Long Chain of Alarms Preceded Death of Girl, 7 *(New York)*

By ALAN FEUER and THOMAS J. LUECK NEW YORK TIMES January 13, 2006

A day after the bruised body of a 7-year-old girl was discovered in a blood-stained Brooklyn apartment, city officials revealed new and harrowing details of her short life yesterday, as well as repeated missed opportunities to save it. Mayor Michael R. Bloomberg declared, "We, as a city, have failed this child."

The body of the girl, Nixzmary Brown, was found Wednesday at her mother's home in Bedford-Stuyvesant. Investigators said that the girl's stepfather, Cesar Rodriguez, had banged her head against a faucet in the bathtub and that they were trying to determine whether that was what killed her.

Nixzmary was the fourth child in two months to die while in the custody of parents who had had contact with the city's Administration for Children's Services. "It is obvious they did not pursue this case with the intensity that they should have," Mr. Bloomberg said of the agency.

Agency officials said it would immediately begin a review of every open case involving a child who is the subject of an abuse or neglect complaint, roughly 8,000 to 10,000 cases.

Interviews with school and child welfare officials revealed just how close Nixzmary had been to getting help.

Education and teachers' union officials said that school staff members had noticed that the girl was missing classes, appeared malnourished and suffered an eye injury, and that the staff members had notified state and city child welfare officials repeatedly. In response, the city agency workers talked with Nixzmary and her parents, visited her home and took her to a doctor, who said her injuries were consistent with falling down.

Finally, in the crucial weeks before her death, child welfare workers were unable to get into her home and did not take the necessary steps to get a warrant.

"We considered asking the family court for a warrant to have the police come with us to make sure we gained entry, but at no time did we get the warrant," said John B. Mattingly, the commissioner of children's services. "People made judgments about whether this was an emergency, and those judgments turn out to be wrong."

Mr. Rodriguez was arraigned yesterday with the girl's mother, Nixzaliz Santiago, in Criminal Court in Brooklyn. Mr. Rodriguez was charged with murder and endangering the welfare of a child. The mother was charged with manslaughter, reckless endangerment and endangering the welfare of a child. Neither entered a plea.

In the hearing, a prosecutor described a frightful sequence of abuse, saying that the girl had been "systematically tortured" for several weeks.

The girl was not quite four feet tall and weighed 36 pounds when she died, the officials said.

The girl had been tied up by her stepfather, she was denied food and her head was submerged under water, the prosecutor said. The final, fatal beating apparently came after she took yogurt from the refrigerator, the prosecutor said.

"There was barely a spot on this child that was not marked by her parents," said the prosecutor, Cathy Dagonese, of the Brooklyn district attorney's office. Describing the moments before Nixzmary died, Ms. Dagonese said Nixzmary had been lying on the floor, naked and unconscious, as Ms. Santiago stood by.

Officials of the Administration for Children's Services said they had visited Ms. Santiago at home in May and in December after officials at the girl's school, Public School 256, had complained. In May, they reported that she was missing classes, and in December that she had bruises around her eye.

After their first visit, caseworkers decided that Ms. Santiago was overwhelmed by her six children. They believed they had persuaded her to return Nixzmary to school and closed the case, Mr. Mattingly said.

An official of the United Federation of Teachers said a union staff member at the school faxed a report to the child welfare agency saying that Nixzmary was malnourished. Child welfare officials said they were aware of concerns about the girl's health and had discussed them with her mother.

On Dec. 1, the child welfare agency received the report of bruises around the girl's eye. At that point, Mr. Mattingly said, a team including two police detectives was sent to the home. A doctor was also called to examine Nixzmary's black eye. Mr. Mattingly said that the family told the team Nixzmary had hurt herself in a fall and that the doctor "confirmed for us that the injuries appeared to have occurred the way the child and her parents had said it had happened."

It was then that the child welfare agency officials began "encountering difficulties" with the family, Mr. Mattingly said. Agency workers made repeated attempts to call and to visit the home in person, but were constantly rebuffed, he said. The agency considered asking a Family Court judge to issue a warrant that would let officials enter the house, but did not.

Nixzmary returned to school on Dec. 6, 8 and 12, education officials said. Dec. 12 was the last day she or any of her siblings were at school.

Nonetheless, school officials continued to try reaching out to the family, officials said. Michele Cahill, a top adviser to the chancellor, said that school attendance teachers visited the family's home on Dec. 15 and Dec. 21, but that nobody answered. School staff members also tried to contact the family by letter and telephone, education officials said, and were in touch with child welfare workers throughout December and January.

Nixzmary and her siblings enrolled at P.S. 256 in January 2004. Since January 2005, three long-term absentee reports were generated for Nixzmary: two during the last school year and one this year. While school officials are obligated to report evidence of "educational neglect" to the state, persistent absenteeism does not necessarily constitute neglect.

At the arraignment, Ms. Santiago's lawyer, Laura Saft, said her client was an overwhelmed mother who had suffered a miscarriage in November and was in no shape to stave off what she said was Mr. Rodriguez's abuse. Judge Robert Allman ordered the two held without bail and issued a restraining order barring them from having contact with Nixzmary's five siblings, who are now in city custody.

One law-enforcement official said investigators searching the apartment found what appeared to be human tissue in a jar, which the mother said had been given to her by hospital staff members after she had a miscarriage, possibly last year.

"There was something there, whether it was a fetus or not, there was something in a jar that came out of her from a miscarriage," the official said. "They kept it."

Mayor Bloomberg, at a news conference, defended the city's policy of trying to keep troubled families together but criticized the child welfare agency for having not moved with "sufficient urgency."

"In retrospect, had they pushed harder, perhaps they could have - although we'll never know - prevented this from happening," Mr. Bloomberg said.

Asked if the city's policy of keeping families together when possible needed to be rethought, the mayor said, "It is best if families stay together," adding that "when you have a dysfunctional family, there are myriad problems." and that if they are kept together, the city can "marshal resources" to help.

At the same time, a grim picture of Nixzmary's life arose in interviews with law-enforcement officials and several of her relatives. Investigators said the girl had become the target of her stepfather's anger and was sometimes bound to a chair

in her room and forced to eat cat food. Because she was often held in isolation, she was sometimes made to use a litter box, they said.

They also said that Mr. Rodriguez would sometimes punish Nixzmary and her siblings by dunking their heads in a water-filled sink.

Nixzmary's grandmother, Maria Gonzalez, said Mr. Rodriguez was at times abusive. "I didn't like the way he scolded them," she said. "All children act up, it's no excuse."

Mr. Rodriguez's younger brother, Miguel, said that he had served in the Army, mainly at Ford Hood, Tex., but was discharged four or five years ago. At one point, Miguel Rodriguez said, his brother had taken the city police exam, but had never tried to join the force.

"There was no arguing," Miguel Rodriguez said of his brother's apartment at 571 Greene Avenue. Nonetheless, asked if his brother had a temper, he went on to say: "I'm not going to say no, but it was not into extremes."

The police said Cesar Rodriguez had been arrested before, on March 10, 2003, after getting into a fight with a man in Manhattan. Mr. Rodriguez was arraigned on March 11, 2003. Then, three days later, on March 14, Mr. Rodriguez pleaded guilty to harassment as a violation, the case was conditionally discharged, and he received a sentence of two days of community service.

Mr. Rodriguez met Ms. Santiago about two years ago when he was working as a security guard at her Brooklyn apartment building, said Caridad Ramos, Ms. Santiago's aunt. She had come to the United States from Puerto Rico in 1995, Ms. Ramos said.

Reporting for this article was contributed by Al Baker, Kareem Fahim, Janon Fisher, Elissa Gootman, Leslie Kaufman, William K. Rashbaum, Jim Rutenberg and Matthew Sweeney.

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Signs of Trouble at Agency Assigned to Protect Children *(New York)*

By LESLIE KAUFMAN NEW YORK TIMES January 13, 2006

The last eight weeks for the city's child welfare agency have been, by any measure, grim and jarring: four children dead, all from families known to the agency, one because of what prosecutors have called criminal neglect, others allegedly killed outright by their parents. All died in Brooklyn.

Now, with this week's death of a 7-year-old girl - the circumstances of which bear a striking resemblance to that of the 6-year-old child whose case a decade ago set off an overhaul of the child welfare system - the agency's own statistics indicate there may have been warning signs of trouble building for months.

The statistics, from the Administration for Children's Services, show that caseloads for child abuse investigators are up 18 percent from a year ago, with those caseworkers now tracking some 11 children each.

The statistics also show that, as the number of abuse complaints has increased, the city's speed in investigating the cases, and the frequency with which its investigators find abuse or neglect, have been dropping. At least one of the Brooklyn field offices has a particularly low rate of confirming abuse and neglect.

Zeinab Chahine, the child welfare agency's executive deputy commissioner, acknowledged the greater number of reported cases of abuse and the growing caseloads for investigative workers, but attributed them to temporary

fluctuations. She said caseloads remained safe and manageable.

"We watch all of this very closely," she said, "and we still think our people have the resources to do the job."

Others, though, including people who have applauded the city's effort to improve its child safety work over the last 10 years, expressed concern.

"There are early-warning signs," said Gail B. Nayowith, executive director of the Citizen's Committee for Children, an advocacy group. "The agency has the staff and the resources, but the performance data is showing some slippage."

Officials at the Administration for Children's Services said yesterday that they are undertaking both a thorough review of all their policies and a review of all the open cases involving children who have been the subject of abuse or neglect complaints. They attribute the deaths to individual mistakes, not systemic failures.

Not even the fiercest critics of the city's child welfare system are claiming that it is as bad as it was in 1995, when Elisa Izquierdo had her head smashed in by a parent despite a nearly six-year involvement with city child welfare authorities.

That scandal revealed a system starved of cash, in which caseworkers managed loads of 40 children and up, and the nonprofit agencies responsible for providing foster care had little oversight or accountability.

Now, nearly $600 million in investments later, caseloads for all of the agency's workers average between 12 and 15 children, and the foster care agencies are evaluated annually. In fact, the system has half the number of children in foster care that it did a decade ago.

Still, the recent deaths have brought intense scrutiny to an agency whose reforms had been considered by many to be national models. The deaths have also moved concerns that were discussed only behind closed doors just days ago out into the open.

"We have raised some concerns about safety in the past months," said Jim Purcell, executive director of the Coalition of Child Caring Agencies, the umbrella group that represents the private nonprofit agencies that contract with the city to provide most of its foster care and support services for troubled families.

Mr. Purcell said that the performance of some of the Brooklyn offices has been of particular concern. "Over the course of time, we have raised with A.C.S. the fact that there have been fewer referrals to Preventive Services from the Brooklyn field office," he said.

Yesterday morning, the city's commissioner of child welfare, John B. Mattingly and the city's new deputy mayor for social services, Linda I. Gibbs, visited the managers of the Brooklyn field offices.

Meanwhile, as the agency faced an onslaught of second-guessing, there were many people who insisted that if it required fixing, it was on a small scale.

"Child welfare was broken when Elisa Izquierdo happened. This is far, far, far from that," said John Courtney, a senior adviser to Child Welfare Watch, an independent research and advocacy group. "If there have been mistakes made, then the agency should be held accountable, but this is not the result of some ideology run amok."

Richard Wexler, executive director of the National Coalition for Child Protection Reform, an independent advocacy group that insists child welfare systems too often err in taking children away from birth parents, was more explicit in his concerns.

He pointed out that after Elisa Izquierdo's death, there was something of a "foster care panic" in the city, meaning that the number of children removed from possibly troubled homes spiked as the authorities feared additional deaths. It backfired, he said, for the number of children known to the agency who wound up dead remained the same or increased in subsequent years.

"Children have been dying in the City of New York who are known to the system at a rate of roughly one every two weeks at least all the way back to 1993," said Mr. Wexler, "but the blunt truth is that when the emphasis is on taking away children, the press doesn't pay attention. When the system is emphasizing family preservation, reporters rush to assume cause and effect where there is none."

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Girl's Murder Sets Off Child Welfare Debate

BY LAUREN ELKIES - Staff Reporter of the Sun January 13, 2006

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As the parents of a murdered 7-year-old Bedford-Stuyvesant girl were formally charged with the girl's death yesterday, child advocates wondered how the city's child welfare system failed the girl, who allegedly was abused, and the city's Administration for Children's Services pledged to begin an agency wide investigation.

Nixzmary Brown's mother, Nixzaliz Santiago, 27, was arraigned on charges of second-degree manslaughter and child endangerment. Her common-law husband, Cesar Rodriguez, 28, who was convicted of harassment in 2003, was arraigned on charges of second-degree murder, sexual abuse, and child endangerment.

Ms. Santiago allegedly struck Nixzmary, while Mr. Rodriguez is accused of beating, sexually abusing, and killing his stepdaughter, and even keeping her captive in a room with her ankle tied to a chair that was attached to a radiator, law enforcement sources said. He allegedly punished Nixzmary for behavior such as eating a container of yogurt he had purchased for one of her five stepsiblings, law enforcement officials said.

Law enforcement officials said Mr. Rodriguez on Wednesday repeatedly submerged Nixzmary's head in a water filled bathtub and killed her by striking her head, possibly on the faucet. The medical examiner's office ruled the death a homicide, by blunt impact injury to the head. Both defendants are being held without bail.

Ms. Santiago found Nixzmary, her eldest daughter, lying face up on the floor, wearing only pajama bottoms, in the rear bedroom of their Bedford-Stuyvesant apartment at about 4:30 a.m. Wednesday, police said. Ms. Santiago ran upstairs to notify a neighbor, and the neighbor followed her back down and called 911. Emergency Medical Service technicians declared Nixzmary dead at the scene. The other five children were taken into custody by the child welfare agency.

What makes the case particularly troubling to child advocates is that officials at Nixzmary's school, P.S. 256, filed two complaints of possible abuse with the child welfare agency, one of which the agency considered unfounded. The other is still under investigation.

In a letter to the schools chancellor, Joel Klein, a former City Council member, Eva Moskowitz, pointed the finger at school administrators. "Nixzmary was failed first and foremost by her parents," Ms. Moskowitz, executive director of the Harlem Success Charter Academy, wrote. "But PS 256 bears responsibility too. Clearly the school adopted a compliance approach to the problem, perfunctorily notifying ACS. They did the bare minimum required of them."

The commissioner of the child welfare agency, John Mattingly, discussed the case at a press conference yesterday. Referring to the complaint still under investigation, Mr. Mattingly said Mr. Rodriguez made follow-up visits and calls to the apartment impossible, but he noted that the agency should have pressed for a search warrant.

"If we had gotten a warrant and gone in, there was a chance we could have gotten the real story from the family members," Mr. Mattingly said. "The one thing we're sure of is that was our critical opportunity. People made judgments about whether it was an emergency or not, and those judgments turned out to be wrong."

Nixzmary's death occurred on the same day a 2-month-old Brownsville boy, Michael Segarra, died. In that case, Mr. Mattingly said, the family also had a history with the child-welfare agency. The medical examiner's office said the cause of death in the case was inconclusive as of yesterday.

Child fatalities have been on the rise in the city, according to a September report from the office of the public advocate,

Betsy Gotbaum. "Child fatalities jumped from 46 in 2002, to 63 in 2003, to 73 in 2004," the report said. Her data came from the New York State Central Register of Child Abuse and Neglect, which tracks fatalities of children in the care of the child-welfare agency as well as fatalities of children that were the victim of abuse.

Of the deaths in 2004, the report indicated, close to 75% were homicides or due to accidents, or the cause was not determined. In close to 70% of the 73 cases, the families had dealings with the child-welfare agency. The Administration for Children's Services commissioner vowed to begin an agency-wide investigation, starting with a review of 9,500 open Brooklyn cases.

Mr. Mattingly said, "We are beginning today initializing a citywide review of every open child protection case in all of our offices. ... We are asking managers, supervisors, and caseworkers, along with deputy directors and borough directors, to do a safety check on every family we are involved with right now in the agency. ... We believe it is essential that we take our temperature right away on every case that we are involved with."

The director of Children's Rights Incorporated, Marcia Lowry, who headed up a successful 1995 class action against the child-welfare agency on behalf of abused children, said that although the system is better, it still needs improvement. "I think we need to take a hard look at this system," she said. Agency failings that may have contributed to Nixzmary's death include the "quality of practice, how decisions are made, what services are provided," she said. In addition, she said, the agency lacks "any real quality review process" of individual cases or of the agency itself.

Gerard McCafferty, the president of one of the providers that has a contract with the child-welfare agency, the Seamen's Society for Children and Families, said, "You can't help but wonder, 'How did people miss this stuff?'"

As the head of an agency that provides foster care services, Mr. McCafferty said it is important to remember in the cases of child abuse, "We're still talking about human beings making judgment calls."

Victim's Troubled Family History Emerges

By KAREEM FAHIM NEW YORK TIMES **January 14, 2006**

Nixzaliz Santiago left the small coastal town in Puerto Rico where her family lived when she was a teenager and came to New York in the mid-1990's.

Already with a young son, Javier, she found a new love and became pregnant again. The father wanted her to end the pregnancy, Ms. Santiago's relatives said, but she would not, and on July 18, 1998, a girl was born. Her mother named her Nixzmary.

Cesar Rodriguez came to New York from Guerrero, a Mexican state on the Pacific coast, and his family settled in Williamsburg, Brooklyn. After serving in the Army, he worked as a security guard in the Brooklyn apartment building where Ms. Santiago was staying. They met, began a relationship, and later married.

In the hours before dawn on Wednesday in a second-floor apartment in Bedford-Stuyvesant, Nixzmary, whose father never wanted her to be born, had her life ended, the police say, by her stepfather. She was 7 years old.

As more details of the family emerged yesterday, fuller portraits came into focus of a girl described as happy if a bit withdrawn, of the man whom prosecutors call her killer and of a mother who the authorities say did nothing to protect her.

Since the death, relatives and friends of Mr. Rodriguez and Ms. Santiago have been struggling to explain the horrific torment that the police say was inflicted on Nixzmary inside the couple's three-bedroom apartment at 571 Greene Avenue.

It was there that Mr. Rodriguez tortured Nixzmary, prosecutors say, beating her for perceived offenses, isolating her by keeping her tied to a chair in a bedroom and leaving her nothing to eat except cat food.

Mr. Rodriguez and Ms. Santiago are in jail after being charged on Thursday in her killing.

Yesterday, Ms. Santiago's mother, Maria Gonzalez, who flew to New York from Aguadilla, P.R., on Thursday, stood up for her daughter, calling her an "abused woman," a victim who was cowed by Mr. Rodriguez's brutality.

Not beatings, Ms. Gonzalez said, but daily humiliations, like leaving Ms. Santiago standing at the grocery store counter without money to pay for food. Or telling her that her cooking would drive him out. Over time, the degradations wore on Ms. Santiago, Ms. Gonzalez said.

Ms. Santiago's marriage to Mr. Rodriguez was the worst of a series of bad relationships she had embarked on, her relatives said. Ms. Gonzalez said Ms. Santiago was raised in Aguadilla along with four brothers in as a tranquil household. Ms. Santiago's father left when she was a young girl, she said.

