

# THE Challenge



**Achieving the vision of  
safety, permanency, and well-being for  
New York's children and families**

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**New York State Citizen Review Panels  
for Child Protective Services**

2016 Annual Report and Recommendations

# EXECUTIVE SUMMARY

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The New York State Citizen Review Panels are submitting their joint *2016 Annual Report and Recommendations* for improving New York's child protective services. The recommendations are directed toward the government agencies and offices that impact child protective services, including the Governor's Office, the New York State Division of Budget, the State Legislature, and the New York State Office of Children and Family Services (OCFS).

There are three regional Citizen Review Panels in New York State that work both independently and together to examine the policies, procedures, and practices of state and local child protection agencies and to issue written recommendations for ongoing improvements in these areas.

## **New York's challenge in achieving its vision for children and families**

OCFS has supervisory oversight responsibility for the child welfare system in New York State and in that capacity, announced a new Child Welfare Practice Model in 2015 as means "to establish a consistent and recognizable approach to child welfare practice across New York State." The Model established several overarching, desired outcomes that would lead to achievement of a vision that "Children, families and adults are protected and supported to achieve safety, permanency, and well-being."

At about the same time, the federal Children's Bureau released child welfare outcome data that showed New York's child welfare outcomes to be near the bottom nationwide, including: preventing recurrence of maltreatment to children after a first incident; preventing re-entry of children into foster care after discharge; protecting children from abuse and maltreatment while they are in foster care; and quickly finding permanent, stable families for children while they are in foster care.

Although the Children's Bureau recently announced that there are errors in this data and it will be recalculated, ***there is no question that our state can and must do better in achieving positive outcomes for children and families served by our child welfare system.*** To that end, the Panels offer the following recommendations to close the substantial gap between the vision for New York's child welfare system and its current poor performance on most outcome measures.

## SUMMARY OF THE PANELS' RECOMMENDATIONS

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### **I. Reauthorize the child welfare financing structure that is due to sunset in June 2017.**

The New York State Citizen Review Panels urge the Division of the Budget, the Governor's Office, and the State Legislature to reauthorize the child welfare financing structure and:

- A. Keep preventive services funding uncapped, restore the level of state reimbursement from 62% to 65% and allow all counties to use the restored 3% for primary prevention services.
- B. Establish an additional and separate funding stream for the Kinship Guardianship Assistance Program (KinGAP), which provides an additional permanency option for children in foster care.

### **II. Develop a five-year strategic plan with achievable goals and measurable outcomes that are posted on the agency website.**

The Panels recommend that a statewide plan include the following strategies:

- A. Implement effective solutions to the dual crises of staff turnover and high caseloads in the child welfare workforce.

The Panels strongly urge OCFS to develop a systematic way to collect and analyze public and private workforce data, including turnover/retention rates, vacancy rates, and lengths of vacancies. Further, the Panels urge OCFS to survey counties and agencies about the root causes of the increasing turnover rates and take action to stabilize the workforce.

The Panels strongly urge the Division of the Budget and the Governor to invest in comprehensive workforce development approaches in local districts (with civil service) and in agencies, including but not limited to funding additional child welfare caseworkers and supervisors.

The Panels urge the Governor and State Legislature to pass legislation to establish workload standards for Child Protective Services (CPS) units, including consistent reporting of caseloads at the district level.

- B. Promote family engagement principles across all child welfare work.

Panel members urge OCFS to conduct a review of the Family Assessment Response (FAR) program, allow additional flexibility in implementation, and continue taking steps to incorporate the family engagement principles of FAR into all child welfare work.

- C. Implement practices that result in improved outcomes for children in foster care.

The Panels urge OCFS to implement practices designed to provide reliable permanency resources for youth who transition out of foster care; safely reduce the rate at which children discharged from foster care return to foster care; and reduce the rate of abuse/maltreatment of children while they are in foster care.

- D. Set and achieve milestones toward New York's child welfare system being trauma-informed.

### **III. Expand home visiting programs**

The Panels strongly urge the Division of the Budget to leverage local, state, and federal funding to increase the investment in home visiting programs by \$107 million. In addition, allow counties to use preventive services funding for Community Optional Preventive Services (COPS) programs, per the Panels' recommendation, to allow for leveraging local dollars for home visiting services.

### **IV. Reduce disproportionate minority representation and promote race equity in the child welfare system.**

The Panels urge the OCFS' Disproportionate Minority Representation (DMR) pilot project and the Race Equity and Cultural Competence (RECC) programs to expand action-oriented initiatives to all counties, incorporate an assessment of promising practices, and publish their findings for replication.

### **V. Improve outcomes for children of incarcerated parents by facilitating family contacts and raising awareness of the unique needs of this special population.**

- A. Update the CONNECTIONS system to collect case specific and aggregate data about children who are receiving child welfare services and who have incarcerated parents.
- B. Support legislation that would establish a pilot program to move a number of incarcerated parents, including those with children in foster care and/or being cared for by relatives, to facilities closer to their children to sustain family connections and promote permanency, where possible and appropriate.
- C. Incorporate information about the needs, the laws and statutes related to this special population of children into the core training curriculum for caseworkers and supervisors, as well as foster parents.
- D. Support changes in visiting policies at correctional facilities to allow more frequent contact in child-centered settings between parents and children via in-person visits and video technology.



# New York State Citizen Review Panel 2016 Annual Report

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There are three regional Citizen Review Panels in New York State that work both independently and together to examine the policies, procedures, and practices of state and local child protection agencies and to issue written recommendations for ongoing improvements in these areas.

