the fundamental problems of this system has been that caseloads were simply too high," said Davy. "That leads to bad decision making, mistakes and failures in the system."

Under the plan, two new types of caseworkers would be created: child protection workers and permanency workers.

Child protection workers would specialize in investigations of child abuse and neglect, receive special forensic training

and would be limited to a caseload of eight new investigations per month. Permanency workers would provide the ongoing services to children and families and have a maximum caseload of 15 families or 10 children in out of home placement.

Other Elements of the plan include:

Foster Care/Resource Families

Resource families, that is foster families, adoptive families, kinship families are a cornerstone of a successful child protection system. More aid and support must be provided to existing resource families and more resource families must be developed. The plan calls for:

- Increasing foster care rates and other supports to foster families. The rates paid to foster and kinship families would be equalized. Currently kinship families in which children are placed with relatives receive \$250 per child per month, while foster parents rates range from \$420 to \$500 per month depending on the age of the child.
- In addition, over the next two years, all rates would be increased by a total of 25 percent making the New Jersey rate 100 percent of the United States Department of Agriculture standard of costs to raise children in the urban Northeast part of the country.
- Recruiting at least 1,000 new resource family homes by June 2005
- Hiring resource family workers, a new group of workers who will work out of district offices and be responsible for recruitment, training support, home studies and providing ongoing support for up to 35 resource families from the same geographic area.
- Streamlining the process of becoming a resource family from 12 months to 90 days from application through training and licensure
- Focusing attention to recruiting families for special needs and difficult to place children
- Establishing a resource family recruiter in each DYFS office.
- Allocating \$1 million annually for home repairs
- Setting up a 24-hour Resource Family Hotline

Expanding Core and Preventive Services

Some of the major factors connected with child abuse and neglect are: substance abuse, domestic violence, mental illness, lack of housing and health care services. The plan calls for increasing resources in these areas:

- The Department of Health and Senior Services Division of Addiction Services will move to the department to facilitate and coordinate delivery of those services to DHS clients
- As the first step of a five year initiative, \$10 million was included in the current fiscal year budget to treat drug- and alcohol-abusing parents who are involved with the state child welfare system. The funds will be used to create 862 new treatment slots, including outpatient, long term residential, and assisted partial care beds for drug- and alcohol-abusing parents who are in danger of losing their children. It is estimated that the influx of treatment dollars will serve about 2,500 families in the coming year. The \$10 million boost in funding for DYFS-involved parents represents a 33-percent increase in the roughly \$30 million spent each year to provide addiction services through various DHS divisions, including DYFS, Mental Health Services, and Family Development, which oversees public assistance programs.
- At the end of five years, a total of \$58 million will be invested to expand these substance abuse treatment services providing an additional 2,300 slots across various types of treatment.
- Peace: A Learned Solution (PALS), a program to help children heal from the effects of domestic violence will be added to four counties next year and expanded to all the state's counties over four years. The program provides assessment, child care, summer camp, education and therapy for the non-offending parent
- Community based mental health services will be expanded to serve about 4,000 families by February 2005. An additional 75 treatment homes will be added to by June 2005 to accommodate the needs of children stepping down from congregate care. The Division of Child Behavioral Health Services will be established in the Office of Children's Services and have responsibility for children's mental health services.
- The department will continue to phase out fee for service health care coverage for will be for foster and adoptive children and aggressively seek to enroll children into HMOs.
- Through collaboration with the Department of Community Affairs a homeless prevention program will be established for DYFS families; permanent affordable renting housing will be established; more Section 8 housing will be made available and a fund will be initiated to develop housing for youth who are too old for DYFS services.

Reforming Case Practice

- Creating a centralized hotline for the reporting of child abuse and neglect. This will establish consistency in the handling of cases.