After Ms. Santiago's first adult relationship, with Javier's father, whom Ms. Gonzalez would not name, Ms. Santiago met Mian, Nixzmary's father, whose last name relatives could not remember, in part because he did not stay in Ms. Santiago's life for very long.

They met when he struck up a conversation with Ms. Santiago and her aunt as they all watched a street fight, her

relatives said. They dated on and off for six months, and Ms. Santiago became pregnant. Determined to have her baby, Ms. Santiago disappeared, first to a homeless shelter near Shea Stadium, and then to Connecticut, where she met Edward J. Brown, with whom she later had two children. She gave his last name to Nixzmary.

Mr. Brown adored the children, Ms. Gonzalez said.

On Thursday, the day after Nixzmary was found dead, Caridad Ramos, Ms. Santiago's aunt, and Iris Rodriguez, Cesar Rodriguez's younger sister, met outside the apartment on Greene Avenue. There were apologies and talk of funeral arrangements, Ms. Rodriguez said, adding, "I don't think arguing or fighting will make her come back."

Ms. Rodriguez said her brother deserved to pay for Nixzmary's death. Her younger brother, Miguel, defended him, saying that his brother had helped raise his siblings. The younger Mr. Rodriguez described his brother's marriage as a happy one, saying they had the same interests: watching movies, shopping and strolling through street fairs.

The relationship had gotten off to a tough start. In 2003, after a brief stay with Ms. Santiago's brother, Luis, the couple moved to a homeless shelter with Ms. Santiago's children, but then found housing through the city on Greene Avenue, said Ms. Ramos, the aunt. The couple had two children, and the family of eight lived in three bedrooms overlooking a park in Bedford-Stuyvesant.

And there, under Mr. Rodriguez's accusing gaze and heavy hand, Nixzmary withered, prosecutors said.

The last time Ms. Gonzalez saw Nixzmary was during a visit to New York in December. It was then, Ms. Gonzalez said, that she and Ms. Santiago talked about taking Nixzmary to live in Puerto Rico, where she could have a better life.

"The little girl wanted to be with me wherever I went," Ms. Gonzalez said, adding that her daughter had wavered on the question. In the end, Ms. Ramos wondered whether Ms. Santiago might have played some role in isolating the 7-year-old, saying that she saw some of Ms. Santiago's dislike for Nixzmary's father directed toward the girl.

"How you feel about a man is sometimes how you feel about a child," Ms. Ramos said.

Mr. Rodriguez may have caused Nixzmary's death, Ms. Ramos said, but the girl's mother bore some responsibility: "She could have looked for help."

This Time, a Harsh Light on a Child Agency's Chief

By LESLIE KAUFMAN and JIM RUTENBERG NEW YORK TIMES January 14, 2006

Just three months ago, the city's child welfare commissioner, John B. Mattingly, discussed the circumstances that could most imperil an official's job, saying, "If a bad child death does happen, the agency gets no protection."

This week, his agency was caught in a firestorm over just such a case: the gruesome death of 7-year-old Nixzmary Brown, whose killing has led to investigations into whether welfare caseworkers failed to act on signs of abuse and take the kind of quick, strong action that could have prevented her death.

When he made the remarks in October, Mr. Mattingly was still basking in the glow of his agency's sensitive handling of the case of Valery Belén Saavedra Lozada, a sweet-faced 4-year-old who had been left on the street by her mother's killer. In that case, the agency acted quickly to put the child on television, assuring her swift return to relatives.

Now Mr. Mattingly is facing what he calls "a perfect storm." Everyone wants answers on why welfare officials delayed getting a warrant to enter Nixzmary's house for four weeks as, the police say, she was slowly tortured and beaten to death by her stepfather. At least one newspaper called for Mr. Mattingly's firing.

Yet so far, Mayor Michael R. Bloomberg has been emphatic in support of the commissioner. "I think John Mattingly is an expert," he said on Thursday. "We were lucky to recruit him from the Casey Foundation in Baltimore. I think he certainly has the skills and the knowledge to do this job."

Mr. Bloomberg seemed to be doing what he typically does when agencies come under attack: loyally standing by a commissioner under siege. It is something for which he has been praised and criticized.

For instance, he never wavered in his support of his deputy mayor for economic development and rebuilding, Daniel L. Doctoroff, after his campaign to build a stadium on the Far West Side failed spectacularly - along with his bid to bring the 2012 Olympic games to the city. Nor has he softened his public support for his transportation commissioner, Iris Weinshall, amid continued criticism for what some have called a woeful lack of oversight of the city's ferry service

before the 2003 Staten Island ferry crash, in which 11 people died.

Yet city officials said while the mayor is standing by Mr. Mattingly, he would not do so if it were determined that the commissioner was personally responsible for systemic flaws that led to children's deaths. So far, there is no evidence of that.

"Commissioner Mattingly has the mayor's full confidence," said Ed Skyler, the deputy mayor for administration. "You don't dismiss a dedicated, experienced professional in a knee-jerk reaction to appease an editorial board."

It is telling of Mr. Mattingly's reputation as a fixer of child welfare bureaucracies that the mayor has never expressed doubt about the commissioner himself investigating what went wrong in the case, even if it means the inquiry could implicate Mr. Mattingly. In addition, city officials said that the Department of Investigation was considering starting its own inquiry into certain aspects of the case.

"John has approached his job completely without political concerns," said Marcia Lowry, executive director of Children's Rights Inc., who has been critical in the past of the agency's doing its own reviews of child deaths. "I don't think he is capable of being anything but truthful. He is an outstanding public servant."

A short man with a pale goatee, Mr. Mattingly presents an unimposing figure. Yet as the head of the child welfare system in Toledo, Ohio, in the 1980's and later as the director of human service reforms at the Annie E. Casey Foundation, the Baltimore-based child welfare advocacy and research organization, he earned a national reputation for mastering the vast minutiae of child welfare policy and practice and overhauling troubled systems.

His standing is so strong among child welfare advocates that even those who have recently raised questions about the agency's performance under his watch are unequivocal in wanting him to stay on the job.

"Any disruption in the continuity of management of the agency at this point would be a grievous error," said Gail Nayowith, executive director of the Citizens' Committee for Children.

The commissioner also has a high-placed ally in Linda I. Gibbs, the city's new deputy mayor for social services. Ms. Gibbs, who helped lead an overhaul of the New York child welfare agency in 1996, has previously credited Mr. Mattingly, who was then at Casey, with helping her introduce new procedures for caseworkers in the city. She remains his great booster.

And, most important, Mr. Mattingly said he has had nothing but support from the mayor. He said he has remained calm because "pressure comes with the territory and also because I have had a lot of experience with this." He also credits his wife with keeping him sane. "She does everything from watch the media to cook my meals and pat my cheeks," he said.

Bloomberg Orders Inquiry in Death of Abused Girl, 7

By JAMES BARRON and AL BAKER NEW YORK TIMES January 14, 2006

Mayor Michael R. Bloomberg said yesterday that he had ordered an investigation into a "breakdown" that occurred when child welfare workers failed to obtain a warrant to enter the Brooklyn home where a 7-year-old girl died after months of abuse. "We've got to find out what happened," the mayor said on his weekly radio program on WABC-AM.

The mayor's comments on the death of Nixzmary Brown, who the authorities say was beaten to death by her stepfather for eating a container of yogurt, came as new details emerged that reinforced how close different city agencies had come to uncovering the abuse that prosecutors say eventually killed her.

The Police Department said that two detectives who specialized in child abuse cases had accompanied child welfare workers who spoke to Nixzmary a month before her death, but were not in the room when she was interviewed.

Also yesterday, the slain girl's grieving family faced one of its darkest tasks: her maternal grandmother went with relatives to identify the body at the morgue in Brooklyn. The grandmother, Maria Gonzalez, who arrived in New York

from Puerto Rico on Thursday night, said she intended to ask for custody of her daughter's five remaining children. Nixzmary died after months of being systematically tortured and denied food, prosecutors said. She weighed not quite 36 pounds.

Her stepfather, Cesar Rodriguez, has been charged with murder, and her mother, Nixzaliz Santiago, with manslaughter. Both were also charged with endangering the welfare of a child.

The mayor said he wanted to determine whether "communications are a problem" between the city agencies that tried to follow Nixzmary and exchange information about her. Referring to the Administration for Children's Services, the mayor said, "We have to see whether or not the procedures at A.C.S. are the right procedures and it just broke down at one level with a couple of people, or whether there's a bigger problem."

Child welfare workers spoke to Nixzmary in December after staff members from her school, Public School 256, alerted them that the girl, whose absenteeism and starved appearance had prompted complaints, had a black eye. Yesterday, the police gave more details of that visit, revealing that the detectives went to the school, not, as previously reported, to the house.

Someone from the children's services agency asked two police detectives to accompany her to P.S. 256 that day, the police said, because of concerns that Mr. Rodriguez might show up and interfere with the caseworker's interviews with Nixzmary and her 9-year-old half-brother.

The detectives were from a child abuse squad, and going along with the caseworker was a precautionary step, the police said. Police Commissioner Raymond W. Kelly said the treatment of Nixzmary before her death was an issue for the children's services agency, not the police. "I have no reason to question, in any way, shape or form, the performance of the detectives in this case," he said. "Now, the mayor, I believe, has directed the investigation essentially into A.C.S. and their actions in this matter."

Mr. Rodriguez did not go to the school while the caseworker was doing the interviews, the police said. Sharman Stein, a spokeswoman for the child welfare agency, said Mr. Rodriguez was asked to go to the school afterward and did so, and was cooperative. She said Nixzmary's mother was sick that day. Caseworkers, unaccompanied by the officers, later visited the house, at 571 Greene Avenue in Bedford-Stuyvesant, officials said.

John B. Mattingly, the commissioner of children's services, said on Thursday that the agency began "encountering difficulties" with the family after that. No one answered the door when caseworkers returned to visit the house on Dec. 15 and Dec. 21, and officials apparently discussed seeking the warrant.

"It does not look like the caseworkers either tried to get the warrant," the mayor said on the radio broadcast, "or they certainly didn't try hard enough to get the warrant." At another point in the program, he said, "Why the caseworkers didn't push further, harder, that's what we're investigating."

The mayor also said that he wanted to determine "whether or not all of these agencies - the Department of Education, A.C.S., all of the social services - are talking to each other adequately."

Hours after the mayor's radio broadcast, Ms. Stein said Mr. Bloomberg "misspoke" in describing the conversation between a supervisor and the caseworker about the warrant. "We are nowhere near reaching a conclusion on what happened next," Ms. Stein said. "We are still interviewing the caseworker, his supervisor and his supervisor's supervisor."

Personnel at the girl's school have said they tried to contact the girl's family after she stopped coming to school in the middle of the month. They were unsuccessful, but said they had told child welfare officials of their failed efforts. They did not go to the police, nor were they obligated to.

Stephen Morello, a spokesman for the Education Department, said the school system had developed no new information about the case. He said that officials remained confident that all appropriate steps had been taken by school personnel

"according to the information that we have obtained so far."

But he added that the department would not comment on how the case might have been handled differently until a full investigation had been completed into what he called "this tragic episode."

A social worker assigned to P.S. 256, Margarita Cotto, said she was saddened by Nixzmary's death, and expressed concern that the girl's family may not be able to afford a funeral. "I expect the city of New York will respond as they usually do, and bury her," said Ms. Cotto, who was standing outside her apartment last night in Brooklyn. "I'm a city worker, and I am not going to say anything against the agency. But I did the best I could."

Randi Weingarten, the president of the United Federation of Teachers, said that Ms. Cotto and a guidance counselor went "beyond what they were quote-unquote required to do."

"Everybody's just wondering why such a tragedy happened," said Ms. Weingarten, who visited P.S. 256 in the morning. "You have to take away from a situation like this, how can we create some systems so that when people want to go beyond the call of duty, as they did here, when they want to help, how can we empower them to help more?"

Through the day, there were also questions about the extent of the police department's involvement in the case. On the radio, the mayor spoke as if the police had been deeply involved in the case before Nixzmary died. At one point, referring to an injury Nixzmary had sustained, he said: "After further investigation, the police said there is not enough evidence to think that is anything other than a fall. They withdrew, but A.C.S. said this is a case that should continue." He also mentioned, "the detective saying there's not a lot of evidence here."

The details about the police - provided to the mayor by the children's service agency - turned out to be inaccurate, said Paul Elliott, a spokesman for the mayor. He called it "human error" and said the rest of the mayor's comments were accurate.

Kareem Fahim, Jonathan P. Hicks and Matthew Sweeney contributed reporting for this article.

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A Tough Road for Siblings Who Survived Abuse

By NINA BERNSTEIN NEW YORK TIMES January 15, 2006

In death, they have become indelible symbols of the city's failures to protect the weak from the cruel: Five-year-old Adam Mann, killed by parents for eating a piece of cake in 1990. Six-year-old Elisa Izquierdo, battered and burned by her mother in 1995. And now, 7-year-old Nixzmary Brown, who the authorities say was tortured over time and finally beaten to death by her stepfather for taking a container of yogurt.

In life, the dead children's surviving siblings are often forgotten. Yet in many ways, their hard journey toward adulthood may show more about the day-to-day problems and progress of the city's child welfare system than the fatalities that capture so much public outrage. Will the survivors find safe, permanent homes, or be bounced from one foster care placement to the next? Will they be kept together, or scattered far apart?

Sometimes, children taken from the most notoriously abusive homes have, years later, come full circle: In the Mann case, the oldest surviving sibling returned by choice to live with his mother, who had served prison time in the death of his abused brother.

For Nixzmary's two surviving half sisters and three half brothers, aged 9 months to 9 years, the journey began Wednesday after their sister's battered body was discovered in their mother's apartment in Bedford-Stuyvesant, Brooklyn. For now, said Sharman Stein, a spokeswoman for the Administration for Children's Services, all five of Nixzmary's siblings are in a home in Brooklyn with Spanish-speaking foster parents specially trained to deal with psychologically fragile children.

That they are together reflects an achievement. A decade ago, siblings were as likely as not to be separated. In 2004, sibling groups entering foster care were placed together almost 90 percent of the time.

But the road ahead is long. The plan is to avoid the black holes of the old foster care system, in which damaged children cycled through temporary placements heedlessly - in the case of the surviving Mann siblings, the city eventually paid thousands of dollars in damages in a lawsuit brought on their behalf.

The challenge of healing the shattered lives of Nixzmary's brothers and sisters underscores some of the unmet goals of the new system, which is still struggling to reduce the time that children in foster care wait for permanent homes.

Though details of Nixzmary's ordeal are still emerging, her younger sisters, in kindergarten and first grade, and her older brother, a third grader, have traumas of their own to overcome.

The authorities said the girls had been sexually abused by their stepfather, Cesar Rodriguez, and that he punished them in one of the ways he punished Nixzmary, by plunging their heads under water. The youngest boys, Mr. Rodriguez's sons, apparently escaped abuse - part of a pattern of scapegoating that is familiar to experts on child maltreatment.

"It's likely that these children have been terribly damaged," said Marcia Robinson Lowry, the executive director of Children's Rights, an advocacy group. "They now face a foster care system in which the average length of care is four years. So having faced one terrible situation, they may wind up in another."

Some child welfare experts consider the city's child welfare system - overhauled since Elisa Izquierdo's death more than 10 years ago - close to a national model. And even veteran critics like Ms. Lowry, who called the current commissioner of children's services, John B. Mattingly, "the best ever," acknowledge that the system has vastly improved.

But the average length of time it takes for children either to be safely returned to their parents, or to be successfully adopted, Ms. Lowry said, is much longer in New York than in many cities.

Ms. Stein, the spokeswoman for the children's services agency, said the cases of siblings who survived some of the city's worst child abuse fatalities are among the system's greatest challenges.

"What is the future for kids whose own parents have shown in the worst possible way that they are not viable?" Ms. Stein asked. The system has to go step by step, she said: "First, trying to see if there's a good family member to take them, trying to keep siblings together, trying to get them help, and, once parental rights are terminated, trying to get them in a permanent placement."

The story of the Izquierdo siblings, now 12 to 19 years old, illustrates how the bad old days of a chaotic, overwhelmed system can still haunt the lives of children and parents today.

About a month before Elisa's birth on Feb. 11, 1989, child-protection workers found her half sister and half brother neglected and took them from their mother, who was using crack cocaine.

Elisa was lucky at first. She went from the hospital to the custody of her father, Gustavo Izquierdo. But after his death, she was sent to the home of her mother, Awilda Lopez, joining older siblings who had also been returned after Ms. Lopez had drug treatment and settled into an apparently steady relationship with a new man, Carlos Lopez.

Eventually, five siblings would watch helplessly as their parents targeted Elisa, sexually abusing her, beating her and at one point forcing her to eat her own feces.

Ms. Lopez was sentenced to 15 years to life for her role in Elisa's beating death and is still in prison. Mr. Lopez, who pleaded guilty to attempted assault of his stepdaughter, was sentenced to one and a half to three years.

Fewer than 10 percent of foster care cases involve abuse, not neglect, and child homicides are extremely rare. The instability the Izquierdo siblings experienced in foster care is all too common, however. Three years after Elisa's death,

the four youngest had moved through four different homes, as ill-prepared foster parents gave up on them.

But now, said Ms. Stein, the spokeswoman for the agency, two of Elisa's siblings have been adopted and are living with a family on Long Island. A third, who does not want to be adopted, lives with them. A fourth sibling is in a separate foster home.

In late 2002, Ms. Stein said, after seven years in foster care, the oldest boy, now 19, went to live with his biological father, who was not involved in Elisa's life or death. Such an outcome after years in care is far more common than the public imagines, experts say, especially when adolescents leave foster care with no other family to call their own.

In the Mann case, too, the oldest surviving son returned to live with a parent, his mother, Michelle Mann, who served time for assault in Adam's death and was released from prison in 1994, according to Ms. Lowry, of Children's Rights. She and his father, Rufus Chisolm, who pleaded guilty to first-degree manslaughter, subjected all the siblings to terrible beatings that culminated in Adam's death.

The case was the focus of a celebrated "Frontline" documentary detailing how the city had failed to properly investigate earlier reports of abuse and neglect. But years later, as the parents were nearing the end of their prison terms, all but the youngest, the only girl, were still being shuttled from foster home to foster home. Ms. Lowry filed a wrongful-death suit against the city on behalf of the estate of Adam Mann, and won $183,000 for the survivors.

"These are the cases in which intense public scrutiny is focused on child welfare agencies," said Richard Wexler, the executive director of the National Coalition for Child Protection Reform, which supports programs to keep children safe in their own homes whenever possible. "If those agencies can't even do well by these children, imagine what happens to the hundreds of thousands of children, almost all of them anonymous, taken each year and thrown into foster care."

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Police Role in Abused Girl's Case Still Unclear, City Officials Say

By MIKE McINTIRE and LESLIE KAUFMAN NEW YORK TIMES January 16, 2006

Bloomberg administration officials met for more than three hours yesterday at City Hall but still could not say what role, if any, the police had played in the investigation of child abuse involving a 7-year-old Brooklyn girl who the authorities say was beaten to death by her stepfather.