## **New York's challenge in achieving its vision for children and families**

OCFS has supervisory oversight responsibility for the child welfare system in New York State. OCFS' Child Welfare Practice Model was unveiled in 2015 as means "to establish a consistent and recognizable approach to child welfare practice across New York State." It established several overarching, desired outcomes that would lead to achievement of a vision that "Children, families and adults are protected and supported to achieve safety, permanency and well-being." These outcomes include:

- Safety – Children are safely maintained in their own homes, families and communities with connections, culture, and relationships preserved.
- Prevention – Through effective intervention, parents, caregivers, and families improve their ability to develop and maintain a safe, stable environment for themselves and their children.
- Permanency – When it is necessary to place children in out-of-home care, it is a safe, short, and stable experience concluding with permanent attachments to caring adults.
- Well-being – Parents and caregivers have the capacity to provide for their children's needs. Children are cared for in safe, permanent, and nurturing environments that meet their needs and develop their physical, cognitive, behavioral/emotional and social functioning. As youth transition to adulthood, they benefit from services that promote healthy development, academic success and/or self-sustainability, and safe living conditions.
- Organizational Effectiveness – Organizations are diverse, flexible, professionally and culturally competent, and use child-centered, family-focused practice, and demonstrate partnership at all levels.<sup>1</sup>

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At about the same time, OCFS and New York State were presented with data that illustrated the large gap between the desired outcomes and the current reality. The Child and Family Services Review (CFSR) outcomes data, released by the U.S. Department of Health and Human Services Children's Bureau in May 2015, indicated that New York ranked near the bottom nationwide in key federal outcome measures, including:

- Preventing recurrence of maltreatment to children after a first incident;
- Preventing re-entry of children into foster care after discharge;
- Protecting children from abuse and maltreatment while they are in foster care; and
- Quickly finding permanent, stable families for children while they are in foster care.

*... OCFS and New York State were presented with data that illustrated the large gap between the desired outcomes and the current reality.*

The Children's Bureau recently notified states that errors had been made at the federal level in calculating the CFSR outcomes data, and of its intent to provide states with corrected data in the future. While it is not yet known whether the corrected data will show an improvement in New York's outcomes and national ranking, there is no question that our state can and must do better in achieving positive outcomes for children and families served by our child welfare system.

The Panels continue to focus on strategies to close the substantial gap between the vision for New York's child welfare system and its current poor performance on most outcome measures. Elected officials, state agencies, and child welfare services providers must demonstrate commitment and leadership in achieving this goal. Toward that end, the Panels make the recommendations on the following pages.

# Recommendations

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## I. Reauthorize the child welfare financing structure

The state law that established the financing structure for New York’s child welfare system is scheduled to sunset in June of 2017. This statute establishes the ways in which preventive services, child protective services, and foster care, among others, are funded in the State.

**The New York State Citizen Review Panels urge the Governor’s Office, the State Legislature, and the Division of the Budget to reauthorize the child welfare financing structure and:**

**A. Keep preventive services funding uncapped, restore the level of state reimbursement from 62% to 65% and allow all counties to use the restored 3% for primary prevention services.**

Preventive services are the supportive and rehabilitative services provided to children and their families when children are at risk of placement into foster care. Preventive services are designed to avert the need for placement by addressing problems that, left untreated, might result in a breakdown of the family unit. Preventive services may also be provided to birth families to allow a child placed in foster care to return home earlier than would otherwise be possible. The state should renew its investment in preventive services and restore the state reimbursement rate from 62% to 65%.

The restored 3% should be directed to fund primary prevention services, which are services that counties can provide or arrange for, to help at-risk children and families before they are at risk of a child’s placement into foster care. These are services formerly called Community Optional Preventive Services (COPS), which are typically community-based services that provide early intervention to at-risk children and families. State funding for COPS, which once stood at \$55.5 million, has been frozen at \$12.1 million since 2009 and can be used only for existing programs. Counties should again be allowed to develop a continuum of prevention services, including primary prevention services, that meet local needs within the preventive services funding structure.

**B. Establish an additional and separate funding stream for the Kinship Guardianship Assistance Program (KinGAP), which provides an additional permanency option for children in foster care.**

KinGAP provides financial assistance to relatives who assume guardianship of their relative child upon discharge from foster care. Placement with familiar relatives reduces the child’s feelings of trauma and the stigma of being removed from home while maintaining some stability and connection to family, community and culture — all of which have demonstrated positive impacts on a child’s well-being.<sup>2</sup> When researchers compared the outcomes for children in relative vs. non-relative foster home settings, they found that children placed with relatives had fewer numbers of placements while in care, lower re-entry rates, more placements with siblings and less additional involvement with CPS or juvenile justice.<sup>3</sup> In addition, children placed with relatives had fewer behavioral issues than children placed with non-relatives for three years after placement.<sup>4</sup> Even more telling, children that were placed with relatives after a

significant time in a non-relative placement were more likely to have behavioral issues than children initially placed with a relative.<sup>5</sup> Research reflects the importance of identifying and supporting relative placements for children in care whenever appropriate and possible.

However, KinGAP is underutilized based on the number of eligible children remaining in foster care. During 2015, only 341 children were discharged from relative foster care to a KinGAP arrangement. A significant barrier to the use of KinGAP is the requirement that counties pay for KinGAP subsidies out of their Foster Care Block Grant, which was not increased with the creation of KinGAP. Therefore, there is competition at the county-level between the use of Block Grant funds for foster care versus KinGAP subsidies. A separate and additional funding stream is needed for KinGAP subsidies, similar to the one for adoption subsidies, which are paid outside of the Block Grant.