- Separating the investigative function from the casework function and dedicate some staff solely to investigating allegations of abuse and neglect. Those workers, child protection workers, would receive training in forensic interviewing, gathering and maintaining evidence and extensive use of risk and safety assessments – their target caseload is 8 new cases per month.
- Initiating an investigation and seeing the child in less than 24 hours.
- All investigations must be completed within 60 days
- Comprehensive face-to-face safety assessments must be done on children at the beginning of our involvement with them and at important milestones following that.
- Assessments will be built into home visits and occur monthly
- Investigators will turn a child's case over to a permanency worker if out-of-home placement is required.
- Permanency workers will have a 15:1 caseload ratio.

Delivering Prevention Services through Community Partnerships

To address this issue:

- Division of Prevention and Community Partnerships will be created and directed by the Office of Children's Services, within DHS
- The Department will lead a renewed statewide focus on prevention, working with corporations, foundations, local communities and other state agencies to make prevention a priority
- The Department will double the size of two highly successful prevention programs catering to youth and families, the School Based Youth Services Program and the Health Families Program
- The Department will create and fund a dozen Community Collaboratives over 24 months. These Collaboratives will steer the provision of local, community programs for at-risk families and children.
- Community Developers will be hired within each DYFS Office to facilitate local service connections

Reducing Inappropriate Reliance on Institutional Settings

- All children at risk of or in institutional placements like juvenile detention, shelters and psychiatric hospitals will be assessed and placed in the least restrictive setting able to meet their needs
- The Division of Child Behavioral Health Services will move one third of the children – a total of 450 children -- now in congregate care, such as residential treatment centers, group homes, shelters, detention facilities to family like, smaller settings.
- During 2004, the system will identify and step down 150 children who are currently in congregate care to family or family like settings with community supports
- Over the next two years, 80 percent of the children in out-of-state placements will be moved back into state programs
-

By January 2005, children in detention, psychiatric centers and shelters waiting for appropriate placement and children in congregate care waiting for discharge will have case managers responsible for assisting with their transition to step down placements.

Adolescents and Youth Transitioning Out of the System

Older teens and young adults have been a difficult group for DYFS to serve and frequently end up in inappropriate settings, like congregate care, because the system has not developed the appropriate resources to serve them.

To address this issue:

- Adolescent Workers, with particular affinity and training for dealing with adolescents, will be in every office. Every child 13 years of age or older will be assigned an adolescent worker and permanency worker
- All casework employees will be trained will be trained to build trusting relationships with adolescents
- Resource Families Willing to Foster and Adopt Adolescents will be recruited trained and supported
- Adoption will be vigorously pursued for children until their 13th birthday
- Contract with Community and Faith Based Organizations to provide case management for adolescents until they reach 21 years of age
-

Pursuing High Quality Accountability and Continuous Improvement

The current system lacks a coherent quality improvement system leading and as a result system changes occur only in response to crises and data analyses are done for compliance evaluations and rarely lead to meaningful system

frequently.

To address this issue:

- A culture of quality improvement will be established in DYFS through regular staff meetings , at all levels, which establish continuous quality improvement as a priority
- Working with community stakeholders, quality improvement committees will develop consumer satisfaction surveys, report cards, and develop program improvement plans
- Create a performance based contracting system

Skill building, staff development and supports will be enhanced

Frontline staff are critical to the success of this reform effort and to the health and well-being of New Jersey's families. Their work should be valued and they should have all of the support, training, supervision and equipment they need to do their job.

To address this issue:

- A NJ Child Welfare Training Academy will be established in April 2004 in collaboration with national training experts and the NJ academic community
- The entire DYFS staff will be trained in Structured Decision Making, a state of the art safety and risk assessment protocol, over the next three months
- Training on Entire New Practice Model will begin immediately
- Supervisors will be trained to be coaches and mentors to front-line staff
- Data Case Situations and Critical Incidents will be used as Learning Tools
- Such supports as Incentive Programs, Crisis Response, Counseling for critical incidents, and Staff Support Days will be implemented

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