"In some cases, the information from city agencies is incomplete; in others, the accounts are not consistent," Linda Gibbs, the deputy mayor for health and human services, said in a statement after meeting with child welfare, education and police officials. "Resolving those inconsistencies will be a central focus going forward."

One of the critical inconsistencies involves the role the police played in investigating concerns about the young girl, Nixzmary Brown. Two specially trained detectives accompanied child welfare workers to the girl's school in early December after school personnel, for at least the third time, alerted the authorities that the child might be in danger.

Police officials have said that the detectives did not take part in the interview with the girl and her family at the school, and that they were there chiefly to make sure the child's stepfather did not interfere. They said that incident was the police's lone contact with the case.

But The New York Daily News reported yesterday that what it said were Nixzmary's case records from the child welfare agency suggested that the police had helped interview relatives and decided not to get more involved because no evidence surfaced implicating the parents in abuse.

Paul J. Browne, the chief spokesman for the Police Department, who attended the meeting at City Hall, yesterday stood by the department's account of its involvement. He referred questions about the apparent discrepancy to City Hall.

When asked whether the detectives followed Police Department policy in staying out of the interview with Nixzmary, Mr. Browne said, "The only way I can answer that is to say that the department had no reason to question the detectives' conduct."

On Friday, when he was asked if he planned to review the department's role in the case, or the performance of the detectives, Police Commissioner Raymond W. Kelly said, "I have no reason to question in any way, shape or form the performance of the detectives in this case."

Mayor Michael R. Bloomberg, acknowledging that Nixzmary had had a number of contacts with the city's child welfare agency, said last week that the city had failed the young girl, and that chances to save her life had been lost and perhaps mishandled.

John B. Mattingly, the commissioner of the Administration for Children's Services, spoke briefly to reporters after the meeting. He described the meeting as "an intensive session with the agencies that had any involvement with this family," adding that his department was continuing its own review of "our role in investigating the allegations of abuse and neglect regarding this family."

"We are in the process of looking at whatever disciplinary or other personnel action needs to be taken and will in the coming few days have more to say about that," Mr. Mattingly said.

Yesterday, the president of the union that represents the city child welfare caseworkers charged that the city had allowed a top supervisor in the Brooklyn child welfare office responsible for protecting Nixzmary and another child who died in recent weeks to stay in his job despite having misrepresented his qualifications when he was hired.

Charles Ensley, president of the social services workers union local 37, said yesterday that the supervisor, Roger Moore, a 20-year veteran who managed more than a dozen investigators and hundreds of cases of alleged child neglect or abuse, lacked the college degree required for his position when he was hired.

He falsified his application, Mr. Ensley said, and when the city found out about it several years ago, it took no action.

"They didn't dismiss him, which was well within their rights to do," Mr. Ensley said yesterday.

Mr. Moore resigned from his position as field director of the child welfare office in the Bedford-Stuyvesant neighborhood of Brooklyn last week.

He had been suspended in December and was under threat of being fired, child welfare agency officials said, because he had admitted to doctoring records during an investigation into the death in November of a 16-month-old child who was being monitored by child welfare workers in his office.

After the child, Dahquay Gilliams, drowned in a bathtub while his mother listened to music in another room, agency officials said that Mr. Moore changed office files to make it appear that the mother had been getting the counseling and other help the agency was supposed to be providing, and that was required of the mother for her to keep custody of her children, including Dahquay.

Mr. Moore, in a brief interview yesterday, declined to comment.

Officials with the child welfare agency said they had briefly suspended Mr. Moore in 2003 when it was discovered that he lacked a degree. But they said their investigation showed that he had actually completed the coursework at City College for a bachelor's degree in sociology in 1976, well before he was hired by the city, but had not done the proper paperwork to officially get his degree. It allowed him to keep his job.

Yesterday, as Nixzmary's grandmother and other relatives prepared for the child's wake today, Robert W. Abrams, a lawyer, said he would be representing Nixzaliz Santiago, Nixzmary's mother. She has been charged with manslaughter.

Nixzmary's stepfather, Cesar Rodriguez, has been charged with murder.

In recent days, Ms. Santiago's family has portrayed her as a victim of domestic violence and as mentally impaired.

"My strategy is to seek fair justice for my client," Mr. Abrams said. "It's my job to make sure she gets a fair shake."

Al Baker and Michael S. Schmidt contributed reporting for this article.

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Hundreds Mourn Slain Girl, Moved by a Life Too Sad and Too Short

By FERNANDA SANTOS THE NEW YORK TIMES January 17, 2006

The line outside the R. G. Ortiz Funeral Home on the Lower East Side of Manhattan snaked a half-block north along First Avenue yesterday before veering east on Second Street, stretching as far as the eye could see.

The first people arrived at noon, carrying flowers and balloons, toys and sympathy cards. They waited for hours in the bitter cold for a chance to see the girl who lay inside in a gold-rimmed coffin, her gloved hands clasped over her stomach, the bruises on her face masked by makeup.

Few, if any, knew the girl, Nixzmary Brown, but all knew the story of her sad, short life.

Nixzmary died Wednesday at the age of 7, in her family's apartment in Bedford-Stuyvesant, Brooklyn, after months of systematic abuse, the authorities say. They have said that her stepfather, Cesar Rodriguez, tortured and molested her, then beat her to death when she took a container of yogurt from the refrigerator without his permission.

Mr. Rodriguez, 27, has been charged with murder and endangering the welfare of a child. Nixzmary's mother, Nixzaliz Santiago, 27, faces charges of manslaughter, reckless endangerment and endangering the welfare of a child. Authorities said she stood by while her daughter lay on the floor, naked and unconscious, after the fatal beating.

"She died with dreams and hopes never to be fulfilled," said one mourner, Luis Negrón, 35, a doorman on the Upper East Side who lives not far from where Nixzmary lived.

Mr. Negrón was one of at least 500 people who filed through the funeral home from 3 and 9 p.m. to pay their respects to a girl who has come to represent the failures of a system set up to protect New York City's children from abuse and neglect.

A long series of alarms preceded Nixzmary's death. At Public School 256, teachers noticed that she was missing classes, looked malnourished and had bruises around her eyes. They filed numerous complaints, and in response, city child welfare workers talked to the girl and her parents, visited her apartment, on Greene Avenue, and took her to a doctor. But in the end, they saw no reason to remove her from her home.

At one point, two police detectives accompanied caseworkers visiting Nixzmary. A doctor was also called to examine her black eye and agreed that her injury could have occurred during a fall, which is how her family had explained it. In the weeks before her death, caseworkers were repeatedly barred from entering her home, but did not take the steps to get a warrant granting them access.

Each missed opportunity to save Nixzmary has been painstakingly detailed in newspapers and on television, seizing the hearts of New Yorkers and fueling outrage over a death that could have been averted.

"I haven't been able to sleep right," George Joseph, 42, of Mount Vernon, N.Y., said as he was about to enter the funeral home. "I haven't been able to eat right. I've been having nightmares. I keep thinking of her last few hours, screaming for help.

"I felt compelled to come here," Mr. Joseph added. "I thought if I came here and saw her with a peaceful look on her face, I could see her at rest and feel a little better about what happened to her."

Many who attended the wake said they had come to grieve for Nixzmary as though they were grieving for a sister, a daughter or a close friend. Some, like Ramona Polanco, 38, a nurse from Corona, Queens, cried while waiting in line.

"I can't explain why, but it's like this girl was family to me," Ms. Polanco said as she clutched the hands of her daughter Rafaela, who turns 7 in three weeks.

Others, like Yvonne Senquize, 14, said they felt connected to Nixzmary because they saw in her a bit of themselves. "She was a child, like me," said Yvonne, who rode her bicycle to the funeral home from her home a few blocks away.

Inside the funeral home, Nixzmary's relatives mourned in silence. By nightfall, the girl's grandmother, Maria Gonzalez, stood staring at the coffin and the stuffed animals, flowers, ribbons and pictures that surrounded it.

Ms. Gonzalez had said little all day. She woke up early, before sunrise, a relative said, and spent many minutes ironing the light-pink dress she wore at the wake. At 9 a.m., she left home with a friend, Awilda Cordero, and headed to a Spanish diner on East 20th Street for a breakfast of eggs, bacon and plantains, Ms. Cordero said.

Nixzmary "looked like an angel," Ms. Cordero said Ms. Gonzalez told her afterward. The girl was clutching a wooden crucifix, pink rosary beads intertwined in her fingers. In a picture placed next to her, she was smiling, wearing a red Power Ranger costume from last Halloween, one of the last times Ms. Gonzalez saw her alive.

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Mayor Makes Pledge of Accountability in Girl's Death

By MIKE McINTIRE and AL BAKER THE NEW YORK TIMES January 17, 2006

Mayor Michael R. Bloomberg vowed yesterday to punish any city workers who are found to have mishandled the case of a 7-year-old Brooklyn girl who the police say was killed by her stepfather.

It was the strongest sign yet that the mayor is dissatisfied with the city's actions in the events leading to the death of the girl, Nixzmary Brown, and officials say it also reflects his concern that there was a communication breakdown between child welfare caseworkers and police detectives involved in the case.

The city, Mr. Bloomberg said, "failed to do everything in its power to protect Nixzmary."

"And I want to ensure every New Yorker that a full investigation is under way to determine exactly how this breakdown occurred," he said. "People will be held accountable for their actions in this tragedy."

The mayor made his comments during a Martin Luther King's Birthday speech at Canaan Baptist Church in Harlem, where parishioners clapped and cheered at his pledge of accountability. His remarks were the first since a long meeting at City Hall on Sunday, where his top deputies questioned officials from each agency involved in Nixzmary's case and emerged unable to say that they knew the full story of what had gone wrong.

Two city officials who took part in at least some of the four-hour, closed-door meeting said a theme was the mayor's concern that workers from the agencies involved had not communicated effectively with one another.

Some of the discussion at the meeting focused on an apparent misunderstanding over the role of two police detectives who accompanied a child welfare caseworker on a visit to Nixzmary at her school in December, the officials said.

"There was a breakdown between the two agencies concerning what the Police Department's role was supposed to be," one of the officials said. "That issue, the breakdown of communication, was the heart of this meeting."

The two city officials said the police insisted that the detectives' only role was to provide a security presence. But the Administration for Children's Services said that its caseworker believed the police were there to help investigate allegations of child abuse.

After the meeting ended, Deputy Mayor Linda I. Gibbs released a statement saying the fact-finding meeting ended inconclusively. "The information from city agencies is incomplete; in others, the accounts are not consistent," she said. "Resolving those inconsistencies will be a central focus going forward."

The Sunday News reported that the Children's Services case file on Nixzmary said the detectives had helped interview her relatives, but then chose not to pursue a criminal case. The police have disputed that account, and a police official went further yesterday, providing more details of the detectives' actions.

The police official, who spoke on the condition of anonymity, said the caseworker called the detectives from the Brooklyn Child Abuse Squad to the school out of a fear that Nixzmary's stepfather, Cesar Rodriguez, might show up and try to interfere. Normally, such a call would have been referred to uniformed officers, but since the detectives knew one of the Children's Services workers, they went, the official said.

But by the time they arrived at the school, the caseworker's interviews with Nixzmary and her siblings were finished, the official said, and Mr. Rodriguez had already appeared on the scene without incident. At no time did the police interview Nixzmary or Mr. Rodriguez, nor did the caseworkers ask the police to take any further action, the official said. The child welfare workers then traveled to the family home to continue their work, without the police detectives accompanying them.

The official said that Deputy Inspector Ann Marie K. Connell, the commanding officer of the Special Victims Division, which oversees all child abuse squads, was present at the meeting in City Hall on Sunday and provided those details.

Children's Services has not elaborated on its caseworker's version of events, and on Sunday its commissioner, John B. Mattingly, declined to comment on the discrepancies. But he said that the city would "be commenting on that in the future as we get the details sorted out."

Mr. Rodriguez, 27, has been charged with murder, and her mother, Nixzaliz Santiago, 27, with manslaughter. Both have also been charged with endangering the welfare of a child. The police say Nixzmary was beaten to death by her stepfather.

A lawyer for Ms. Santiago said yesterday that his client was "not guilty of any of the charges" she is facing, including manslaughter. The lawyer, Robert W. Abrams, described his client as "really and truly a very sweet, caring mother, and a loving girlfriend," and said she was devastated by her daughter's death and a recent miscarriage.

Kareem Fahim and Leslie Kaufman contributed reporting for this article.

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A Child's Death Commands Lasting Attention and Outrage

By RICHARD PÉREZ-PEÑA and ANDY NEWMAN NEW YORK TIMES January 18, 2006

The fatal blow fractured his skull, but that barely begins to account for the last, gruesome hours, in 1999, of a 21-month-old boy whose family had a history of child abuse and neglect. The medical examiner found 13 bruises on his head and neck, blunt trauma injuries on his torso, arms and legs, and even human bite marks.

In 2002, a 12-year-old girl who had been sexually abused, had missed months of school, had seen her siblings neglected and had repeatedly threatened suicide, took a fatal overdose of a drug that her mother had failed to lock up.

Just a year and a half ago, a young woman who had neglected her first child gave birth to another. Days later, the baby's grandmother threatened to stab the mother and kill herself - all in front of a social worker. Within three months, the baby - dehydrated, malnourished and badly beaten - was dead.

The deaths all shared crucial elements: a long history of involvement between the children's families and New York City's child welfare agency, the Administration for Children's Services; caseworkers who repeatedly investigated claims of abuse and neglect, yet sometimes failed to pursue leads and follow the agency's rules for guarding children's safety; and apparently missed opportunities to avert tragedy.

The cases, though, got brief or no news media attention, and whatever punishments or reforms they provoked took place in considerable quiet, too.

The deaths, however disturbing and for whatever reasons, faded quickly to the complicated, often sad fabric of day-to-day life in the city's child welfare system, where each year some two dozen to three dozen children whose families had dealings with the authorities wound up dying.

Of course, last week's death of Nixzmary Brown, a 7-year-old girl beaten to death, the authorities say, by her stepfather, has set off a much different reaction - a storm of news media coverage, multiple investigations and angry finger-pointing.

Today, the child welfare agency is expected to announce disciplinary actions against workers who were involved in her case.

Nixzmary's case is roiling an agency that almost everyone agrees has made enormous strides since a significant overhaul began in early 1996. For some, then, the radically different public responses to indisputably terrible deaths of young children raises questions about just how much any single death reflects the overall effectiveness of the child welfare system.

Douglas Besharov, a scholar at the American Enterprise Institute and a longtime member of the independent panel that reviews child deaths in New York City, said that the number of child fatalities in any given year is an important measure of performance, but only one among many.

Richard Wexler, executive director of the National Coalition for Child Protection Reform, said that the number of fatalities is so small and fluctuates so much that it is of limited use.

"You can learn useful things from studying homicides, but one thing you cannot know is whether your system is getting any better or any worse," said Mr. Wexler, who thinks child welfare agencies too often needlessly remove children from homes.

In New York, though, the numbers have moved up and down from year to year. Some of the lowest totals of deaths in recent years came when the city's child welfare system was thought to be at its worst, in the mid-1990s. One of the highest totals - 36 in 1998 - occurred two years into a reform effort that would be hailed as a national model.

Over the last decade, in fact, from 22 to 36 children each year died after the child welfare authorities had looked into some allegation of unsatisfactory conditions in their homes. Most of those deaths go largely unnoticed, but occasionally, sometimes for evident and urgent reasons, a horrific example of unchecked abuse leading to death - Nixzmary Brown in 2006, or Elisa Izquierdo in 1995 - comes to define the child welfare system for much of the public.

Certainly, beyond death statistics, the city's child welfare agency appears to be making progress. There are fewer children in foster care; children who are abused are much less likely to be abused again, and caseworkers are, on

average, less overwhelmed by tracking large numbers of children at risk.

To be sure, reports by an outside group of experts that reviews the city agency's handling of cases that end in a child's death reveal a sad litany of malevolent behavior and innocent mistakes by parents, foster parents and boyfriends, and of diligent caseworkers who pursue every charge and careless colleagues who do not listen to years of alarms.

But the numbers are small in a system that monitors tens of thousands of children every year. Furthermore, there is no apparent correlation between the number of deaths and either the drop in crime in the last dozen years or the health of the economy.

"The numbers were already dropping when the system was probably at its worst," in the mid-1990's, said Nicholas Scoppetta, who was appointed commissioner of the Administration for Children's Services by former Mayor Rudolph W. Giuliani in 1996 and who oversaw a multi-million dollar reconstruction of the agency. He is now the city fire commissioner.

In fact, two years into Mr. Scoppetta's overhaul of the agency, the number of child deaths spiked, to 36. The following year, it dropped to 23, the lowest in decades.

Yesterday, Mayor Michael R. Bloomberg defended the performance of A.C.S. and its commissioner, John B. Mattingly, and he was among those who cautioned against judging the system by a single case, however tragic.

"No question, it failed this child," he said. "No question, we all failed this child. But the agency is exceptionally well run and we want to make sure that we reduce the probabilities of anything like this ever happening again. Those two things are not inconsistent."

The death reports make clear that, for all the system's improvements, frequent mistakes are made by caseworkers - some who fail to coordinate their work with the police or schools, some who do not file reports on time, and some who leave children in dangerous homes.

In the case of the 12-year-old who killed herself, agency caseworkers had earlier investigated charges that she was often out of school and that her little brother's medical needs were neglected, and concluded that they could not prove either claim. The department's review panel called those findings inexplicable, saying there was ample evidence in both instances.

In the case of the 3-month-old boy, a caseworker for a private agency hired by the city actually saw the grandmother threaten to kill herself and stab the boy's mother, yet left him in the home.

"Child welfare is enormously complicated, and that's why you see errors of judgment, even when they're going by the rulebook," Mr. Scoppetta said. "You're simply not going to avoid every tragedy."

Some experts say a better measure of how well the system protects children is the likelihood that a mistreated child will be mistreated again. In 1998, the agency reported that 17 percent of children who were abused or neglected suffered another documented instance of mistreatment in the following year; by 2002, that had fallen to 10 percent, and in 2004, it was 12 percent.

Mr. Scoppetta said that when attention is paid to cases like Nixzmary's, it is understandable, because "people may not understand the intricacies of the system, but they certainly know when a child is killed."

And he and others said that while the scrutiny given to a very few abuse cases - while thousands of others are ignored - may seem unwarranted, it at least has the effect of focusing attention on a system that people ignore for years at a time.

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Murder Charges Detail Torture of 7-Year-Old

By MICHAEL BRICK NEW YOEK TIMES January 18, 2006

A grand jury charged the mother and stepfather of 7-year-old Nixzmary Brown with murder yesterday, detailing accusations that the mother had not only allowed a pattern of violent abuse that ended in the girl's death, but also participated in it.

That pattern approached its climax on Jan. 10 as Nixzmary's siblings were compelled to accuse her of eating yogurt without permission and breaking a computer printer, prosecutors said. As punishment, they said, the girl was stripped naked, beaten, dunked in cold water and thrown on the floor to lie untended for hours in a place the other children called "the dirty room."

"Her cries, 'Mommy,' could be heard throughout the apartment," said Charles J. Hynes, the Brooklyn district attorney.