*Counties should again be allowed to develop a continuum of prevention services, including primary prevention services, that meet local needs within the preventive services funding structure.*

## **II. Develop a five-year strategic plan with achievable goals and measurable outcomes that are posted on the agency website.**

Members of the Citizen Review Panels recognize that a number of plans are in place or in development at OCFS. For example, OCFS submits a comprehensive planning document, the Children and Family Services Plan (CFSP), to the federal Children's Bureau, with annual updates. This Plan integrates several programs that utilize federal funding to serve children and families. The most recent CFSP for fiscal years 2015 to 2019, was submitted in June 2014. New York also will be developing a Program Improvement Plan in response to the federal CFSR after the final report is provided to OCFS by the federal Children's Bureau. In addition, local social services districts submit their own five-year child welfare plans to OCFS.

While these plans and OCFS' Practice Model provide broad guidelines for the future of child welfare in New York State, the Panels believe that a more aggressive and focused approach is needed. Despite years of effort, the state continues to significantly underperform in the key indicators related to safety, permanency, and well-being of children and families. This urgent situation requires a data-driven approach with measurable, short-term goals that must be met at the local district level. Data about progress toward these goals should be made public.

In addition, a viable strategic plan should:

- Take a public health approach to addressing child abuse and neglect, with meaningful contributions across state agencies that support integrated service delivery at the local level, leading to improved safety, permanency, and well-being for New York's children and their families;
- Include a commitment to meaningful collaboration across state agencies with leadership from the Governor's Office, and strengthened partnerships between state agencies

and local social services districts, with the goal of improved safety, permanency, and well-being for New York’s abused and neglected children; and

- Establish that front-line staff and supervisors have the necessary competencies for effective practice, and track turnover to ensure sufficient, continuous staffing.

The Panels recommend that a statewide plan include the following strategies:

*... developing and sustaining a knowledgeable, skilled child welfare workforce is critical for ensuring positive outcomes for vulnerable children, youth, and families.*

#### **A. Implement effective solutions to the dual crises of staff turnover and high caseloads in the child welfare workforce.**

***Reduce staff turnover.*** Studies indicate that developing and sustaining a knowledgeable, skilled child welfare workforce is critical for ensuring positive outcomes for vulnerable children, youth, and families. The quality of child welfare practice is negatively impacted by a variety of workforce challenges, which in turn negatively affect outcomes for children, youth and families.<sup>6</sup>

Based on internal surveys of employers, child welfare professionals estimate a turnover rate of 30 to 40% in nonprofit child welfare agencies in New York State. Anecdotal reports from counties present a similar picture. There is no integrated system for collecting statewide data about the public child welfare workforce. The impact of a high turnover rate on the child welfare system is far-reaching. The cost of recruiting and training caseworkers to fill vacancies is substantial. A study of four counties in the Northeast conducted in 2008 found that the average cost of replacing and training child welfare workers was \$27,487 per worker.<sup>7</sup>

Much is known about implementing a comprehensive workforce development strategy in child welfare that can be put into practice in New York State. One source of this information is the National Child Welfare Workforce Institute’s Workforce Development Framework, which describes the essential elements and key steps in the workforce development assessment and planning process, along with the core components reflecting multiple workforce development strategies.<sup>8</sup>

**The Panels strongly urge OCFS to develop a systematic way to collect and analyze public and private workforce data, including turnover/retention rates, vacancy rates, and lengths of vacancies. Further, the Panels urge OCFS to survey counties and agencies about the root causes of the increasing turnover rates and take action to stabilize the workforce.**

***Bring caseloads and workloads to recommended levels.*** Caseload size is also related to both caseworker retention and quality of service delivery. In a survey, caseworkers who wanted to leave their positions cited high caseloads, inadequate staffing, and burnout.<sup>9</sup> Manageable caseload size is closely tied to the frequency of caseworker visits with children and families.<sup>10</sup> One of the most significant findings from the federal Child and Family Service Reviews is that the level of family involvement and caseworker contacts with children and families is related to achieving safety and permanency goals. The reviews

show that the quality and frequency of caseworker visits result in improved ability to assess children's risk of harm and need for alternative permanency options; identify and provide needed services; and engage children and parents in planning for their future.<sup>11</sup>

It is difficult to assess the actual caseload sizes in districts and agencies statewide as there is limited data available for preventive, CPS, and foster care caseloads. Anecdotally, some counties and agencies report caseload sizes within recommended levels but others report caseloads well above these levels. Aside from the requirement in Social Services Law that CPS units must have sufficient staff with sufficient qualifications, New York State does not have statutory or regulatory caseload requirements for child welfare caseworkers. OCFS does provide data reports to the counties about the number of CPS investigations per worker, and should use a similar process to gather data on preventive and foster care cases for both districts and agencies.

**The Panels strongly urge the Division of the Budget and the Governor to invest in comprehensive workforce development approaches in local districts (with civil service) and in agencies, including but not limited to funding additional child welfare caseworkers and supervisors. The Panels urge the Governor and State Legislature to pass legislation to establish workload standards for CPS units, including consistent reporting of caseloads at the district level.**

#### **B. Promotion of family engagement principles across all child welfare work.**

A positive, professional relationship between caseworkers and families should be based on partnership rather than authority. This core principle is included in child welfare caseworker training and has been demonstrated in the “differential response” approach, known in New York as the Family Assessment Response (FAR) that has been used in some counties since 2008. The FAR approach can be chosen by the local district for investigations with low to moderate risk of future child abuse or maltreatment. Based on an analysis of 2013 data, FAR families were less likely (30%) than investigated families (39%) to be named in subsequent CPS investigations. They also had fewer petitions filed in Family Court related to child abuse (5.7% vs. 8.8%) and fewer foster care placements (1.5% vs. 2.6%).<sup>12</sup>

Despite these positive results, nine districts have suspended the FAR program and only two new districts have chosen to implement FAR since 2013. In 2015, Citizen Review Panel members met with more than a dozen county social services commissioners from across the state to gather information about the use of the FAR approach. Without exception, local CPS staff supported the increased emphasis on family engagement that is central to the FAR model. The primary barrier to continuing the program, according to some districts, was that the required, two-track system created divisiveness in their workforce that could not be resolved. Other local districts, however, successfully managed and overcame this dynamic. A deeper understanding of the factors leading to each outcome would help inform the future of FAR implementation in New York.

**Panel members urge OCFS to conduct a review of the FAR program, allow additional flexibility in implementation, and continue taking steps to incorporate family engagement principles into all child welfare work.**

**C. Implementation of practices that result in improved outcomes for children in foster care.**

There were 17,479 children in foster care in New York State at the end of 2015. This number has dropped steadily over the past five years, from 21,047 in 2011.<sup>13</sup> New York has been a national leader in reducing the number of children coming into foster care. However, as the CRSR data show, children who are placed into foster care in New York stay longer, are more often abused or maltreated while in care, and are more likely to re-enter foster care after discharge when compared to children in the majority of states in the U.S.

*Research has documented the bleak outcomes for many young people who leave foster care without permanency or a support network.*

Based on an analysis of the CFSR results, strategies should include proven methods to:

***Provide reliable permanency resources for youth who transition out of foster care.***

Research has documented the bleak outcomes for many young people who leave foster care without permanency or a support network. It is estimated that between 11 and 37 percent of youth who age out of foster care experience homelessness.<sup>14</sup> More than two thirds of young women are likely to become pregnant by age 21, facing higher rates of unemployment, criminal conviction, public assistance, and involvement in the child welfare system.<sup>15</sup>

In 2015, nearly 1,400 youth in New York State were discharged from care and “assumed responsibility for themselves,” adding to more than 1,200 who aged out of care in 2014.<sup>16</sup>

**Panel members urge the state to connect payment incentives and penalties to counties and voluntary agencies with achievement of permanency outcomes; OCFS already has the authority to do this. In addition, districts, voluntary agencies, and the courts must be required to implement evidence-informed practices designed to achieve permanency for youth in transition, and to publish the results by county, agency, and court.**

***Safely reduce the rate at which children discharged from foster care return to foster care.*** New York’s performance is in the bottom third of all states for children being returned to foster care after discharge. More than 10% of New York’s children who were discharged from foster care during the time period measured by the CFSR were readmitted within 12 months; the national standard was 8.3%. New York must make a concerted effort to reduce this rate through an increased focus on ensuring that services are provided to families after their children return home from foster care to support the reunification process and prevent re-entry into foster care. The Panels recommend that OCFS identify practices and strategies used in counties within New York and other states with lower rates of reentry to identify opportunities for replication of promising practices.

*Reduce the rate of abuse/maltreatment of children while they are in foster care.* New York's poor performance in preventing maltreatment of children in foster care must be investigated and remedied. The CFSR data released in May 2015 for fiscal year 2013 measured the number of victimizations of children in foster care for every 100,000 foster care days. New York's rate was 15.6, nearly twice (worse than) the national standard of 8.5.

A thorough analysis of systems data and case records is needed to determine the root causes of abuse/maltreatment in foster care. Prevention guidelines issued by the Child Welfare League of America lists "careful selection, preparation, and training of foster parents" as a top priority.<sup>17</sup> It is critical to realistically and candidly explore with all prospective foster parents the challenges of fostering, their motivations for fostering, their personal and family histories, and their capacity to meet the needs of children in foster care.

In addition to carefully screening applicants, ongoing support of foster parents is also essential. Research suggest that the "nature and characteristics of a maltreating kinship or foster parent may not be pre-existing traits but may evolve or be stimulated into action as a result of the substitute care provider's experience."<sup>18</sup> Caseworkers and supervisors need to know on a continuous basis how families are faring, which requires training and coaching in skills needed to support families. Caseworkers' workloads must be manageable so visits can be meaningful and consistent. Replication of and support for evidence-informed and promising practices to support foster parents are needed.

#### **D. Set and achieve milestones toward New York's child welfare system being trauma-informed.**

The OCFS Practice Model identifies the development of a trauma-informed system as one of its desired practices to improve outcomes. While work has been done in different parts of the state toward this goal, it occurs in pockets and is not coordinated across sites and is not system-wide.