The formal charges against the parents, Cesar Rodriguez and Nixzaliz Santiago, both 27, of Bedford-Stuyvesant, were filed as the mayor defended his top child welfare official and as a second wave of mourners shuffled through a wake that drew more than 1,000 people in two days.

Nixzmary's death has elicited parallels to other cases that prompted the city to overhaul its child services agency, the Administration for Children's Services, which has taken criticism for failing to remove Nixzmary from the family apartment after teachers reported signs of abuse.

Speaking to reporters in the Bronx, Mayor Michael R. Bloomberg supported the children's services commissioner, John B. Mattingly.

"I can tell you explicitly, John Mattingly is I think the best commissioner we could possibly get for this agency, and I have the utmost confidence in him," Mr. Bloomberg said. He added that he expected changes within the week, but said their aim would be reform, not punishment.

"We're not going out to discipline people for the sake of disciplining them," he said. "If somebody did something wrong, and what they did was because the procedures were wrong, we'll try to correct the procedures. If they were derelict in their duty, they're not going to remain in their position."

Mr. Mattingly scheduled a news conference at which he is expected to announce disciplinary actions this afternoon.

At the agency's field office in Brooklyn, union officials said child welfare workers were disheartened by the case and the attention.

"These workers go home every night worried that something could happen on a case they have," said Charles S. Ensley, president of Social Services Employees Union Local 371. He added that the job of preventing child deaths was impossible to perform to perfection. "We hope that the administration understands that we're not gods. Unless there is misconduct, these workers should be supported and not scapegoated."

Among the mourners at Nixzmary's wake, many blamed the girl's mother. At the R. G. Ortiz Funeral Home in the East Village, a line stretched around the block. There was a 40-minute wait to see the open coffin.

"She's an angel, so you pay your respects," said Rosa Roldan, 58, a collection agency worker. "It's to let these people

know that people care, that this is not right."

Though he had suggested he would send his homeless services commissioner, Mayor Bloomberg attended the wake for a few minutes. He stood before the coffin and spoke with family members, including Maria Gonzalez, Nixzmary's grandmother.

"Espero hacer algo," he said, meaning "I hope to do something."

Nixzmary will be buried at Cypress Hills Cemetery today after a funeral at St. Mary's Church on Grand Street on the Lower East Side.

Before the wake, an aunt of Nixzmary, Caridad Ramos, speaking of the girl's mother, said, "She has to pay for what she did."

Prosecutors accused Mr. Rodriguez and Ms. Santiago of maintaining an improvised torture chamber of fetid mattresses, a soiled litter box and a wooden chair tied to a broken radiator. The biological children of Mr. Rodriguez, aged 6 and 18 months, were spared abuse, but as far back as last summer, Nixzmary and three siblings, 5, 6 and 9 years old, were tied to the chair, gagged with duct tape and beaten with rulers, blocks of wood and fists by both parents, prosecutors said.

Describing the night of Nixzmary's death, Mr. Hynes said in a news conference that Ms. Santiago had suggested that the girl had taken the yogurt and broken the printer, encouraging Mr. Rodriguez to investigate. He screamed at the children, demanding to know if Nixzmary was responsible. They said yes. After he beat her, dunked her head under water and threw her on the floor in the so-called dirty room, Nixzmary moaned in pain, but Ms. Santiago did not check on her for "several hours," Mr. Hynes said.

The amount of time Nixzmary was left alone is a factor in the murder charge against Ms. Santiago, whose indictment says she "failed to seek prompt medical attention."

The top charge against both parents is second-degree murder, which carries a maximum sentence of 25 years to life in prison.

Reporting for this article was contributed by Ann Farmer, Leslie Kaufman, Mike McIntire, Fernanda Santos and Matthew Sweeney.

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Supervisors Are Suspended After Girl's Death

By LESLIE KAUFMAN and JIM RUTENBERG NEW YORK TIMES January 19, 2006

Six New York City child welfare workers were suspended or reassigned yesterday for their roles in the failed investigations leading up to the death of a 7-year-old girl in Brooklyn. The commissioner of children's services also announced a reorganization of his top aides aimed at improving the oversight of hundreds of frontline abuse investigators.

Commissioner John B. Mattingly, speaking at a news conference after a week of embarrassing disclosures about the city's Administration for Children's Services, said he was taking action against the six workers because they had failed to take "basic and important steps" in the investigation of complaints of abuse and neglect involving the girl, Nixzmary Brown.

Prosecutors say the child was abused by both her parents over many months and was ultimately beaten to death by her stepfather last week, even though concerns about her safety were known to child welfare caseworkers, school personnel and the police.

"The staff made poor investigative decisions and gave inadequate attention to clear warning signs of the danger Nixzmary Brown was facing," Mr. Mattingly said. "While it's true that this work is extremely difficult, these are examples of incomplete and inadequate steps. Everyone at Children's Services must act with urgency and absolute thoroughness when responding to allegations of abuse and neglect. That's what the city expects and that's what I expect."

The three agency workers who were suspended were those most directly involved in the handling of Nixzmary's case. Mr. Mattingly suspended without pay Andrew Bartley, the supervisor who handled the first reports of neglect involving Nixzmary last May, when the case went nowhere, though the child had missed 47 days of school and had suffered a variety of injuries.

He also suspended without pay Joyceline St. Hill and one other supervisor, who both investigated a December report by school officials that Nixzmary might have been physically abused. The child was not seen by a doctor, and no caseworker ever gained access to the child's home or sought a warrant to get inside the family's apartment after the stepfather refused to cooperate. The names of the workers disciplined were not released by the agency, but two of them were confirmed by a person with direct knowledge of the action.

Three other child welfare workers in the Brooklyn office that handled Nixzmary's case were not suspended but were reassigned to a new supervisor.

Mr. Mattingly said he had asked the city's Department of Investigation to conduct its own inquiry into the handling of the case to determine if there was actual wrongdoing - falsifying records, for instance - by any of the caseworkers or their supervisors.

Mr. Mattingly announced no changes in actual policy - involving, say, how investigations are conducted - and reiterated that the city already had implemented nationally respected training programs and other reforms over the last decade. However, several of the changes involving senior agency officials made clear how seriously the fallout from the botched case was being treated.

As a first step, he said that the agency's executive deputy commissioner, Zeinab Chahine, would be working full time on child safety issues throughout the agency and would take direct authority for the Division of Child Protection. Ms. Chahine was in fact director of child protection until Mr. Mattingly promoted her a year ago. He never named a permanent replacement.

Mr. Mattingly also announced the establishment of a new ombudsman's unit at the agency. Now, employees at any city agency, or at the dozens of private nonprofit agencies involved in child welfare work, can call the ombudsman's office for immediate assistance when they have concerns about the progress of a child protective investigation.

City officials said Mayor Michael R. Bloomberg had been "deeply involved" in the drafting of the new managerial plan.

The caseworkers and the supervisors who are being suspended or reassigned are civil servants and cannot be fired immediately, the agency said. Joseph Cardieri, general counsel of the child welfare agency, said the workers would be suspended for 30 days, or until an administrative hearing. Penalties, if they are assessed, could range from a reprimand to termination. In the case of Elisa Izquierdo, a 6-year-old girl killed by her mother in 1995, the agency fired one caseworker and suspended a supervisor.

Charles Ensley, the president of Social Services Employees Union Local 371, which represents the caseworkers, called the commissioner's actions yesterday inappropriate.

"If in fact the commissioner found some failure in casework practice, the most appropriate response would have been additional training," Mr. Ensley said. He warned that "workers will start removing children at the least sign of abuse, and that is not good practice."

Child protective services first heard of Nixzmary last May, when her school guidance counselor reported her prolonged absence from school. Despite additional notes reporting bruising and an interview with her older brother, who said she had been burned, the caseworkers did not determine that she had suffered what is known as "educational neglect."

Mr. Mattingly called such a finding impossible to understand.

In December, the agency received a straightforward complaint of abuse from the Brooklyn elementary school that Nixzmary attended with several of her siblings.

Although agency workers interviewed Nixzmary and her siblings at the school the day the complaint was made, they never took the 7-year-old to a medical professional to have her injury evaluated and never again met with any family members. Neither Nixzmary nor her siblings attended a day of school in the month before she was found naked and dead on the floor of her Brooklyn apartment.

Mr. Bloomberg, who attended the girl's wake on Tuesday, did not attend yesterday's announcement. And the announcement itself was not held in the Blue Room at City Hall, but at child welfare headquarters.

But senior aides said that the location of the announcement was in keeping with the mayor's statements that he has full confidence in Mr. Mattingly to sort out whatever problems the case has brought to light.

Officials said last night, however, that the changes announced yesterday would not necessarily be the last new efforts meant to improve the handling of abuse cases.

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Child Welfare Offices That Couldn't Be Fixed Fast Enough

January 20, 2006

By LESLIE KAUFMAN, MIKE McINTIRE and FERNANDA SANTOS NEW YORK TIMES

For at least a decade, city officials have known that the child welfare offices in the Bedford-Stuyvesant section of Brooklyn were troubled.

Studies done in 1996, when city officials starting to overhaul the child welfare agency after the death of Elisa Izquierdo, produced evidence that the offices were full of poor managers and were considered a kind of dumping ground for failed caseworkers. Years later, when the city's Administration for Children's Services was being hailed as a national model, the offices were once again identified as suffering from terrible morale and high turnover among caseworkers, according to a former official.

Finally, in November, after a young child drowned in a bathtub while under the care of one of the offices, yet one more effort was made to bolster the work of the scores of investigators and supervisors who handled some of the city's most urgent cases of child abuse and neglect. Supervisors, who had been swamped with too many cases, would have their work divided up. Some would handle only cases of new reports of abuse; others would exclusively oversee children whose families were receiving counseling, drug treatment or other kinds of help.

The plan was not put into effect before another child was dead - 7-year-old Nixzmary Brown, who the authorities say was beaten to death last week by her stepfather despite the fact that caseworkers had received repeated warnings of possible abuse.

So now, the problems of the offices in Bedford-Stuyvesant, so clear for so long to child welfare officials, have burst into the open.

Interviews and government records paint a picture of offices full of peril: high numbers of fresh cases of reported abuse, but strikingly low numbers of children who were taken into protective care; workers who speak of a daily and disquieting tension concerning the city's emphasis on keeping families, even troubled ones, together whenever possible; managers left to hope that any mistakes that were made would not prove serious, or fatal.

The forces at work within the Bedford-Stuyvesant offices have been particularly pronounced, but they have been felt across the city to one degree or another.

The percentage of abuse and neglect complaints responded to by investigators within 24 hours - a key aim of the agency - slipped in fiscal year 2005 for the first time in four years. The decline, though small, prompted an unusually candid statement in the mayor's management report in September, which blamed "a shortage of staff and high turnover rates among Child Protective Services workers" for the slide.

Four years ago, the agency, from month to month, typically had about 1,000 child welfare caseworkers assigned to specific cases. In 2005, the number of caseworkers assigned to cases was almost always below 900 in any given month. What is more, even though the total number of abuse or neglect reports declined from 55,900 in fiscal year 2002 to 50,200 last year, caseloads on any given month have increased recently.

Yesterday, Bloomberg administration officials said the Administration for Children's Services was hiring 525 additional child-protective workers to strengthen its response to abuse cases and offset attrition of employees in the unit handling those cases. Also, Mayor Michael R. Bloomberg decided to exempt the agency from a directive he issued last fall requiring all city departments to cut their budgets to help close a projected deficit next year, the officials said. Under the directive, the agency would have had to cut $20 million from its budget this year and another $40 million next year.

Gail B. Nayowith, a child welfare expert who served on an oversight panel that monitored the agency's system under its previous commissioner, said that while there are "no horrible problems systemwide" at the agency, some of the recent increases in response times and caseloads were cause for concern.

"There was a slight drop in a couple of indicators that we think warrant attention," Ms. Nayowith said. "This is a system that is extraordinarily sensitive, so that even little dips have to be handled seriously."

Of course, what has happened in Bedford-Stuyvesant in recent weeks has been much more than a little dip.

Three children known to the offices in Bedford-Stuyvesant have died in the last nine weeks. The agency's own investigations have shown that the mother of the child who drowned was not getting the help she was promised, and that a manager falsified records after the death to make it appear she had been; in another instance, caseworkers failed to take seriously the concerns of a doctor who had warned them that the injuries suffered by a young girl were suspicious; and a half-dozen caseworkers or supervisors who worked on Nixzmary's case were suspended or reassigned this week for failing to take the most basic steps to protect the girl.

Sharman Stein, a spokeswoman for the agency, said efforts had been made in the last decade to improve the work of offices across the city, including those in Brooklyn. She said that when new leadership was needed, it was installed.

"Most importantly, A.C.S. officials have constantly emphasized to staff that the safety of children should guide every single decision," she said.

A Dangerous Neighborhood

With its high concentrations of poverty and broken families, Bedford-Stuyvesant is exactly the kind of neighborhood that historically has been beset by dangers to children, and so its child welfare offices have always been among the busiest in the city.

Roger Moore, who resigned from his job as a supervisor last month after he was accused of falsifying records, said he arrived in Bedford-Stuyvesant in 1985. It was the height of the crack epidemic. "I was given 100 cases my first day on

the job," he said.

A decade later, not much progress had been made. City officials, scrambling to review and remake the child welfare system after the scandal of Elisa Izquierdo's death, said they quickly concluded that Bedford-Stuyvesant was a particular broken spot.

"In Brooklyn we went to visit one of the field offices," recalled a former agency caseworker who took part in the review. "There was broken furniture everywhere and stacks and stacks of case files everywhere."

The city actually conducted interviews with workers at different levels within the agency - managers, caseworkers, emergency response units, and lawyers. During these interviews, according to records, many complained of issues specific to Brooklyn and Bedford-Stuyvesant, including a lack of training and miserable morale.

The overhaul of the agency that the city ultimately did undertake, at a cost of hundreds of millions of dollars, has by virtually all accounts produced significant results: better-trained workers, smaller caseloads, real accountability for workers and the private agencies that handle foster care and other work for the agency.

But even as Bedford-Stuyvesant offices made their own improvements, they still lagged behind the rest of the city, the agency's records show.

In 2003, some seven years into the city's reform efforts, Mr. Moore was called to see the agency official in charge of overseeing all of Brooklyn, who asked him to take a management position, he said, and to help turn around an office that was still struggling.

Officials with the city's Administration for Children's Services said they could not provide current statistics about the number of cases being handled in Bedford-Stuyvesant. But interviews with current and former workers, and with consultants who have dealt with the offices, suggest that the number of new cases remains high and that the number of investigated cases that result in children being removed from the home are small enough to provoke some alarm.

A former caseworker who now works as a consultant for the agency said she was not surprised when she heard that a second child whose case was being handled by the Bedford-Stuyvesant office had died.

She said some of the problems identified in 1996 - lack of supervision and inadequate staffing, for example - persisted. "There are chronic problems with supervisors who don't ensure that case practice is followed," she said. "If we're talking about systemic issues, the systemic issues are still there in terms of workers adhering to practice and supervisors not making sure that practice is followed."

Of the agency's characterization of the recent deaths, she said: "They want to characterize it as the perfect storm, something that happens only once in a 100 years, but it's the same stuff: people are just not following protocol. This is indicative of a systemic problem that dates back to a decade ago."

The former caseworker, like the consultants and current employees interviewed for this report, was unwilling to be identified by name for fear of losing work with the agency.

An Overwhelmed Office

The child welfare agency's staff at one of the Bedford-Stuyvesant offices, at 185 Marcy Avenue, is a mixture of veterans and recent college graduates, according to several people who have regular dealings with the office. At any given time, they said, workers can be responsible for 10 to 20 cases, a third of them involving families plagued by substance abuse and mental illness.

"These families need help with basic parenting skills, with a multitude of issues," said one consultant who has worked with the office for several years. "And a lot of these people, they don't need rehabilitation. They need habilitation. They need to be taught from scratch because they simply don't know the most basic things about raising a child."

A caseworker told a former colleague this week that the mood inside the office has been so tense in recent months that she felt as if she was "gasping for air."

"That's how it goes all day," she said. It's intense, it's full of pressure."

One of the central pressures, the people who work with the office said, involves doubts about the city's push to keep families together instead of removing children from their homes at the first sign of trouble. These workers have said, in essence, that "every time they leave a child at home knowing that the family has problems that affect that child's safety, they go to sleep at night in fear that something will happen to that child overnight and that the next morning, when they get to work, they're going to be blamed for what happened," one consultant said.

Mr. Moore, whom city officials have now accused of having betrayed his responsibilities in his job, said that the office's computer system was cumbersome, and that it could "take a whole day to get a case into the system."

He said the situation worsened in May when the computers began malfunctioning.

"The system went into effect and then it would break down," he said. "The caseload began to escalate because without the computer you could not transfer, you could not take notes on investigations, you could not close a case."

"All the units," he said, "suddenly had 15 to 20 cases each, even in the high-risk unit," which is only supposed to have six cases per worker.

Quick-Response Problems

In addition to exposing managerial lapses in the Brooklyn unit that handled it, the case of Nixzmary Brown highlighted what records suggest have been wider setbacks in how the city responds to complaints of serious child abuse.

The mayor's management report, an annual and usual glowing review of the performances of city agencies, makes it clear that caseloads across the city have crept up slightly. Even extreme examples have occasionally surfaced; at one point last year, eight workers had more than 30 open cases each.

Records show that the number of speedy responses to the most serious abuse complaints has also declined, despite the agency's intentions. In 2002, about 4,100 complaints were answered by "instant response teams" of child welfare workers and police detectives. That number had dwindled to 2,800 in the 12 months ended last October.

A study of the instant-response program in 2004 by the Vera Institute of Justice, a nonprofit policy research group, found that rapid responses were sometimes hindered by bureaucratic hurdles or workload pressures. Sometimes the problems were as simple as caseworkers being unable to find a car-service driver to get them to the scene of a complaint quickly.

"By contract, the car service waits one hour for the caseworker at any one location," the institute report said. "If the caseworker stays at a location for more than an hour, the process of obtaining a car must start from the beginning. In some cases, this can cause serious delays."

The report also found that caseworkers in Brooklyn, in particular, had slower responses than in other boroughs, responding to an emergency call in less than an hour only 21 percent of the time, although the rate was 38 percent in the Bronx, 71 percent in Queens and 80 percent in Manhattan. In addition, the report said, the authorities in Brooklyn made arrests or removed children from homes at a lower rate than did their counterparts in the rest of the city.

Citywide, the problems with high turnover of employees in the agency's child protective units have occurred in recent years despite an increase in the budget.

In the agency as a whole, however, the total budget has been reduced over the last four years by about $200 million to

$2.2 billion, and its payroll now numbers about 6,700, more than 1,000 less than in 2001. Agency officials said part of that was due to a decrease in children in foster care programs, which created a corresponding drop in funds and personnel for those services, and the transfer of some functions to the Human Resources Administration.

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Plan to Hasten Abuse Inquiries Came Up Short

By AL BAKER NEW YORK TIMES January 21, 2006

After 6-year-old Elisa Izquierdo was burned and beaten to death by her mother in 1995, city officials created a new model for how the child welfare agency and Police Department would work together: Rapid response teams of officers and caseworkers would join forces to handle serious reports of abuse in an effort to prevent future deaths.