A trauma-informed child- and family-service system is one in which "all parties involved recognize and respond to the impact of traumatic stress on those who have contact with the system, including children, caregivers, and service providers. Programs and agencies within such a system infuse and sustain trauma awareness, knowledge, and skills into their organizational cultures, practices, and policies. They act in collaboration with all those who are involved with the child, using the best available science, to facilitate and support the recovery and resiliency of the child and family. In other words, trauma-informed child welfare practice is not a discrete task but rather involves the day-to-day work of the system as a whole."<sup>19</sup>

While Trauma Informed Care (TIC) trainings have been offered in some regions of the state, full system implementation of a trauma-informed system goes beyond

*New York's poor performance in preventing maltreatment of children in foster care must be investigated and remedied. ... In addition to carefully screening applicants, ongoing support of foster parents is also essential.*

incorporating TIC principles into the existing training curriculum. Beyond the acquisition of a set of competencies, staff need to have the support of a responsive *system*. Key elements of a transition to a trauma-informed child welfare system may include workforce development; routine screening and assessment for trauma history and related symptoms; changes to data systems; implementation of trauma-informed, measurement-driven case planning and referral to evidence-supported treatment; and new approaches to funding for services.<sup>20</sup>

**The Panels urge OCFS to set milestones to implement a system-wide TIC model that fully integrates knowledge about trauma into policies, procedures, and practices.**

### III. Expand home visiting programs

The state currently funds home visiting programs, including the Nurse-Family Partnership (NFP) and Healthy Families New York (HFNY). These programs provide regular home visits to families during pregnancy and while parenting a young child. Home visiting programs have significant, evidence-based impact on children's health and well-being. A study of the results of the NFP found a reduction in both infant and maternal mortality rates.<sup>21</sup>

HFNY reports a 50% drop in low-birth-weight newborns and a 49% reduction in confirmed child protective services reports.<sup>22</sup> These services also result in cost savings. An evaluation of HFNY found that the program reduces involvement in the child welfare system, saving \$4 for every dollar invested by government sources.<sup>23</sup> Home visiting can also serve homeless families in shelters or other programs, reducing the risk of family separation, poor child health outcomes and delayed child development.

Despite these successes, funding for HFNY has not increased since 2008. State funding for Nurse Family Partnerships was cut by \$500,000 in this year's budget. Current funding allows fewer than 20% of low-income families with newborns to receive home visiting services each year. The Panels urge that funding be increased in the 2017-18 state budget to allow at least half of all low income families with newborns to receive home visiting. This would be an additional 23,720 families, at an average cost of \$4,500 per family per year, or \$107 million with commensurate out-year savings. Additional investments should be made in each subsequent budget year until all low income families have access to home visiting services.

**The Panels strongly urge the Division of the Budget to leverage local, state, and federal funding to increase the investment in home visiting programs by \$107 million. Allowing counties to use preventive services funding for COPS programs, per the Panels' recommendation, will allow for leveraging local dollars for home visiting services.**

*Home visiting programs have significant, evidence-based impact on children's health and well-being. ... Despite these successes, funding for HFNY has not increased since 2008.*

#### **IV. Reduce disproportionate minority representation and promote race equity in the child welfare system.**

Black, Latino, and Native American children enter the child welfare system in greater numbers relative to their proportions of the general population. They are more likely to have an indicated case, enter foster care, and remain in foster care longer. The disparity for Black children is particularly pronounced. More than 41.1% of the children in foster care are African American, compared to a 17.6% ratio of the general New York State population.<sup>24</sup>

Since 2009, the OCFS Disproportionate Minority Representation (DMR) pilot project and the Race Equity and Cultural Competence (RECC) program have been examining data and developing interventions, programs, and policies to mitigate disparities in the system. This program continues to be centered in less than one-quarter of counties. It should be expanded to the entire state and complete its strategic development within five years. In addition:

- OCFS should collaborate with Family Court to assess and promote practices that reduce disproportionate minority representation (DMR) throughout New York State, using the experiences of the three counties (Erie, Westchester, Queens) that have implemented practices to reduce disproportionality in their Family Court systems.
- OCFS should identify and inform interested parties about other effective practices to reduce disproportionality and promote race equity. For example, the Citizen Review Panels have heard a report from Nassau County Department of Social Services about its promising Blind Removal initiative. Under this program, administrators do not have information about a family's race or ethnicity when deciding whether to remove a child from his/her home. OCFS should encourage other counties to pilot similar initiatives and measure their effectiveness.

*Black, Latino, and Native American children enter the child welfare system in greater numbers relative to their proportions of the general population.*

**The Panels urge the OCFS' Disproportionate Minority Representation (DMR) pilot project and the Race Equity and Cultural Competence (RECC) programs to expand action-oriented initiatives to all counties, incorporate an assessment of promising practices, and publish their findings for replication.**

#### **V. Improve outcomes for children of incarcerated parents by facilitating family contacts and raising awareness of the unique needs of this special population.**

Although it is challenging to disentangle the effects of parental incarceration from other risk factors that children may have experienced prior to a parent's incarceration, parental incarceration is now recognized as an "adverse childhood experience" (ACE) of the type that can significantly increase the likelihood of long-time negative outcomes for children.

A recent study by Child Trends, Inc. found that more than five million children — seven percent of all U.S. children — have had a parent who lived with them go to jail or prison. This proportion is higher among black, poor, and rural children. And this figure is an undercount, since it does not include children with a non-residential parent who was incarcerated.<sup>25</sup>

It is estimated that 105,000 minor children in New York State have a parent in jail or in prison.<sup>26</sup> Families of color are disproportionately affected by issues related to incarceration; it is estimated that one in nine African American children, one in 28 Latino children, and one in 57 white children have an incarcerated parent.<sup>27</sup> Due to a lack of data, it is difficult to quantify how many of these children are involved in the child welfare system.

The Panels acknowledge that OCFS has become more involved in this issue following the release of the Panels' 2015 Annual Report. The Panels continue to urge OCFS to implement the specific recommendations in that report to improve outcomes for children of incarcerated parents. Those recommendations are:

- Update the CONNECTIONS system to collect case specific and aggregate data about children who are receiving child welfare services and who have incarcerated parents.
- Support legislation that would establish a pilot program to move a number of incarcerated parents, including those with children in foster care and/or being cared for by relatives, to facilities closer to their children to sustain family connections and promote permanency, where possible and appropriate.
- Incorporate information about the needs, the laws and statutes related to this special population of children into the core training curriculum for caseworkers and supervisors, as well as foster parents.
- Support changes in visiting policies at correctional facilities to allow more frequent contact in child-centered settings between parents and children via in-person visits and video technology.