At the time, it was the latest attempt by New York's leaders to create an effective solution for two agencies with differing cultures, whose members sometimes perceived one another as being in opposing camps. Police officers resisted the label "social worker," and realized they would rarely win medals or promotions by solving child abuse cases. Child welfare workers saw that the guns, badges and arrest powers carried by the police could sometimes be more of a hindrance than a help to a family.

But today, in the fallout over the brutal killing last week of 7-year-old Nixzmary Brown, it is clear that despite the polished plans for quick, cohesive responses to children in trouble, the best designs of the police and caseworkers fell short. The authorities say that the girl was beaten to death by her stepfather even though concerns about her safety were known to child welfare officials, school employees and the police.

Workers from the Administration for Children's Services, who are responsible for setting the Instant Response Team in action, did not do so when they left to investigate a call of alarm from Nixzmary's school in Brooklyn. The police, who did meet up with caseworkers at the school, wound up playing a limited role and, even if their actions were officially explainable, missed an opportunity to formally investigate Nixzmary's case, city officials said. Neither side followed the detailed protocol that had been worked out by the Giuliani administration a decade earlier.

Whether those lapses were isolated to a single tragedy or reflected a wider erosion of the once widely hailed system is being reviewed by city officials.

The specific orders written in the mayoral directive - first adopted by the Giuliani administration and then updated by Mayor Michael R. Bloomberg - seem to say that police officers who respond in any fashion to calls for help from child welfare workers are obligated to play an investigative role. But administration and police officials now say the protocol is less than clear, and Police Commissioner Raymond W. Kelly has continued to insist that the limited role his detectives played in Nixzmary's case was appropriate.

More than a week after Nixzmary's death, officials are still sorting things out.

"The protocol is designed to be followed to the letter, and it clearly was not in this case," said a Bloomberg administration official who would not be named because the facts in the case were still being gathered. "Both sides bear some responsibility for that, although A.C.S. is supposed to make it simple for the police by clearly calling for an Instant Response Team response, which they did not do."

When first used, the instant-response approach "worked very well," said Nicholas Scoppetta, who was commissioner of the Administration for Children's Services when the idea was conceived.

Its guidelines called for police officers, child protective workers and, at times, prosecutors, to work immediately as a team. The aim was to minimize the trauma to children and ensure good evidence collection.

According to Timothy A. Ross, director of child welfare research at the Vera Institute of Justice, a nonprofit policy research group that studied the system in recent years, "This was an effort to address a longstanding and widespread problem in New York and across the country - the coordination between police and child protective workers."

He called it the strongest program of its kind for a major city in the nation, but, noting that he did not have all the details of Nixzmary's case, said the system "requires constant attention from law enforcement and child welfare, both in training their staff and in making sure that practice is following policy."

A central focus of the city review into the failures leading up to the death of Nixzmary is whether the instant-response system has sputtered of late. It answered 2,800 calls in the 12 months that ended last October, down from 4,064 in all of 2002. Caseloads across the city, meanwhile, inched up.

In Nixzmary's case, two specially trained police detectives agreed to meet a child welfare caseworker and her supervisor on a visit to her school in December. They were called there to provide security in the event the girl's stepfather, Cesar Rodriguez, arrived and interfered, and they agreed to go because one of the detectives knew the supervisor on the scene. They did not independently interview Nixzmary, her siblings or Mr. Rodriguez, the police said, though they ran a check for any domestic complaints involving the family before they left.

When asked if the detectives had followed city protocol, Paul J. Browne, the Police Department's chief spokesman, noted that the instant-response protocol had not been initiated. He said City Hall officials were examining whether the protocol needed to be revised.

A review of the history of the relationship between the two agencies, and interviews with public policy experts and current and former police officials, shows that coordinating the two groups is difficult.

The two agencies are staffed by different kinds of workers. They come from different backgrounds, have different talents and management systems and harbor imperfectly matched missions: child welfare versus crime-fighting. Their agencies place values on contrary skills and reward differing results -working to keep families together, even troubled ones, and making arrests. Bureaucratic turf wars can arise.

"One is a compassion culture and one is a control culture," said Richard J. Gelles, the dean of the School of Social Policy and Practice at the University of Pennsylvania.

He said the tensions go at least as far back as 1874, when the abuse of 8-year-old Mary Ellen Wilson by her foster mother made headlines in New York. That case prompted the creation of a child protective agency whose members recognized a need to wear badges - to exercise some authority and control. But they resisted the notion of forcing people to report suspected abuse directly to the police, fearing "it would criminalize child abuse and subordinate the help they wanted to provide to the activities of the criminal justice system," Mr. Gelles said. "They wanted help to be the most important response, not punishment."

John F. Timoney, a former first deputy commissioner who is now the chief of police in Miami, noted, "The operating philosophy of social workers and Family Court is often to try to keep the family intact. The job of the police, which is making arrests, by its very nature disrupts the family, separating parents from children. Institutionally, the missions are often incongruous."

By the mid-1950's, the job of helping vulnerable children was taken on by social workers, said Douglas J. Besharov, a scholar at the American Enterprise Institute and a longtime member of the independent panel that reviews child deaths in New York City.

He said the practice was codified by laws passed in the 1970's that required police officers, teachers and doctors to report suspected abuse to a hot line in Albany operated by a social services agency.

That depository, the state's central register, funneled 42,200 reports to the city's children's services agency from January to October last year, according the agency's Web site, an avalanche of calls that the Police Department would likely

struggle to field on its own. Some former New York City detectives described their dealings with caseworkers in the past as frustrating. They recalled removing children from abusive homes only to find them back in bad situations days later; caseworkers not following up to say what had come of the neglect reports; paperwork taking weeks to move between agencies.

But over the years, social workers have had their frustrations, too. They winced whenever police officers put handcuffs on a father in plain view of his children or re-interviewed children moments after they struggle to tell socials workers of their suffering. Slowly, though, some police officers developed a knack for child abuse cases. The department created discrete squads filled with detectives trained to speak with troubled families. The Special Victims Squad of the early 1990's gave way to the Child Abuse Squad of today.

But police officials resisted turning officers into psychologists. According to Louis R. Anemone, a former senior police official, there was no reliable track for promotion by succeeding in such police work.

Most allegations of child abuse do not lead to arrests and prosecutions. In fact, of the cases selected in 2002 for rapid response efforts, arrests happened in just a quarter of the cases.

"There should be a career path for them," Mr. Anemone said of the police officers who work on such cases.

Although both sides sought to smooth out the bumps and become more sophisticated, tensions between the two agencies persisted in 1995, when Elisa Izquierdo was killed. In a survey of workers done as part of the city's report in response to that death, more than 64 percent of children's services employees who responded said they did not believe that "A.C.S. workers get excellent cooperation from the police."

Mr. Besharov explained that awkwardness creeps in when investigators from the two agencies are forced to work together. "You hope that training and cooperating prevents cases from falling between the cracks," he said.

And the study by the Vera Institute ticked off some frustrations on both sides - detectives and district attorneys who say they are too pressured to wait for child welfare workers to get to the scenes, and caseworkers who are unable to find the cars to get them there.

"The I.R.T. system cannot be effective because, even though it has a fancy acronym, the tools are the same and the management information system is the same," Mr. Gelles said. "And neither one is adequate to aid and improve the decision-making done by the human being."

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After Girl's Death, Child Abuse Reports Surged, Officials Say

By LESLIE KAUFMAN THE NEW YORK TIMES January 21, 2006

In the days after the death of a 7-year-old Brooklyn girl, the city took nearly 200 children into foster care on the basis of thousands of new complaints of abuse and neglect, child welfare officials said.

As a result of the intense publicity from the case of the girl, Nixzmary Brown, the city's child welfare office received 2,179 reports of abuse and neglect of children from Jan. 12 to Thursday. That total was up by 71 percent from the 1,272 reports received in the same period in 2005. After investigating the reports, child welfare caseworkers made 194 placements into foster care, compared with 84 during the same period in 2005.

Nixzmary died on Jan. 11 after, the authorities say, she was beaten by her stepfather, Cesar Rodriguez. He and the girl's mother, Nixzaliz Santiago, have been charged with second-degree murder. Caseworkers had received repeated warnings that Nixzmary was being abused; she was the fourth child known to the child welfare agency who died in the home of a parent in eight weeks.

The jump in removals to foster care has caused some who watch the child welfare system to wonder if the city's Administration for Children's Services is overreacting, to protect itself from more criticism. Others wonder if the removals will be considered valid by the courts.

This kind of jump "was predictable," said Tamara A. Steckler, the attorney-in-charge of the Juvenile Rights Division of the Legal Aid Society, which is representing the children.

"What remains to be seen is whether these cases should have been brought in initially or still should not be in court today," she said. "We are analyzing that now."

Sharman Stein, a spokeswoman for the Administration for Children's Services, said the agency was not removing children simply to avoid criticism. The percentage of complaints resulting in foster care placement rose only "marginally" to 8.9 percent from 6.6 percent a year earlier, Ms. Stein said.

She said most of the removals had resulted from the new complaints.

After Nixzmary's death, the agency announced a comprehensive review of all cases in which allegations of abuse and neglect were still being investigated. Ms. Stein said it was too soon to know if that review was affecting the rate of placements in foster care.

The city has said that it was prepared for such a surge and can handle it. But lawyers for Nixzmary's five siblings say the city has not acquitted itself well even in their cases. The lawyers say that although a stable placement has long been seen as fundamental to a successful stay in foster care, the five have already been bounced between two foster homes.

After her death, the city immediately placed them in foster care, legal records show. The first placement lasted only a few days, however, before the children were all moved to a second home in the Bronx and placed with a different foster care agency.

The lawyers for the children say it appears that the child welfare agency never intended for the children to stay in the first home because it was not licensed for special needs children.

"It is fairly normal that in an emergency they would place the kids in a temporary home and then revisit where they should go," said Ms. Steckler, of Legal Aid, which is representing the siblings. "But with these children and what they have experienced, it would have been preferable for them to go into one foster home so they could begin to have stability and rebuild their lives."

Ms. Stein of the child welfare agency said the five children are now together and receiving "supportive services" in the Bronx home.

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New York Acts to Coordinate Child Welfare

By JIM RUTENBERG and LESLIE KAUFMAN THE NEW YORK TIMES January 25, 2006

Responding to the city's failure to prevent the death of a 7-year-old girl in a home already under investigation for abuse, Mayor Michael R. Bloomberg yesterday announced that retired law enforcement workers would be dispatched to work in child welfare offices and that he would create a new mayoral office to ensure that city agencies work together to prevent abuse.

The changes - which include a greatly reinforced monitoring system for children in troubled homes - were some of the most extensive to the system that handles child abuse cases since it was restructured some 10 years ago after the death of 6-year-old Elisa Izquierdo at the hands of her mother.

Officials said yesterday's changes, which received initial positive reaction from children's advocacy groups, were devised to enhance that system, not dismantle and rebuild it from scratch. Still, they were a reflection of the city's determination in recent weeks to improve a system that while often held up as a national model, continues to have clear, and potentially deadly, shortcomings.

Referring to the case that set the changes in motion, the beating death of Nixzmary Brown this month, Mr. Bloomberg said, "We are determined to find out exactly where the system broke down and to marshal the resources to fix it."

Many of the changes highlighted yesterday were aimed at more closely monitoring households in which investigators believe children could be at risk but should not necessarily be removed from their parents.

Mr. Bloomberg said the city would devote an additional $16 million to the Administration for Children's Services to hire managers and caseworkers and to give more training to current caseworkers.

The agency, meanwhile, will redirect $9 million of its existing budget into the new effort as well, officials said.

Central to the changes is the bolstering of the Children's Services unit that is devoted to monitoring cases in which workers have concerns about a family's situation but are not yet prepared to remove children from their parents.

The city will nearly double the size of that division's staff, to 550 from 300, and rename it the Intensified Family Services Unit. The division will monitor cases more aggressively, and officials said it would be equipped to handle an additional 7,000 troubled families.

In theory, the new workers will give the agency the option of providing services and scrutiny to a much larger number of cases in which the child is not removed from the home.

On top of that, the mayor said the city would place 20 "seasoned law enforcement professionals" in the city's 14 children's services offices to help train field workers in the latest investigative techniques and to intervene in specific cases when necessary.

"We're going to hire former cops or former assistant district attorneys - people, I said, with law enforcement experience," he said. "The issue here is, when do you call the N.Y.P.D. in and when should this be handled by a social service agency as opposed to a police agency?"

The changes seek to address shortcomings highlighted by the death of Nixzmary, whose case was on the radar of not only child welfare workers but also police officers and school officials.

City officials have cited a range of failures, including the inability to get a warrant to enter the child's home to investigate suspected abuse before her death.

To that end, the city will also hire 32 lawyers who will make sure that Children's Services is efficiently handling Family Court cases and will be readily available to caseworkers seeking advice. And, Mr. Bloomberg said, Children's Services will have an additional 35 supervisors, an increase of nearly 50 percent that brings the number of case supervisors to 112 and, more important, officials say, reduces the number of cases each supervisor oversees.

Those personnel additions come on top of the city's announcement last week that it was in the process of adding 525 people to its ranks of frontline caseworkers, which will grow by nearly 10 percent all told, officials said.

In making the announcement yesterday with Mr. Bloomberg, Linda I. Gibbs, a deputy mayor, and the Children's Services commissioner, John B. Mattingly, gave the clearest indication to date of where they now believe the system broke down in the case of Nixzmary Brown.

Mr. Bloomberg cited faulty communication between officials at Nixzmary's school, who were urgently concerned about

her well-being, and the caseworkers at Children's Services, who apparently were not.

"One of the most glaring failures in the tragedy of Nixzmary Brown occurred when a social worker and a guidance counselor at her school raised red flags about possible abuse or neglect but that sense of urgency wasn't absorbed by A.C.S.," Mr. Bloomberg said.

While officials have determined that caseworkers did not follow established procedures to call for police help in cases where families resist investigations, they have also determined that better coordination is needed between the police and Children's Services.

Those findings have led to the creation of a family services coordinator, a mayoral appointee who will be "primarily charged with looking for breeches in communications between city agencies that provide services to families in need, and then mending those breeches," the mayor said. Mr. Bloomberg indicated that the changes to the child welfare system would not end with yesterday's announcement.

He said the city was working to establish a more stringent series of red flags to prompt quicker action, including action at city schools.

"Right now the standards in place provide no clear guidance for school staff who should always be alert to excessive truancy," Mr. Bloomberg said.

"In Nixzmary's case, 46 days of school were missed before an official report was made."

Many child welfare advocates praised the mayor's actions yesterday, and credited them as seemingly well thought out and significant. "There has not been this level of interest in child protective work since the child welfare administration was created" in 1996, said Gail B. Nayowith, the executive director of the Citizens' Committee for Children, a nonprofit research and advocacy group.

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Days After Child Agency Visit, a Near Drowning

By MANNY FERNANDEZ and LESLIE KAUFMAN THE NEW YORK TIMES January 26, 2006

A worker with the city's child welfare agency visited the home of a Bronx mother two days before the woman was accused by the police of trying to drown her 5-month-old daughter, a relative and an official familiar with the agency's handling of the case said yesterday.

The mother, Carol Gonzalez, 25, had been giving her daughter, Elizabeth, a bath Tuesday afternoon inside the Bronx apartment where they lived with Ms. Gonzalez's aunt, Nohemy Bermudez. After being summoned by her son to the bathroom, Ms. Bermudez said, she found Elizabeth floating face up in the water. She scooped the baby out of the water and performed CPR while Ms. Gonzalez silently looked on, Ms. Bermudez said.

After being interviewed by the police, Ms. Gonzalez was arrested and later charged with attempted murder, endangering the welfare of a child and other charges. Elizabeth was in good condition yesterday at Jacobi Medical Center, a hospital spokesman said.

At an arraignment last night in Bronx Criminal Court, Ms. Gonzalez, wearing a blue and white bandanna, calmly listened to a Spanish-speaking interpreter as a prosecutor went over the charges. Adam D. So, an assistant district attorney, said that Ms. Gonzalez told police detectives that she had put Elizabeth in the bathtub so that the baby would stop suffering. "I wanted to take her life so she would not suffer anymore," Mr. So said Ms. Gonzalez told the police.

After the hearing, Ms. Gonzalez's lawyer, Jamal Johnson, said his client "maintains her innocence." Mr. Johnson said he wanted to learn more about the circumstances surrounding her statements to the police. He said that his client did not have a criminal record.

The accusations against Ms. Gonzalez come as the child welfare agency, the Administration for Children's Services, has been under scrutiny after it admitted mishandling abuse allegations involving Nixzmary Brown, a 7-year-old Brooklyn girl who the authorities say was beaten to death by her stepfather.

Sharman Stein, a spokeswoman for the agency, said Ms. Gonzalez had no "indicated history" with the agency, meaning no history of substantiated abuse or neglect. "We're looking further into the case," she said.

The official familiar with the case said that the agency had started monitoring Ms. Gonzalez in October when it received an allegation of neglect about her from a hospital. Ms. Gonzalez, the official said, had taken the baby to the hospital, and workers there had concerns about whether she was capable of taking care of Elizabeth, Ms. Gonzalez's only child.

The hospital contacted the child protection agency, which later had Ms. Gonzalez undergo a mental examination that found nothing to indicate mental health problems. The agency's case was closed in December, but Ms. Gonzalez had been accepting help from the agency.

Ms. Bermudez said she took in Ms. Gonzalez and Elizabeth in November. She said that on Sunday, an agency worker went to the apartment to check on the baby. The worker spoke with Ms. Gonzalez to make certain she was properly clothing and feeding her child and had diapers and other supplies, Ms. Bermudez said. She said that agency workers checked in with Ms. Gonzalez by phone at least four times a week, made at least two visits and helped get the baby a crib and formula.

Ms. Bermudez said that her niece was a loving if inexperienced mother. "I want to think it was an accident," she said. Speaking in Spanish at her apartment in West Farms, the Bronx, she also said: "I personally would have taken her out of the bathtub. Why she didn't, I don't know."

Ms. Gonzalez, a first- and second-grade teacher in her native country, Honduras, arrived in New York in June to visit relatives, Ms. Bermudez said. On Aug. 11, she gave birth to Elizabeth. Two months later, at the Brooklyn Hospital Center, Ms. Bermudez said, Elizabeth was found to have sleep apnea. The hospital contacted Children's Services out of concern that the mother was suffering from post-partum depression and overwhelmed with caring for her child, Ms. Bermudez said. Dr. John Carroll, the chief medical officer of the hospital, would not comment.

Ms. Bermudez said there were no recent signs that Ms. Gonzalez was depressed or otherwise upset. In the hour before Elizabeth nearly drowned, Ms. Bermudez could hear them playing down the hall. "I heard them having a ball," Ms. Bermudez said. On Tuesday, Ms. Gonzalez and Elizabeth were preparing to visit a social services group in the Bronx, Ms. Bermudez said.

About 12:30 p.m., Ms. Bermudez was in the living room when she said her son told her that Ms. Gonzalez needed to tell her something. "She told me the baby's in the bathroom, I don't know if she's alive or if she's dead," said Ms. Bermudez, a former home health aide who sprinted to the bathroom and found the baby unconscious.

Ms. Bermudez took her out of the tub and began to perform CPR on the black-and-white-tiled floor. Her son called 911.

She moved Elizabeth to the living room, where a 911 operator guided her through the resuscitation. All the while, Ms. Gonzalez remained silent, standing in a spot in the hallway outside the living room, Ms. Bermudez said. "I thought her reaction should be different, but I am not one to judge," she said.

Matthew Sweeney contributed reporting for this article.

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New Procedure by City Agency Takes Children From Parents

By LESLIE KAUFMAN THE NEW YORK TIMES January 27, 2006

In one case, a 2-year-old girl had second-degree burns on her buttocks and genitals dating from August. In another, a mother threatened to drop her baby boy out of a window in October. In a third, a mother whose son had a bone tumor that doctors called life-threatening had refused to seek medical attention since November.

Those three children were living with their families when the families were contacted by the city's Administration for Children's Services. Now they are among hundreds of children whose living arrangements have been changed in the aftermath of the death of Nixzmary Brown, a 7-year-old who prosecutors say was beaten to death by her stepfather in Brooklyn.

The children's agency asked Family Court to place the first two in foster care, and put the third under court supervision but let the child remain at home.

In all, in the two weeks before Monday, 291 children around the city who had been with their families were placed in foster care and hundreds more were put under court supervision although they remain at home.

Child welfare officials have said the new assignments to foster care are largely the result of a sharp increase in new reports of abuse and neglect to state hotlines since Nixzmary's death was disclosed Jan. 12. An order that all cases be reviewed after Nixzmary's death is also believed to have contributed to the rise in cases.

Lawyers who represent the children in Family Court note that at least half the cases occurred before Nixzmary's death and that many, particularly in Brooklyn and Queens, indicate that child welfare authorities have been so committed to a policy of keeping families intact that they have been slow to bring even life-threatening abuse cases to the court's attention.

"What is most alarming to me is that these are serious cases," said Kim McLaurin, the lawyer in charge of the juvenile rights division of the Legal Aid Society's Queens office, which has processed about 100 cases in the last two weeks. "They are coming from caseworkers who were previously told to work with the family and not bring them into care and now are scared and flooding the courts citywide."

But Ron Richter, the deputy commissioner of the Administration for Children's Services in charge of Family Court legal services, disputed the notion that the new cases reflected a pattern of poor casework by his agency.

"It is pretty easy to look at the rising numbers of court filings and accuse child welfare of not filing soon enough," he said, "but I think we have to look at each case as an individual case and make an individual assessment."

Not all the cases coming into court across the city are alarmingly serious or reflect obvious missteps by the child welfare agency. But in Brooklyn, where four children have died in the home of a parent since November, lawyers are reporting that some of the new cases were shocking even to them.

It is possible, the lawyers speculated, that the number of serious cases in Brooklyn should be attributed in part to the problems plaguing the agency's field offices there, everything from high caseworker turnover to faulty computers. There is also a question of whether those offices went too far with the agency's policy of keeping troubled families together whenever possible.

A 2004 report by the Vera Institute of Justice, a nonprofit policy research group, found that the authorities in Brooklyn made arrests or removed children from homes at a lower rate than did their counterparts in the rest of the city.

Karen Simmons, the lawyer in charge at the juvenile rights division of the Brooklyn office of the Legal Aid Society, said that before John B. Mattingly became commissioner of the agency in August 2004, her office was seeing about six children a day brought to court for foster care or court-ordered supervision. During his tenure, her office saw that number drop to about six a week.

Since Nixzmary's death, the Brooklyn office is being asked to represent 13 cases a day, she said.

Some of the cases involve serious and sometimes sustained abuse and should have come under court supervision sooner, Ms. Simmons said.

The mother who threatened to throw the child out the window of a homeless shelter back in October, Ms. Simmons said, had been diagnosed as bipolar. The case records indicate that the woman behaved erratically after the incident and was found to be not taking her medication. The records also indicate that the child welfare agency did not follow up until recently because the caseworker became sick and took a leave from work.

"Look, foster care is no panacea," Ms. Simmons said. "We don't want to disrupt families when there is no need, but the decision-making was so faulty in many of these cases. Caseworkers may have had concerns, but they held back too long."

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2 Are Arrested in Bronx Death of 2-Year-Old

By MANNY FERNANDEZ and KAREEM FAHIM NEW YORK TIMES January 27, 2006

A Bronx woman and her live-in companion were charged yesterday in connection with the death of the woman's 2-year-old daughter, who was found unconscious in an apartment where the police said they discovered a large amount of cocaine.

An autopsy completed yesterday on the girl, Sherlyn Polonia, was inconclusive and further testing was still being done. Initial tests at the hospital where the girl was taken indicated that she might have ingested cocaine, a law enforcement official said. The official said the companion, Johnny Carvajal, had two prior arrests for drug possession and prepared the cocaine in the same room where Sherlyn slept.

The police were called on Wednesday morning to the Bronx apartment where Sherlyn lived with her mother, Johanna Bare, and Mr. Carvajal. Sherlyn was on a couch and she was not breathing, the police said. She was pronounced dead at the Children's Hospital at Montefiore Medical Center.

Prompted by evidence that Sherlyn may have had cocaine in her system, the police went back to the apartment Wednesday night with a search warrant and found more than four ounces of cocaine, the law enforcement official said. Mr. Carvajal, 47, and Ms. Bare, 23, were charged with drug possession, endangering the welfare of a child and reckless endangerment.

A spokeswoman for the city's child welfare agency, the Administration for Children's Services, said that the agency had had no previous contact with Sherlyn's family and had received no allegations of abuse or neglect.

Sherlyn's 6-year-old brother was in the care of the child welfare agency, which was trying to find a relative to take in the boy. The police said he was not injured.

Sherlyn lived in a red-brick, six-story apartment building in the Norwood section of the Bronx, in a small, fourth-floor unit. No one answered a knock on the apartment door yesterday. Neighbors said that Ms. Bare and her two children had been living there for about a year. One man who lives on the third floor, and who did not want to give his name, recalled seeing the little girl playing with other children during the summer on the wide concrete steps outside. Sherlyn, he said, was "very happy, and beautiful, too."

The death of Sherlyn came one day after a Bronx mother was accused by the police of trying to drown her 5-month-old daughter in the bathtub.

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A Struggle to Aid Children in an Office Full of Quarrels

By MIKE McINTIRE NEW YORK TIMES January 29, 2006

As abuse complaints poured into a city child welfare office in Brooklyn, one caseworker stashed files for 17 unresolved cases in her desk drawer, where they languished for weeks. Supervisors were lax in reviewing cases or even keeping records. When they did look over case files, some backdated their entries to cover up the delay.

These revelations and others — of employees distracted from their jobs protecting children by a workplace filled with name-calling and vendettas — surfaced in a recent disciplinary hearing for a supervisor with the city's Administration for Children's Services. And while they speak of events three years ago in a single office, they provide a close-up of the kinds of troubles that have plagued some of the agency's busiest offices.

Since November, three children whose families had dealings with employees in the agency's Brooklyn offices have died, including 7-year-old Nixzmary Brown, who was found beaten to death on Jan. 11 despite repeated warnings to caseworkers that she was being abused. The girl's death has sparked a major reorganization of the agency and an infusion of city money and personnel to bolster child protection.

The Downtown Brooklyn office in the disciplinary hearing was not involved in those three cases, agency officials said. Yet the administrative law judge who heard the complaint said it was just luck that "nothing catastrophic resulted" from the failure to pursue the cases whose files were found stuffed in a desk in 2003.

"These 17 cases involve the welfare of children," wrote the judge, Kara J. Miller, "and should not have been overlooked or forgotten." In her Jan. 5 ruling, the judge admonished the employees, saying they needed to focus on the "administration's critical mandate of helping children in need, rather than diverting their time and energy by engaging in negative and unproductive disagreements."

Judge Miller also recommended that the supervisor, Andre Springer, who works for the agency's child-protective division, be suspended without pay for 45 days.

The office, on Adams Street, oversees a broad swath of western Brooklyn, from Brooklyn Heights to Park Slope to Bensonhurst. According to court records, agency officials accused Mr. Springer, who supervised caseworkers investigating educational neglect, of failing to monitor cases, verbally abusing an employee and insubordination.

The agency also said that Mr. Springer had not maintained written records of his activities, including the mandatory monitoring of progress on cases. A manager in the office, Almarie Buddington, testified that "several other supervisors do not complete the reviews in a timely manner and that entries are frequently backdated" in the system that tracks cases, the judge wrote.

Sharman Stein, a spokeswoman for the Administration for Children's Services, said that the agency had initiated proceedings to fire Mr. Springer, but that Judge Miller had upheld only some of the charges against him and recommended the suspension instead.

"That recommendation was just recently received," she said. "It is now up to the commissioner to review all the facts and make his own determination on penalty."

Antonia Kousoulas, a lawyer for Mr. Springer, declined to comment. Mr. Springer was removed from supervisory duties, Ms. Stein said; he now works in an office in Bedford-Stuyvesant and is not involved in child protection. No one else in the downtown office was disciplined, Ms. Stein said.

The judge's decision came less than a week before Nixzmary Brown was found dead in her family's Bedford-Stuyvesant apartment, where the authorities say she had been abused by her stepfather. John B. Mattingly, the agency commissioner, has said that caseworkers failed to aggressively investigate complaints that the girl was being

mistreated.

It was not the first time the Administration for Children's Services, and its Brooklyn operation in particular, has stood accused of mishandling a case. Studies dating to 1996, as well as accounts of former agency officials, have portrayed the Brooklyn offices as hobbled by low morale, poor managers and high turnover.

In the early 1990's, prosecutors found, child welfare officials fraudulently collected millions of dollars in federal funds by filing reports that falsely claimed that they had provided required foster-care services.

The managerial problems in Brooklyn appear to extend beyond the child-protection division, the focus of much of the recent turmoil. Last April, another administrative judge criticized the agency for failing to report that a teenager in foster care had gone missing from one of its group homes for two weeks, until he turned up dead on subway tracks.

More recently, an employee in the agency's legal division in Brooklyn was accused of failing to complete assignments and engaging in disruptive behavior, including shooting a rubber band at her boss and loudly accusing supervisors of being a "bunch of back-stabbing, throat-cutting, anti-Italian pigs," court records show. The employee was suspended for 15 days in October.

Another employee, in the child services division in Brooklyn, was accused of failing to complete work on 10 case files and of being insubordinate, drawing a 30-day suspension in September.

In Mr. Springer's case, Judge Miller noted that he had received good evaluations during his 18 years as a city child-welfare worker, and that he had never been disciplined before. She said many of the problems appeared to stem from his personal disputes with other employees.

Among the accusations was that Mr. Springer and Eugenia Amobi, the caseworker who put the files in her desk, engaged in a loud argument that began when Ms. Amobi called him an idiot, Judge Miller wrote. According to Ms. Amobi, Mr. Springer then called her a fat cow and "an African monkey," an accusation Mr. Springer denied.

He testified that he believed that Ms. Amobi had hidden the files to make him look bad. Ms. Amobi insisted she was not trying to hide them, a claim that the judge found not credible. Ms. Amobi is on personal leave, agency officials said; attempts to reach her at home and at her office were unsuccessful.

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Bronx Boy, 4, Is Dead; Family Was Investigated

By LESLIE KAUFMAN and AL BAKER NEW YORK TIMES January 31, 2006

A 4-year-old Bronx boy whose family was being investigated by child welfare officials died yesterday after suffering a fractured skull and severe lacerations to his liver in the messy, cold two-bedroom apartment he shared with four siblings and two adults, officials said.

The boy's mother, 26, and her companion, 18, were being held last night for questioning in the child's death, the police said. Law enforcement officials said they were also investigating whether the boy's siblings, who were taken into custody by the Administration for Children's Services, had been abused.

The death of the boy, Quachon Browne, was at least the fifth fatality since November of a child whose family was known to the child welfare authorities. The previous cases included the death of Nixzmary Brown, a 7-year-old Brooklyn girl who the police said was killed by her stepfather.

That case, shot through with a litany of missed opportunities to save the girl, put intense public scrutiny on the agency and its efforts to protect children.

"This is just so sad," said Daisy Castro, a neighbor of Quachon's family. "He was a beautiful little kid. We just can't understand how it happened."

Hours after Quachon's death, the child welfare agency released a review of the mistakes it made in the Nixzmary Brown case — including a failure to quickly interview a guidance counselor who had made the original complaint to the child abuse hotline — and the agency's commissioner, John B. Mattingly, weathered intense questioning during a City Council hearing. [Page B1.]

Mr. Mattingly said child welfare workers had made "a timely visit to the home" after a recent allegation that one of Quachon's sisters was not attending school. He could not say how recent the visit had been.

As the story of Quachon's life and death unfolded, it quickly took on many of the familiar dark aspects of deaths of children whose families had come to the agency's attention: warnings by school officials who suspected problems in the family; a visit by the police; suspicions by neighbors; and the recent arrival into a troubled home of a new boyfriend for a struggling mother.

Officers went to Quachon's family's first-floor apartment on Kossuth Avenue in the Norwood section of the Bronx about 3:30 a.m. after the mother, identified as Aleshia Smith, called 911 to report that the child was unconscious. Quachon was taken to North Central Bronx Hospital, where he was pronounced dead on arrival at 4:18 a.m., the police said.

The mother and her boyfriend, identified as Jose Calderon, were immediately taken for questioning to the 52nd Precinct station house, where they spent the day.

A law enforcement official said the mother told the police that Quachon was struck by a falling television on Friday and began vomiting on Sunday night.

The police said that Quachon and four siblings were jammed into a single bedroom in the first-floor apartment, which was unusually cold due to a broken window, and that there was no food in the refrigerator.

Ellen Borakove, a spokeswoman for the city's medical examiner's office, said the cause of death had not been determined. A law enforcement official said, however, that the medical examiner's office had told detectives that the child had had a lacerated liver, old and new bruises, and atrophied leg muscles.

Detectives said that they were told by hospital personnel that Quachon had a fractured skull. They said they believed that the child had been assaulted and that the assault had caused his death, a law enforcement official said. He and other law enforcement officials spoke on condition of anonymity because the investigation is continuing.

Complaints about the family had been made to child welfare authorities three times — twice by school officials and once by the police, officials said. The first report came on May 16, when Public School 280, which two of Quachon's older sisters attended, filed an allegation of educational neglect, meaning that the girls were missing too much school, an education official said.

Officials at that school contacted the State Central Register of Child Abuse and Maltreatment regarding both girls. Then, in June, the police took Quachon and his five siblings — ranging from 1 year old to 10 — from the home when they found them abandoned for the weekend.

"Officers responded to that location; the six children were there by themselves," said Police Commissioner Raymond W. Kelly. "The mother had apparently gone to Atlantic City and had thought that the grandmother was going to go and take care of the children.

"That didn't happen," he continued. "All of the children were removed from the home at the time. A.C.S. conducted an investigation. Ultimately, the children, I think five of the six children, were brought back to the home; that's the contact we had."

It was not clear yesterday how long the children had spent away from the home. The sixth sibling is believed to be staying with relatives in Brooklyn.

On Nov. 15, P.S. 280 filed another allegation of educational neglect for the two sisters. Both had been chronically absent, the education official said.

Rhona Weiss, the guidance counselor at P.S. 280, said last night that she was saddened by the death.

"The school did everything we could," she said in a brief telephone interview. "We filed the necessary paperwork."

School absenteeism is often a red flag for child abuse, child welfare professionals have said. In the case of Nixzmary Brown, officials of Children's Services acknowledged the agency erred when it did not determine that the girl was a victim of educational neglect, even though she had missed 46 days of school.

One of Quachon Browne's sisters, education officials said they believed, soon went to live with other relatives. She transferred to P.S. 145 in Brooklyn by mid-December. Her case was closed on Dec. 16. School officials closed the other sister's case on Dec. 15 because she had returned to school, officials said.

Child welfare officials say their caseworkers were still in the process of evaluating allegations regarding the older children when Quachon died.

At the City Council hearing, Mr. Mattingly said, "A preliminary review of this case showed that home visits were made immediately after the report, at which time the household was found to be in order." He declined to elaborate when reporters asked him to do so after the hearing.

The family was also known to the Department of Homeless Services, which had provided Ms. Smith with the apartment as part of a long-term shelter arrangement. Angela Allen, a spokeswoman for the agency, would not discuss details of its involvement with the family.

Neighbors from the large apartment building on Kossuth Avenue said they believed trouble started in Apartment 1A when Mr. Calderon, a nephew of the building's superintendent, moved in about eight weeks ago. He brought his pit bull, named Blue, they said, and had loud arguments with Ms. Smith.

Lisa Cashin Overton, a neighbor and friend, said Ms. Smith was a good mother. "She would get up early in the morning, drop her kids at school and pick them up," she said, "But when Jose moved in she became real isolated."

Several of Ms. Smith's friends said that when the city caseworker visited last month, the caseworker noticed that the house was well kept and the refrigerator was well stocked.

At least three neighbors said, however, that since Mr. Calderon moved in, they had seen or heard things that had made them contact child welfare or the city's 311 complaint line. The child welfare agency would not confirm any complaint other than the one received on Nov. 15 from the children's school.

Guadalupe Garcia, who lives next door to the family, said she had been calling 311 since December to complain about noise and fighting coming from the apartment. Speaking Spanish being translated by neighbors, she said that fighting broke out in the apartment again at 10 o'clock on Monday night and just got louder and louder. "At about 12:40 screaming started," she said.

Reporting for this article was contributed by Kareem Fahim, Elissa Gootman, Kate Hammer, Corey Kilgannon, Colin Moynihan, Nate Schweber and Matthew Sweeney.

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A Mother Overwhelmed, a Neighborhood Watchful and a Family at Risk

By COREY KILGANNON NEW YORK TIMES January 31, 2006

Aleshia Smith and her six young children were a familiar sight to residents along Kossuth Avenue in the Norwood section of the Bronx.

Several years ago, the family, facing homelessness, was placed by the city in a ground-floor apartment in a six-story building near 210th Street that is home to many large families. Social services provided rent money and a monthly support check, and Ms. Smith made extra money by braiding neighbors' hair in the hallway, friends said.

Many neighbors sympathized with Ms. Smith for having to raise six children largely on her own, so they baby-sat and cooked meals, and brought their children over to play.

"It was a team effort, raising that family," said one neighbor, Harold Banks, 28, who said he was one who watched the children: five girls, the oldest a 10-year-old named Latasha, and one boy, Quachon, 4.

Latasha is now believed to be staying with relatives in Brooklyn, but when they lived together, the children slept in one room, sharing four beds. "This was one woman with no money trying to raise six kids," Mr. Banks said. "She needed help."

Despite the neighbors' watchful eyes, however, something terrible happened in that apartment over the past weekend.