## APPENDICES

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### 2016 Citizen Review Panel Activities

#### New York City Panel Meetings

##### February 5, 2016

The NYC Panel heard presentations from ACS Commissioner Gladys Carrión, including the many initiatives underway to strengthen child welfare services. She also provided a summary of the status of the recent class action Foster Care lawsuit. ACS First Deputy Commissioner Eric Brettschneider presented information about the 10 workgroups formed by ACS in recent months, each specific to an area of child welfare improvement. The workgroups are co-chaired by, and include representatives from, Legal Aid, service providers, and advocates. The Panel also invited and heard from Molly Thomas-Jensen, Deputy Counsel at the NYC Public Advocate's Office, about the Foster Care Lawsuit.

##### May 3, 2016

The NYC Panel heard a presentation by ACS Assistant Commissioner Andrew White about updates on the 10 workgroups established by ACS, including the recommendations being made to strengthen specific areas of child welfare. The Panel also invited and heard from ACS Deputy Director Dorrett Graham and ACS Child Protective Manager Keshia Clark from the ACS Queens Office about implementation of the Family Assessment Response (FAR) model in Queens. The Panel discussed agenda items for the quarterly meeting in September.

##### September 20, 2016

The NYC Panel heard a presentation by Karyn Boutis, ACS Office of Education Support and Policy Planning and Cara Chambers, NYC Legal Aid Society, about the work of the ACS Workgroup focusing on youth aging out of foster care. The Panel invited and heard from Steve Brown, Psy.D., Director Traumatic Stress Institute of Klingberg Family Centers about building a Trauma-Informed Child Welfare System.

##### December 6, 2016

The NYC Panel heard a presentation by Stephanie Gendell, Esq., Associate Executive Director for Policy and Government Relations at the Citizens' Committee for Children. Ms. Gendell spoke about recent bills passed by the City Council related to foster care and related topics. The Panel also heard updates from Lisa Gordon of OCFS about a number of child welfare initiatives, including joint work with the NYS Office of Alcoholism and Substance Abuse Services (OASAS), Safe Sleep initiative with several hospitals, expansion of the KEYS model of supervision, a new training for caseworkers on kinship care, and a recent webinar OCFS conducted about their child welfare work which is posted on the OCFS website. The Panel also discussed topics for meeting agendas in 2017.

## **Eastern Panel Meetings**

### **March 18, 2016**

The Eastern Panel heard a presentation by Lisa Gordon from OCFS about the child welfare Practice Model and the Principles of Partnership being incorporated into the revised core child welfare training. Jon Birtwistle from NYS Information Technology Services provided an update on the use of mobile technology by case workers. OCFS Assistant Commissioner Lisa Gharthey Ogundimu provided an update about the Memorandum of Understanding between OCFS and the NYS State Education Department that now allows the sharing of some educational data about children in foster care with caseworkers. She also provided an overview of OCFS' work with the Office of Court Administration's Court Improvement Project. Panel members reviewed agenda items for upcoming meetings.

### **May 6, 2016**

The Eastern Panel was provided with a tour of the OCFS State Central Register where reports of suspected child abuse and neglect are received. Following the tour, OCFS presentations included an update by Joanne Ruppel on FAR data and an update by John Thompson on training, including inclusion of FAR principles throughout training. There was also discussion about prospective new Panel members. Panel members also discussed agenda items for the quarterly meeting in September.

### **September 16, 2016**

The Panel invited and heard from Steve Brown, Psy.D., Director of the Traumatic Stress Institute at Klingberg Family Centers and Sarah Yanosy, Director of the Sanctuary Institute, about building a Trauma-Informed child welfare system. The Panel also heard a presentation by Jeanette Feingold, Director of Child Protective Services, Nassau County Department of Social Services, about their Blind Removal Program. The Panel also heard OCFS updates from OCFS staff Lisa Gordon and John Thompson. The Eastern Panel elected a new Chairperson, Ed Blatt, as there was a vacancy due to a Panel member's resignation.

### **December 9, 2016**

The Eastern panel heard a presentation from Davin Robinson, Deputy Director of the NYS Justice Center for the Protection of People with Special Needs, about the purpose, policies and practices of the Justice Center. They also heard a presentation by Ryan Johnson from New York's Kinship Navigator program. This presentation covered an overview of the care provided by relatives to children, both as foster parents and outside of foster care. There was also an update from Jeanette Feingold, Director of Child Protective Services, Nassau County Department of Social Services, regarding outcome data from the Blind Removals initiative that was discussed at the September meeting. The Panel also heard from Lisa Gordon of OCFS about a number of child welfare initiatives, including joint work with the NYS Office of Alcoholism and Substance Abuse Services (OASAS), Safe Sleep initiative with several hospitals, expansion of the KEYS model of supervision, a new training for caseworkers on kinship care, and a recent webinar OCFS conducted about their child welfare work which is posted on the OCFS website. The Panel also discussed topics for meeting agendas in 2017.