In the early hours yesterday, the authorities say, the body of Quachon Browne was removed from the home. A law enforcement official said Ms. Smith told the police that the boy had been struck by a falling television. Ms. Smith and her new live-in boyfriend, Jose Calderon, 18, were taken in for questioning.

Yesterday, neighbors described a spirited group of children who had the run of the apartment, which was usually slightly messy but not extremely so, for a large family living in a small space. The children could be often seen leaning out the window over the sidewalk and playing in the hallways; sometimes the little ones had little or no clothing. Ms. Smith welcomed neighbors' help.

But last night a neighbor, Ronald Overton, 39, said rotting food could be smelled in the apartment while detectives were inside, scraping vomit and blood from the floor. He said detectives told him Quachon had been found lying in feces and vomit.

Just before 10:30 p.m., police carried out bags of evidence, many with orange biohazard stickers, as well as what appeared to be a television set wrapped in brown paper.

Community helpfulness seemed to melt when Ms. Smith met Jose Calderon and let him move into her two-bedroom apartment. Manny Brown, the father to three of Ms. Smith's children — Quachon and two sisters — has been in jail at Rikers Island for about seven months on a robbery charge.

Mr. Calderon was known on the block as P.R., having come from Puerto Rico two years earlier, and was known for having epileptic seizures and for his temper, neighbors said. When he moved in, he brought along his pit bull, Blue.

"I told Aleshia, 'You're crazy letting that pit bull in with those babies,' but she said, 'No, it's O.K., it's Jose's,' " recalled Mr. Overton's wife, Lisa Cashin Overton, 34. "He set up a section of the apartment with only his stuff and told the children they were forbidden to go near it."

Ms. Cashin Overton described Mr. Calderon as "very controlling." Soon, Ms. Smith stopped seeing her friends. Fewer visitors were welcome.

"He had a temper, and when he didn't get his way, he'd explode," said Ms. Cashin Overton, who no longer allowed her

8-year-old to play with Ms. Smith's children.

Mr. Banks called Mr. Calderon extremely strict and overbearing, but not physically abusive.

"I warned him, 'They are not your children, and if you don't ease up on them, I'll take care of you myself,' " he said.

But Carmelo Conde, 30, a friend of Mr. Calderon's, said Mr. Calderon was helping to support and care for the children. Mr. Conde said he was eating dinner with Mr. Calderon on Friday night at the family's apartment while Ms. Smith was out shopping.

"We heard a boom in the other room and heard Quachon screaming," he said. "We went over there, and I just saw the TV on top of the baby. He seemed O.K., though. He slept for a little while, but was up later running around like nothing happened."

He added: "I told Jose, 'You got to take him to the hospital and make sure he's all right,' but he said, 'Nah, I'm going to wait till later.' "

Some neighbors recalled an incident in June when Ms. Smith left the children alone, possibly overnight, and the children were taken away in police cars but later returned.

"I remember she left them alone and the baby needed changing and the kids were out of diapers," said a neighbor, Celia Colon.

Colin Moynihan contributed reporting for this article.

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Caseworkers Missed Chances to Save Nixzmary, Report Says

By JIM RUTENBERG and MIKE McINTIRE NEW YORK TIMES January 31, 2006

Repeated lapses over many months by caseworkers at the city's child welfare agency created a chain of missed opportunities to save Nixzmary Brown, culminating in a canceled plan to visit her home the night she was killed, agency officials said yesterday.

A preliminary review released by the city's Administration for Children's Services gave the most detailed account of the case to date, and it found that police officers played a role in deciding against conducting an emergency intervention at a crucial juncture in December: when a guidance counselor reported that the girl, already emaciated, had returned to school with a black eye after a prolonged absence.

And, adding to questions about whether the police missed an opportunity to help prevent the girl's death, the report says caseworkers believed that the detectives had spoken for 15 minutes with the man now accused of Nixzmary's murder, her stepfather, Cesar Rodriguez. That was at odds with the Police Department's own assertion that its detectives did not speak with Mr. Rodriguez and, in fact, that detectives had played only a limited role in the case.

The new chronology of missteps in Nixzmary's case came as City Hall remained transfixed by what is suspected to be another case of fatal child abuse, this time in the Bronx, and the potentially deadly inefficiencies in the system designed to prevent it. The review was released as the city's child welfare commissioner, John B. Mattingly, appeared before the City Council to answer questions about agency procedures and as the police sorted through the details of the most recent death, in a home the agency had been monitoring.

The report on the death of Nixzmary, 7, revealed a series of missteps and miscommunications that hampered efforts to protect the little girl.

The report said caseworkers had failed to react to warning signs of a "crisis mounting in the household," including Nixzmary's extended absences from school, strange behavior by the girl's mother and an inability to gain access to the child's Brooklyn apartment to check on her. A summary accompanying the report said caseworkers had taken weeks to contact the school guidance counselor who had initially reported Nixzmary's prolonged absence.

On Jan. 10, an agency supervisor instructed caseworkers to go to Nixzmary's home that night, but they never went, the report said. Instead, a caseworker went to the apartment the next morning, discovered ambulances and police officers at the scene, "and was informed that Nixzmary had died."

During testimony before the City Council's General Welfare Committee yesterday, Mr. Mattingly pinpointed "two lost opportunities," in which, he said, "we were in a position to protect Nixzmary and were not able to get the job done."

The first opportunity, he said, came in May, when a guidance counselor at the girl's school reported that the child had missed 46 days and had sustained a burn to her hand, among other injuries. But after a two extensive reviews, the agency determined that Nixzmary was not suffering educational neglect and that her absences had been due to her mother's inability to get her to school during her pregnancy.

"There is no way you can unfound an educational neglect case when a child has missed 46 days of school," Mr. Mattingly said yesterday. He said the agency was considering new procedures requiring more aggressive investigation in such cases.

The second missed opportunity, Mr. Mattingly said, started with school officials again reporting suspicions of abuse in early December. Mr. Mattingly said during his testimony that caseworkers had moved quickly, but inadequately, to investigate. For one, he said, caseworkers should have been more diligent in pursuing a court order giving them access to Nixzmary's home after Mr. Rodriguez refused to let them in.

And the revelations about the police handling of the case came amid simmering tensions between the Police Department and the child welfare agency. While agency workers said that detectives had spoken to Mr. Rodriguez for 15 minutes, City Hall officials appeared to partly back up the Police Department's account, saying that one of the detectives involved in the case may have at one point been in the same room with Mr. Rodriguez during a meeting at her school — but that it was still unclear how extensively the two had spoken at the time, if at all.

During the hearing yesterday, City Council officials called for a protocol requiring high-level attention in cases where child welfare workers are barred from entering homes with suspected child abuse. "Why wouldn't that immediately send up every red flag there is?" said the committee's chairman, Bill de Blasio.

But Mr. Mattingly pointed to several other problems, as well. He said that upon receiving the new complaint in December, authorities failed to form the sort of emergency response team of police detectives and caseworkers that is required in cases determined to be the most serious. Mr. Mattingly said in his testimony yesterday that appeared to be "a mutual decision."

Case notes indicate that the child welfare official in charge of initiating such an "instant response team" had moved to do so, the report found, "but this was later contradicted in an interview where she clarified that the discussion with Detective F. concluded the case not to be an I.R.T.," the abbreviation for the emergency team. Detective F. is not more fully identified in the report.

Speaking with reporters later, Mr. Mattingly said, "There's no question in my mind that our team and police decided jointly not to make it into a formal I.R.T. case."

City officials said it was clear that protocols had not been followed and that such a decision should not rest with the police anyway — it should rest with child services officials.

But this, too, was part of a litany of lost chances, according to the report, which officials stressed was preliminary and could change in its final incarnation.

The report lists several calls from school officials alerting caseworkers in mid- and late December to Nixzmary's continued absences.

And, the chronology ends by describing how a manager directed a caseworker return to Nixzmary's home the night of Jan. 10, but in consultation with others, the caseworker decided to go the following morning instead. It was that night when the tumult began that led to her death, discovered in the early morning hours of Jan. 11.

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N.Y. police report 4-year-old died following horrific beating

BY TOM HAYS Newark Star Ledger AP February 01, 2006

NEW YORK -- The latest child to die in a series of horrific abuse cases across the city was slammed into walls and mercilessly beaten by his mother's volatile boyfriend in a squalid Bronx apartment while she did nothing to stop him, police said yesterday.

Investigators believe 4-year-old Quachon Brown died Sunday following a beating by the teenage boyfriend, Jose Calderone, who later claimed he was angry because he thought the child caused a television to fall over, a police official said. The child's mother, Alicia Smith, didn't report any trouble until 3 a.m. Monday.

Smith, 26, was arrested yesterday on a manslaughter charge; Calderone, 18, was in custody on a second-degree murder charge.

It was unclear if the suspects had defense attorneys. The Bronx district attorney's office had no immediate comment.

Calderone, by his own admission, physically abused Quachon, said the police official, who spoke on condition of anonymity because the suspects had not appeared in court and the investigation was not complete.

"He has made statements saying he lost his temper and hit the child," the official said.

Police said they suspect the abuse began last summer, after Calderone moved into the apartment with Smith, Quachon and four siblings, all young girls. Two of the girls, ages 6 and 9, have told investigators that the boyfriend singled out the boy for regular beatings, which included shoving him face-first into walls.

The medical examiner said results of an autopsy were pending. But police said there was preliminary evidence that the child had a fractured skull, a damaged liver and atrophied leg muscles.

Also, bruising on the victim's body was "consistent with beating with a fist," the official added.

Responding to a 911 call Monday, police found Quachon dead on a mattress in a makeshift bedroom in his family's filthy apartment, which had been inspected last year by child welfare workers. Smith had told police that the television fell on the boy Sunday and that he began vomiting blood the next day.

Though the mother was not suspected of directly abusing the victim, she was arrested "because she did nothing to stop it, until it was too late," the official said.

In November, caseworkers with the Administration for Children's Services visited the apartment and deemed it "to be in order," agency head John Mattingly said. But police said they found the home in disarray, with cold air blowing in through a broken window, no food in the refrigerator and the children poorly clothed.

The child welfare agency underwent a shake-up after the Jan. 11 death of 7-year-old Nixzmary Brown, who was tortured, abused and beaten by her stepfather, prosecutors said. Reports of her suffering had been made to several

agencies, including schools, police and child welfare.

Her death followed recent homicides of three other children known to the agency.

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City Was Told 6 Times of Trouble in Bronx Boy's Home

By AL BAKER and LESLIE KAUFMAN NEW YORK TIMES February 1, 2006

Even though the city's child welfare agency had received six complaints about the family of Quachaun Browne since 2004 — and even though caseworkers had been inside his home four times since November — it failed to act before a weekend-long torrent of abuse and neglect that ended with the 4-year-old's death late Sunday, the authorities said yesterday.

In all the encounters, including the most recent visit, on Jan. 12, caseworkers did not detect a dangerous new presence in the family's Kossuth Avenue apartment in the Norwood section of the Bronx: Jose Calderon, the boyfriend of the boy's mother, who was charged yesterday with second-degree murder in his death, officials said.

The police said Mr. Calderon, 18, told detectives that he lost his temper and hit Quachaun, whom he blamed for toppling a television Friday afternoon, and that the boy's mother, Aleshia Smith, 26, did nothing to intervene until it was too late. She was charged with second-degree manslaughter.

The Administration for Children's Services — still reeling from the death last month of 7-year-old Nixzmary Brown in Brooklyn — outlined its encounters with Quachaun's family in a squalid apartment where the police said cold air streamed in through a broken window, most of the children slept in a single room and there was little food in the refrigerator.

"After reviewing the history in this case, the obvious evidence of chronic neglect should have prompted a stronger response rather than addressing and resolving each incident separately," said John B. Mattingly, the child welfare agency's commissioner. "However, nothing in the record suggests A.C.S. failed to act in a way that might have prevented this fatality."

The police described a chilling weekend of victimization for the boy that began when the television fell. Based on physical evidence, as well as the statements of Mr. Calderon, Ms. Smith and some of her children, the police said Mr. Calderon beat Quachaun off and on through Saturday, went with the family to a nearby Chuck E. Cheese's restaurant where the boy vomited blood, and then beat him at home again that night.

At times, the police said, Mr. Calderon grabbed the boy's neck, pushed his face into the wall and grabbed him by the ankles, swung him and hurled him into the wall. A law enforcement official said Mr. Calderon had beaten the boy with his fists, a belt and a plastic bat. Quachaun suffered a fractured skull and a lacerated spleen and pancreas.

The police believe he died late Sunday night. His mother woke early Monday morning to find Mr. Calderon trying to revive him, and then argued with him about calling for help. She got hold of his cellphone, about 3:30 a.m., and dialed 911.

Quachaun was declared dead about 45 minutes after the police and paramedics responded to the call and found the boy with a body temperature of 83 degrees, indicating that he had been dead for hours, the official said.

Yesterday, while the city medical examiner's office said it had not yet determined the official cause of death, because of the need for further tissue testing, Quachaun's mother and her companion were led in handcuffs from the Police Department's 52nd Precinct station house to face arraignment.

Mr. Calderon held his chin up, pursed his lips and defiantly scanned a crowd of reporters yelling questions at him as he

walked from the old red-brick station house. Ms. Smith, who emerged moments later, kept her head mostly up but her eyes cast down, expressionless, as she walked from the building.

After a 24-hour investigation that included intense questioning of Mr. Calderon and Ms. Smith, the police said that two of Quachaun's five sisters, a 6-year-old and a 9-year-old, indicated that they saw Mr. Calderon deliver the blows to their brother's tiny body that the police believe led to his death.

During a court appearance last night, a prosecutor described some elements of Mr. Calderon's version of events that he told detectives. Mr. Calderon said that he thought Quachaun had damaged his stereo on Friday night, and admitted that he had hit the boy four times with a red belt, according to the prosecutor.

Mr. Calderon said he told Quachaun to go to his room. But, he said, Quachaun refused, cursing at him, which sent Mr. Calderon into a rage; he said he hit the boy seven times with his open hand, according to the prosecutors.

Two nights later, Mr. Calderon said in his statement, Quachaun soiled himself in bed and had blood in his stool. He said he took the boy to the bathroom to rouse him. When Mr. Calderon left the bathroom, Quachaun fell and hit his head on the floor, causing his ears to bleed, Mr. Calderon said.

Mr. Calderon was remanded and ordered to appear March 3.

Ms. Smith's lawyer, Lewis A. Mazzone, said her client wanted to help her son but felt threatened by her boyfriend. Bail was set at $40,000; it was not clear if she could post it.

A child welfare official said yesterday that complaints were made about how Ms. Smith was raising her children eight times in the last 10 years, including six times since October 2004. Most of the calls, which came from family friends, a school guidance counselor and a doctor, involved neglect.

"They were consistently about inadequate guardianship, poor housekeeping and school absences," said the official, who spoke on the condition of anonymity because the inquiry into Quachaun's death was continuing.

Two of the reports indicted that there might be physical abuse in the house, one reported excessive corporal punishment, and one involved Quachaun being burned, the official said. While the child welfare agency investigated them all, it was unclear how many — if any — of the cases were substantiated.

The most recent compliant was made on Nov. 15 by a counselor at Public School/Middle School 280, which two of Quachaun's older half-sisters were attending. That investigation was continuing when Quachaun died, the official said.

The two girls were said to be "frequently absent, were hungry and didn't have adequate clothing and were not well supervised."

The official added that "nothing in it alleged anything about Quachaun; there were no physical abuse allegations."

The child welfare caseworker made a first visit to the house within 24 hours of the complaint and made five more visits. Two times, the family was not home. On four occasions, the caseworker was admitted to the home, most recently on Jan 12.

"The casework was solid and up-to-date," the official said. Even so, the official acknowledged, the caseworker apparently had no knowledge about Mr. Calderon.

"There is nothing in case file about Jose Calderon," the official said. "He wasn't known to us or to the Department of Homeless Services. He was never present when we were there."

Neighbors have said Mr. Calderon moved in about eight weeks ago with all his belongings and his pit bull. The police said they believed that he had been living there since August and that he discouraged Ms. Smith from seeing her

friends, hid her keys and hit her friends' children.

They say they believed that Mr. Calderon may also have hit and neglected the other children but that Quachaun was the main target of his aggression.

When Quachaun was found, he was lying on a mattress in a makeshift bedroom in the apartment's living room, bleeding from the ears and rectum, the police said. The television was lying on the floor.

Mr. Calderon was arrested on Jan. 19, when the police said he was stopped driving a stolen vehicle in the Bronx.

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Home Bursting With Children, and Troubles, Reaches Fatal Breaking Point

By TIMOTHY WILLIAMS THE NEW YORK TIMES February 4, 2006

Aleshia Smith's oldest daughter was living with a relative, but the two-bedroom apartment on Kossuth Avenue in the Bronx was still crowded with her five other children — and two cats. Then on a November afternoon she invited Jose Calderon, 18, a virtual stranger with a nice smile but a bad temper, to move in, friends and relatives said.

A dark chronology was set in motion that would end this week with Ms. Smith's 4-year-old son, Quachaun Browne, dead and the couple in jail, Mr. Calderon charged with fatally beating the boy, Ms. Smith with doing nothing to stop him.

According to interviews with relatives, friends and neighbors, many details of this story are unique to this man and woman, their life stories and their circumstances, but other elements seem to crop up whenever a child dies at the hands of an adult: a mother on welfare struggling to care for more children than she can handle; a string of boyfriends who promise to stick to the straight and narrow, but never do; and finally, an ominous new presence in an already distressed home.

And there are some surprisingly tender moments: children who find happiness despite their circumstances, piling clothing on the floor so they can jump on it, and a little boy — Quachaun — nicknamed Booty because he did not like wearing clothes.

"She was a decent person; she just struggled," said Ebony Milliner, who lived as a foster child under the care of Ms. Smith's mother. "Sometimes she seemed very overwhelmed, and sometimes she seemed to have everything in control. She didn't have a job. None of the kids' fathers were around. Welfare was all she had."

Ms. Smith, who turns 27 on Feb. 21, dropped out of high school in Brooklyn not long after having her first child. Though pregnant with her third child by the time she was 19, she earned a high school diploma by completing general equivalency requirements. In recent years, she took courses at Touro College in Manhattan.

Her life was dominated by her six children, who had four different fathers. Ms. Smith had contact with two of the men. Relatives, including her sister, Leatrice Alleyne, said Ms. Smith rarely went out for fun, and had never even been to a nightclub. They said she did not use drugs and rarely drank alcohol. Her apartment was provided by the city's Department of Homeless Services.

Neighbors said they occasionally intervened. They baby-sat, brought over groceries and paid Ms. Smith to braid their hair. Ms. Smith's mother, Sally Alleyne, also pitched in, even though the two had a difficult relationship.

Ms. Smith, who has lived much of her life with her children in city shelters since she turned 18, was clearly overwhelmed, neighbors said. At times, she seemed incapable of providing basics like food, clothing and baths, and ensuring that they went to school, even though it was only two blocks away.

Guadalupe Garcia, 44, who lives next door, said that while left unattended, the children kept the door to the apartment ajar and scampered in the building's hallways. They sometimes seemed hungry, Ms. Garcia said. "The children, all the time, were crying," she said.