## **Western Panel Meetings**

### **March 11, 2016**

The Western Citizen Review Panel heard updates from the OCFS Buffalo Regional Office. The Regional Office has met with each county in the western region to review the Child and Family Services Review (CFSR) data, monitored corrective actions related to incidents in residential facilities, and will be hiring a youth engagement specialist based in the Buffalo OCFS regional office. The Panel also heard from OCFS Training Coordinator John Thompson, who discussed revisions OCFS is making to child welfare training to support the implementation of the OCFS Model of Practice. The Panel also heard a presentation from Monroe County Department of Human Services Commissioner Kelly Reed, who provided an overview of the work to reduce Disproportionate Minority Representation (DMR) in Monroe County. The Panel reviewed its activities and progress during 2015 and discussed the direction of the Panel and agenda items for 2016.

### **May 13, 2016**

The Western Citizen Review Panel heard updates from Lisa Gordon from OCFS about Safe Sleep Initiatives, the upcoming on-site federal Child and Family Services Review (CFSR), and an update about changes being made to child welfare training. The Panel invited and heard from Rae Glaser of the Kinship Navigator Program, which provides resource support services to kinship caregivers, including but not limited to kinship foster parents. The Panel also invited and heard from Erie County Commissioner of Social Services Al Dirschberger, Ph.D., about implementation of Solution Focused Trauma Informed Care throughout the Erie County Department of Social Services. The Panel also invited and heard from (via phone) Maria Lauria, Director of Services at Nassau County Department of Social Services about their Blind Removals Program. This program is resulting in a reduction in disproportionality of removals of children from their homes who are from Latino and African American families. The Panel also discussed topics for the September quarterly meeting.

### **September 23, 2016**

The Panel heard a presentation by Erie County Family Court Judges Lisa Bloch Rodwin and Sharon LoVallo about practices in Erie County Family Court to reduce disproportionate minority representation (DMR). The Panel invited and heard from Steve Brown, Psy.D., Director Traumatic Stress Institute of Klingberg Family Centers and Sarah Yanosy, Director of the Sanctuary Institute, about building a Trauma-Informed Child Welfare System. The Panel heard OCFS updates by Lisa Gordon and Greg Owens. Mr. Owens discussed various initiatives to reduce DMR being conducted by OCFS and several counties. He also spoke about development of the new training module designed to help advance race equity work through data analysis and determination of disparities. Ms. Gordon provided updates on Safe Sleep initiatives and the work OCFS and several counties are doing with consulting firm Public Catalyst to conduct deep analyses of data regarding safety and permanency.

### **December 16, 2016**

Al Dirschberger, Ph.D., Commissioner of the Erie County Department of Social Services, attended the Panel meeting to provide an update on work being done in child welfare and throughout the Department. The Panel also heard from Lisa Gordon of OCFS about a number of child welfare initiatives, including joint work with the NYS Office of Alcoholism and

Substance Abuse Services (OASAS), Safe Sleep initiative with several hospitals, expansion of the KEYS model of supervision, a new training for caseworkers on kinship care, and a recent webinar OCFS conducted about their child welfare work which is posted on the OCFS website. The Panel discussed the upcoming release of the joint Panels' Annual Report as well as topics for meeting agendas in 2017.

## **Joint Panel Meetings**

### **June 9, 2016**

The three New York State panels met jointly, via videoconference. A panel presentation was made by OCFS child welfare leadership staff Lisa Gordon, Lisa Gharthey Ogundimu, Renee Hallock, Barb Irish, and Claire Strohmeier. They presented updates about OCFS's response to the 2015 Panels' Report and Recommendations, the impact of the opiate epidemic on child welfare and OCFS' joint work with the NYS Office of Alcoholism and Substance Abuse (OASAS). They also discussed OCFS' Continuous Quality Improvement (CQI) approach with local districts and agencies as it relates to implementation of the Practice Model.

The Panels then heard a presentation by Kari Siddiqui from the Schuyler Center for Analysis and Advocacy (SCAA) regarding SCAA's child welfare priorities during the past year, which fell into several categories, as follows: preventive services including early prevention; housing subsidies for older youth leaving foster care; Kinship Caregiver services; Guardianship; and Home Visiting. Panel Chairs provided brief updates summarizing quarterly meetings held in May. Preliminary recommendations were discussed in preparation for the 2016 CRP Annual Report.

### **October 18, 2016**

The Panels met jointly by videoconferencing and telephone with OCFS Deputy Commissioner Laura Velez and executive staff, Lisa Gordon. Ms. Velez provided updates on program improvement work being done, in part, because of the results of the Child and Family Services Review (CFSR) outcomes. OCFS has not yet received the (overdue) written CFSR report from the federal Children's Bureau. Once the report is received, OCFS has 90 days to submit a Program Improvement Plan (PIP) but OCFS is already working on improvement work.

Ms. Velez also discussed an upcoming Permanency Summit for large counties that OCFS and the Court Improvement Project are co-coordinating. In addition, OCFS is revising the child welfare training program, working with a statewide workgroup to implement OCFS' child welfare Practice Model, and working collaboratively with the New York State Office of Alcoholism and Substance Abuse Services (OASAS) regarding the impact of the opioid epidemic on child welfare.

Following Ms. Velez's presentation, the Panel discussed recommendations for inclusion in the 2016 Annual Report. Following the discussions, members voted on which recommendations to include and discussed next steps for report development.