When Ms. Smith went to Atlantic City with her sister and a friend one weekend last June, her children were left alone at home, the authorities said. The children were temporarily taken away after Ms. Smith told child welfare authorities that she had had a baby-sitting mix-up. After that, Ms. Smith's mother took custody of the oldest daughter, age 10.

The city's Administration for Children's Services said it had received eight complaints about Ms. Smith's child-rearing practices during the past 10 years, including six since October 2004. The complaints came from a variety of sources, including a school guidance counselor and a doctor.

While most of the complaints involved suspicion of neglect, two reports alleged possible physical abuse, though it remains unclear whether they were substantiated. After Quachaun's death, however, the authorities said that the four other children in the apartment — daughters ranging in age from 1 to 9 — had bruises consistent with physical abuse.

But Leatrice Alleyne, the sister, said she never saw Ms. Smith strike the children. "My sister never abused her kids," she said.

Last summer, Ms. Smith broke off a relationship with Mandinga Browne, the father of Quachaun and her two youngest children, ages 1 and 2.

Mr. Browne, 23, had been arrested several times. He promised that he would become a family man. As proof, he got a job at a McDonald's, Ms. Alleyne said, and Ms. Smith thought he had turned a corner.

But on Aug. 26, Mr. Browne and two other men tried to rob three men in front of a building on 139th Street in the Bronx, the police said. One of the men with Mr. Browne fired a gunshot; in the car the men were using, officers found a loaded machine gun with 22 rounds in the clip, officials said. Mr. Browne, who says he is innocent, is in jail on Rikers Island awaiting trial.

Ms. Alleyne, 21, said frustration with Mr. Browne may have been what led her sister to take up with Mr. Calderon, who arrived in New York from Puerto Rico not long after Mr. Browne was arrested.

"She was tired of him in and out of jail," Ms. Alleyne said.

Mr. Calderon, who was unemployed, was helping his uncle, who was the superintendent of Ms. Smith's apartment building, near Montefiore Medical Center in Norwood. He and Ms. Smith saw each other around the building and started to flirt.

A sexual relationship developed. When Mr. Calderon had a falling out with his uncle, he moved in with Ms. Smith in Apartment A1, Ms. Alleyne said.

Almost immediately, Mr. Calderon established rules for the children: First and foremost, they were told to keep their hands off his possessions.

About one month ago, according to relatives, Mr. Calderon struck Ms. Smith's 9-year-old daughter in the face. When Ms. Smith found out, the relatives said, she confronted Mr. Calderon, and they threw punches at each other.

Neighbors said that noise from the already clamorous apartment grew even louder after Mr. Calderon moved in, and that the sound of the couple's fights sometimes lasted for hours.

A frequent source of tension was the way Ms. Smith was raising the children, neighbors and relatives said. The children often pulled clothes from the closets, piled them up and jumped on the mound. They skipped school for days at a time.

Mr. Calderon also had run-ins with the law. He was arrested on Jan. 18 and charged with driving a stolen vehicle. Now he is accused of beating Quachaun over the course of several days after the 4-year-old knocked over Mr. Calderon's 27-inch flat-screen television.

The authorities said Ms. Smith had delayed in getting medical help for her son, who suffered a fractured skull and a lacerated spleen and pancreas. Mr. Calderon has been charged with murder and Ms. Smith with manslaughter. Child welfare officials have removed the four remaining children from the home.

Ms. Alleyne said her sister may not have immediately sought medical help for Quachaun for any number of reasons, including her fear of Mr. Calderon; her anxiety over the possibility that the city might take her children again; and Mr. Calderon's fear of further trouble with the police after his arrest on the stolen vehicle charge.

"She was just young and made a mistake," Ms. Alleyne said.

Colin Moynihan and Jeremy Smerd contributed reporting for this article.

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Debate Rekindled on Preserving Families at Risk

By LESLIE KAUFMAN THE NEW YORK TIMES February 4, 2006

In the starkest terms, a child welfare worker who suspects a child is being neglected or abused by a parent has two choices, both fraught with risk.

The worker can remove the child from the family — a traumatic act with lasting consequences — and turn to foster care, where the odds of the child's being mistreated are significant.

Or the worker can leave the child with an impoverished or troubled family and provide support in the form of housekeeping help or drug treatment, and then visit frequently to monitor progress.

Though debate has raged for decades about whether either option really keeps children safer, New York City started in 1999 to explicitly lean toward the second choice, "family preservation," as the effort is known, in all but cases where harm to the child was thought to be imminent.

The city's last three child welfare commissioners have been so committed to this philosophy that the effort has played a role in sharply cutting the number of children in foster care over the last decade.

In recent years, Chicago has made a similar effort, while many other jurisdictions, statistics suggest, have been more inclined to place children in foster care.

New York's reduction in the number of children in foster care happened even as the number of complaints of abuse and neglect of children have declined at a much slower rate. Indeed, for the last several years, the agency has been monitoring more children in supportive care in their homes than it has children in foster care.

Then, over the last 10 weeks, four children whose families were known to the child welfare agency have been killed in their homes by adults, the authorities say. Another drowned while his mother was in the next room.

Some of the deaths involved cases where children had been removed from potentially dangerous homes and then returned. At least one, however, involved a child whose state of peril was never determined because caseworkers failed to fully investigate her home life.

But the string of deaths, which received extraordinary news media coverage, has found the city on the defensive about

its family preservation efforts. Child welfare officials have pledged to stay the course, and while conceding that a number of the deaths resulted from mistakes or possible misjudgments by caseworkers, they have disputed the notion that the children died because of the failings of a systemic philosophy.

Some supporters of the policy assert that the scrutiny itself is unfair, insisting that the deaths were terrible flukes and statistically meaningless.

They point out that children die in foster care too, and that the news media's focus on the recent deaths has prompted a panic of sorts that has resulted in children being removed from homes that may be struggling, but are hardly a menace.

Others, though, see a system that has become too inclined to keep families together — sometime even overlooking real risks — while failing to adequately make good on the kind of help the families need.

They point to rising rates of repeated abuse in the homes — a red flag in child welfare work — as a sign that the city could and should be doing better at providing help or removing children to protective care.

Administration and child welfare officials have said they are taking a hard look at whether the agency is providing quality services quickly enough to the families they leave together.

"I do not have an ideology," said John B. Mattingly, commissioner of the city's Administration for Children's Services. "I have built my entire career around fighting that sense that one or another thing is the right thing. I believe that children do best in strong, forever families. If the birth family cannot be made safe, then another family should be a strong permanent family. But families that can be helped before they become dangerous to their children should be."

The family preservation effort, in its current form, began in New York back in earnest in 1999. At the time, the system was full of children who had been brought into care as a result of the crack epidemic, as well as in reaction to the death of a little girl named Elisa Izquierdo, who herself was overlooked by overtaxed caseworkers before being beaten to death by her mother in November 1995.

The child welfare commissioner at the time, Nicholas Scoppetta, was unequivocal that the placing of children in foster care after Elisa's death had been too knee-jerk and gone too far. "I'm absolutely convinced we have too many children in foster care," he said in a 2001 interview.

Mr. Scoppetta, with the aid of Mr. Mattingly, who was then serving the agency as a consultant, put into place a system that would allow more children to stay at home, even in poor or unsettled households.

The policy had three aims: training caseworkers to make smart evaluations of the risk to children, giving troubled families help as early as possible to avoid reaching a crisis stage, and removing children from their homes if danger was imminent.

Susan Jacobs, a lawyer and executive director of the Center for Family Representation, an organization that provides representation to parents involved in Family Court, said the policy was based on two hard-learned truisms of humane child welfare.

"First, there isn't a child who doesn't want to go home to their birth parents," she said. "And secondly, just because you are not a model parent does not mean you are a terrible parent."

Over subsequent years the number of children in foster care dropped precipitously, from nearly 31,000 in fiscal year 2001 to below 17,000, where it stands today. The reasons for that were multiple, but no one disputes the new policy played a role.

Throughout, the deaths of children who had at some point been involved with child welfare authorities — including children in foster care — bounced roughly between 25 and 35 a year.

Over and over, in interviews with reporters and in City Council testimony, the people in charge of the child welfare system cited the decline in the number of foster children as a sign of the health of the system.

Some veteran child welfare experts, however, came to wonder if the city was capable of making judgments about who should be left at home.

"Their sole criteria for claiming reform has been the reduction of the in-custody population without regard to whether the right children are at home and the right children are in custody," said Marcia Robinson Lowry, the founder and executive director of Children's Rights Inc., an advocacy group and longtime critic of the city's child welfare policies.

Ms. Lowry, who said she admired Mr. Mattingly, the current child welfare commissioner, said that while city officials were leaving more children in at-risk homes, they were not paying attention to the critical tools for safely executing the policy — namely the quality of the decision-making by caseworkers and the adequacy of support services that were supposed to be provided to the families. And there were clear warnings, she said, that those failings were causing children harm.

One possible sign of trouble was raised in a 2005 report in which city officials admitted that the number of children "who were the subject of repeat allegations" of abuse and neglect within one year had risen slightly.

The increase, though minor, involved a category watched closely by child welfare officials and outside experts. Two of the recent deaths involved children whose abuse or neglect had prompted repeated allegations and investigations.

David Tobis, executive director of the Child Welfare Fund, an organization that makes grants to support child welfare reforms, is a supporter of the family preservation policy. But he said that he was worried that families identified as needing help were not actually getting the services they required and were promised.

"The number of kids entering preventive services has declined slightly over the last two years," Mr. Tobis said. "It should be increasing astronomically if we are leaving so many more at home."

Andrew White, director of the Center for New York City Affairs at The New School, echoed that concern. "Every one of these cases reveals the failure to reach the family sooner with some kind of support system," he said of the five recent deaths.

The breakdowns between the caseworkers who investigate the abuse allegations and the workers in charge of providing help to the families have already come to the attention of Mr. Mattingly, who says he has made changes to fix the problem.

Mr. Mattingly said that he was working to improve a new system for evaluating the work of agencies with city contracts for providing support services for troubled families. Such a system has been in place for years to evaluate the performance of the foster care agencies that work with the city.

On family preservation, Mr. Mattingly said he was not an ideologue but thought that a child's safety had to come first.

"It is clear from these few cases, which we are looking at deeply, that there are serious practice problems in this system," he said. "If you are just plugging families into various services, it is bad practice. If you are leaving children in the home just to leave them in the home, that is bad practice and we will fix it."

Mayor Michael R. Bloomberg yesterday repeated his support for Mr. Mattingly and his policies.

"You can't remove every child from every family whenever there is the potential for a problem," he said, "because there wouldn't be enough foster homes and the foster homes have their problems as well."

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Sobs and Hugs, but Not His Jailed Mother, at Abused Boy's Funeral

By TIMOTHY WILLIAMS NEW YORK TIMES February 8, 2006

They came yesterday to mourn a 4-year-old boy who loved Spider-Man, who raced to the front door to greet visitors with a burst of "Hi! Hi! Hi!" and who was still months away from his first day in school, but had lived for years in homeless shelters.

The funeral of Quachaun Xavier Browne at Glad Tidings Church on Van Cortlandt Avenue East in the Bronx, a few miles from where he lived with his mother and five siblings, was punctuated by sobs and lingering hugs, and by people shaking their heads in disbelief.

The police say Quachaun was killed by his mother's live-in boyfriend, Jose Calderon, 18, on Jan. 29 after Mr. Calderon accused the child of knocking over Mr. Calderon's 27-inch flat-screen television set. They say Mr. Calderon beat the child so severely, including swinging him by the ankles and hurling him into a wall, that Quachaun suffered a fractured skull and was bleeding from his ears and rectum.

Mr. Calderon has been charged with murder, and Quachaun's mother, Aleshia Smith, 27, who told the authorities that she was not home at the time, has been charged with manslaughter, for allegedly failing to seek immediate medical attention for her child. Each has pleaded not guilty.

Among the 90 or so mourners yesterday was Quachaun's biological father, Mandinga Browne, who has been awaiting trial at Rikers Island since last August on unrelated robbery charges. Mr. Browne entered and departed Glad Tidings Church surrounded by four plainclothes Correction Department officers, including one officer who stood next to Mr. Browne throughout the service.

Quachaun's mother, Ms. Smith, who is herself being held at Rikers Island, did not attend the funeral. Thomas Antenen, a spokesman for the Department of Correction, said that Ms. Smith had not made a request to go to the service, but that Mr. Browne had asked to be there.

"We thank God for the short four years he was allowed to live upon this earth," the church's pastor, the Rev. Winston S. Swan, told the mourners. "This child is with the Lord. That's the only comfort we have today."

Before the service began, Quachaun was laid out in a white suit in an open white coffin hardly bigger than a cradle. He was surrounded by flowers and stuffed tigers and bears. People looked, touched his face and his tiny legs, and cried. They stared, stunned that a child who a little more than a week ago had been so full of life, was now dead. They hugged each other tightly, and some cried throughout the service.

They remembered Quachaun running around the family's Kossuth Avenue apartment naked or waving from the first floor window, saying hello to anyone passing on the sidewalk. Relatives said he never forgot anyone's name, and if a visitor gave his or her name even once, Quachaun would repeat it incessantly every time he saw the person.

He loved basketball, the children's movie "Robots" and his grandmother's cooking. The child, family members said, was so effervescent that he had already acquired two nicknames — "Quay Quay," and "Booty," because he did not like to wear pants.

"He loved to run to the door and say 'Hi! Hi! Hi!' " said his oldest sister, Latasha Jeffrey, 10 years old.

Quachaun's grandmother Sally Alleyne sat in the front pew during the service, holding two of her grandchildren to her breast. She is the guardian of Latasha, and is seeking custody of the four others: Nyishia Stephens, 9; Fatima Smith, 6; Tenea Browne, 2; and Cheterah Browne, 1.

Reading a remembrance from the funeral's program, Quachaun's aunt, Leatrice Alleyne, 21, said the child had "a wonderful way of making people forget their troubles with a hug, kiss and a smile."

"Quachaun will continue to be our special angel, for the Lord had made him a place to lie down in green pastures and still waters," she said.

After the service, Ms. Smith's uncle, Robert Smith, said she was an innocent victim who did not belong in jail.

"My niece is incarcerated for something she didn't have anything to do with," he said, adding that Ms. Smith had asked to be at the funeral, even if Correction Department officials were not aware of the request.

"If any of your children passed, you would want to be there," Mr. Smith said.

After the funeral, a woman stood outside with a sign protesting the city's Administration for Children's Services. The agency was aware that Ms. Smith was having trouble raising her six children, who had four different fathers, but decided to leave them in the home. But a family friend, Anthony Randolph, who lives in the same Kossuth Avenue building as Ms. Smith, said there was plenty of blame to go around.

"It was the people in the community who knew what was going on, and it was up to us," he said. "We all failed."

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In Child Abuse Battle, New York Scrambles to Add Workers on Front Lines

By LESLIE KAUFMAN THE NEW YORK TIMES February 12, 2006

Faced with a sharp increase in the number of abuse and neglect reports and string of defections among stressed frontline child welfare investigators, New York City is scrambling to add hundreds of new positions to handle the critical task of investigating these complaints.

Caseloads, which had been rising even before the arrest of a Brooklyn man last month in the beating death of his 7-year-old stepdaughter, have since reached levels that have concerned city officials. Now, the city has promised to hire 525 new caseworkers by June, which they must accomplish to maintain the moderate caseloads that had been one of the signature accomplishments of the child welfare reform effort that began nearly a decade ago.

While the city says it already has 200 new workers in training and that hundreds have applied for the remaining jobs, people both inside and outside the agency say it must also slow the exodus of caseworkers if the workforce is to stabilize. Even before the highly publicized death last month of the 7-year-old, Nixzmary Brown, veteran workers were complaining that cuts to agency employees who support caseworkers, increasingly long hours and unpredictable schedules, and a complicated new computer system were driving good staff members out.

Lately, the child welfare commissioner, John B. Mattingly, has been promising to make improvements in many areas.

"We know that the frontline staff is under a lot of pressure right now due to increased reports of abuse and neglect," he said. "We know that — and we are doing everything we can to support them: hiring additional staff, bringing in child welfare specialists from throughout the agency to provide backup help in the field offices, getting them cellphones, cars, supplies and other resources. These frontline workers are the heart and soul of this agency."

It has long been a piety of child welfare that the health of the system depends on well-trained, well-supervised caseworkers with a small group of children to monitor.Even when New York City began a comprehensive reform of its child welfare system in 1997, a top priority was helping the caseworkers who went to the children's homes make sharper and more consistent decisions about child safety.

Toward that end, the city raised salaries and hired enough new personnel to halve caseloads from an average of more than 30 to about 12. It built a state-of-the-art training academy and doubled training time in 1998 and again in 2003. It invested in a new computer system meant to ease the tracking of children.

Then came Sept. 11 and the following budget crisis. In fiscal year 2003, the child welfare agency had to make cutbacks to its support staff. A long-planned increase in required training of new caseworkers that took effect also slowed the flow of replacement frontline workers.

Caseloads began to rise slowly, even for workers with the most critical tasks of investigating high-risk abuse and neglect allegations. By city estimates, the average caseload for child protective workers went from 12.1 in October 2003 to 14.6 per child protective worker in December 2005.

The caseworkers union says the city's numbers hide the severity of the increase. In recent testimony, union officials have said that in Queens and the Bronx — where the rise of abuse and neglect complaints have been highest — there are now many offices where the average caseload for a seasoned child protective worker is 24.

Caseworkers and their union have also been adamant that the caseload has become more unbearable since last fall, when child welfare added a complicated program to its computer system. The new program, known as Build 18, crashed frequently and was so cumbersome that it increased the time it took to process a new case from an hour to hours, sometimes even days, caseworkers complained.

"People would break down in tears of frustration; they would be crying," one veteran supervisor said in a recent interview. She spoke on the condition of anonymity for fear of retribution by child welfare officials.

They say the computer system is also a burden in other ways. In the days of paper files, they say, it was possible to keep up with the data entry on reports while they were waiting in court. But today, the workers, who do not have laptops or a dedicated computer room at Family Court, say they are unable to do work while they wait to testify, making the time pressures more severe.

In recent weeks, Mr. Mattingly has publicly acknowledged many of these complaints and made promises to fix them. He said that the agency would be providingcase workers with everything from more laptop computers to new automobiles.

But to some outsiders, more cellphones or even more caseworkers are not enough. Marcia Robinson Lowry, the founder and executive director of Children's Rights Inc., an advocacy group and longtime critic of the city's child welfare policies, said that in the past year, the rising caseworker trauma has gone hand-in-hand with troubling backsliding on many measurements of child safety.

There were 28 percent more allegations of abuse or neglect of children in foster placement with relatives in September 2005 than there were in that month a year earlier, she noted. Lengths of stays in foster care, instances of returning to foster care within one year of being sent home, and rates of repeated allegations of abuse within the home rose marginally.

"Those are signs of bad casework," she said. Ms. Lowry said that if the city was to have good casework, it needed to develop a way for outsiders to evaluate it better.

"We have repeatedly said they need it," she said. "Otherwise we have to take their word for it, and that is not good enough."

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