## Citizen Review Panel Members During 2016

### Eastern Panel Members

**Edward Blatt, Ph.D., Panel Chair**  
Content Marketing Manager  
IBM Watson Health  
*Appointed by the Governor's Office*

**Nadia Allen**  
Executive Director  
Mental Health Association in Orange  
County, Inc.  
*Appointed by the Assembly*

**Angela Baris**  
Program Coordinator (retired)  
Northeast Parent and  
Child Society  
*Appointed by the Governor's Office*

**Sharon M. Chesna**  
Executive Director  
Mothers & Babies Perinatal Network of  
South Central New York, Inc.  
*Appointed by the Governor's Office*

**Kathleen Thornton Halas**  
Executive Director  
Child Care Council of Westchester, Inc.  
*Appointed by the Assembly*

**Lance R. Jackson (retired)**  
Executive Director  
Northeast Parent and Child Society  
*Appointed by the Senate*

**Mary McCarthy**  
Director, Social Work Education  
Consortium  
School of Social Welfare SUNY Albany  
*Appointed by the Senate*

**Maureen McLoughlin**  
Attorney; Adjunct Professor  
Hofstra University  
*Appointed by the Governor's Office*

**JoAnn Merriman, M.S., PA-C**  
Physician Assistant  
CapitalCare Developmental Behavioral  
Pediatrics  
*Appointed by the Governor's Office*

**Hector Ramirez, Panel Chair (retired)**  
President  
The Archer Group  
*Appointed by the Governor's Office*

**Erin Christopher-Sisk, Ph.D.**  
Clinical Director  
ECS Psychological Services  
*Appointed by the Senate*

**Carrie Jefferson Smith**  
Director  
School of Social Work  
Syracuse University  
*Appointed by the Governor's Office*

### New York City Panel Members

**Wayne Ho, Panel Chair Co-Chair**  
Chief Policy and Program Officer  
Federation of Protestants  
Welfare Agencies  
*Appointed by the Governor's Office*

**Dr. Jocelyn Brown**  
Director  
Child Advocacy of New York  
*Appointed by the Governor's Office*

**Stanley Capela**  
Vice President for Quality Management  
Corporate Compliance Officer  
HeartShare Human Services  
*Appointed by the Senate*

**Jorge Saenz DeViteri**  
Chief Executive Officer  
ECE Management NY, Inc.  
*Appointed by the Governor's Office*

**David J. Lansner, Esq.**  
Partner  
Lansner & Kubitschek  
*Appointed by the Assembly*

**Sania Andrea Metzger, Esq.**  
Director of Policy  
Casey Family Services  
*Appointed by the Assembly*

**Mathea C. Rubin**  
Parent  
New York City  
*Appointed by the Senate*

**Marion White**  
Senior Program Director  
The New York Foundling  
Child Abuse Prevention Program  
(CAPP)  
*Appointed by the Governor's Office*

### Western Panel Members

**Ellen T. Kennedy, Panel Chair**  
Associate Professor of Social Work,  
Emerita  
Buffalo State College  
*Appointed by the Governor's Office*

**Linda C. Brown, CSW**  
Former Assistant Commissioner  
New York State Office of Children and  
Family Services  
*Appointed by the Assembly*

**Melissa A. Cavagnaro**  
Partner  
Mattingly Cavagnaro LLP,  
Matrimonial & Family Law  
*Appointed by the Senate*

**Paula Mazur, MD**  
Associate Professor of Clinical Pediatrics,  
Pediatric Emergency Medicine, and  
Child Abuse Pediatrics  
Children's Hospital of Buffalo  
*Appointed by the Governor's Office*

**Stefan Perkowski**  
Program Director  
Child & Adolescent Treatment Services  
*Appointed by the Governor's Office*

**Danny Sklarski**  
Auditor; Legislator  
NYS Parks and Recreation,  
Niagara County  
*Appointed by the Senate*

**Sarlyn Tate**  
Social Worker  
Buffalo Psychiatric Center  
*Appointed by the Governor's Office*

**Dennis Walczyk**  
Chief Executive Officer  
Catholic Charities of Buffalo  
*Appointed by the Assembly*

**Karl L. Wiggins**  
Vice President of Youth and  
Family Services  
Gustavus Adolphus Child and  
Family Services  
*Appointed by the Senate*

**Mary Whittier**  
Founding Executive Director  
Bivona Child Advocacy Center  
*Appointed by the Assembly*

## Federal Law and the Citizen Review Panels

The 1996 amendments to the federal Child Abuse Prevention and Treatment Act (CAPTA) mandate that states receiving federal funding under that legislation create volunteer Citizen Review Panels. The purpose of these panels is to assess whether state and local agencies are effectively carrying out their child protection responsibilities. The federal statute broadly defines the work of the Citizen Review Panels.

The panels must meet not less than once every three months and produce an annual public report containing a summary of their activities and recommendations to improve the child protection system at the state and local levels. They must evaluate the extent to which the state is fulfilling its child protective responsibilities under its CAPTA State Plan by:

- Examining the policies, procedures, and practices of state and local agencies.
- Reviewing specific cases, when warranted.
- Reviewing other matters the panel may consider important to child protection, consistent with Section 106(c) (A) (iii) of CAPTA.

Following the order of federal CAPTA Amendments of 1996, the New York State Legislature passed Chapter 136 of the Laws of 1999, establishing no less than three Citizen Review Panels, with at least one in New York City. The other panels are in Eastern and Western New York.

Each panel has up to thirteen members; the Governor appoints seven with the Senate President and Assembly Speaker appointing three each.

For further information please visit the panels' website at [www.citizenreviewpanelsny.org](http://www.citizenreviewpanelsny.org) or contact:

Welfare Research, Inc. (WRI)  
14 Columbia Circle Drive, Suite 104  
Albany, NY 12203  
518-713-4726

Administrative support is provided to the panels by Welfare Research, Inc. (WRI) through a contract with the New York State Office of Children and Family Services.

## Endnotes

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