

**New York State
Citizen Review Panels
for Child Protective Services:
Eastern and Western Panels**

**2006 Annual Report
and Recommendations**

January 1, 2006 to December 31, 2006

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Eastern and Western Citizen Review Panels

Recommendations to the New York State Office of Children and Family Services

Federal law requires the New York State Citizen Review Panels to offer recommendations to the Office of Children and Family Services for improvements leading to better outcomes for the children who come to the attention of the system. The Office of Children and Family Services serves New York's public by promoting the well-being and safety of our children, families and communities and must meet federal goals of achieving child safety, permanency, and well-being. In 2006 much attention was given to those cases in which a child's safety was of grave concern. New legislation was passed to address gaps and to make revisions in existing legislation that will allow the child protection system to respond to those serious cases where a child's life is at stake. New funding was included in the budget targeted towards improved training, expanded capacity, and other improvements. While panel members applaud this increased attention to child protection, they remain concerned that inadequacies still exist and that the system fails many families in fundamental ways.

The recommendations that follow build on the recommendations the panels made in their 2005 report. The 2006 Recommendations were formulated by the panels based in part from input provided by local departments of social services, OCFS staff, child welfare experts, and others. They are not meant to be comprehensive in scope but address those issues which have been brought to the attention of panel members over the course of the year. One calls for a fundamental change in the way the system operates. Others address workforce issues and restraints. Panel members are particularly interested in seeing increased preventive services offered to families, services which can give families needed support without the fear of losing their children. All are designed to continue the important progress made over the years.

1. Community Child Protection

Develop a system of community child protection throughout the state. Specifically:

- *Offer a differential response for reports made to the State Central Register, for those cases which have not risen to a severity where children's safety is in question.*
- *Offer increased neighborhood-based, preventive services before engagement with the child protection system.*
- *Offer increased use of family engagement strategies throughout casework practice, aiming to work with family members as partners in their children's future.*
- *Develop and implement a marketing campaign that emphasizes the fragility of families when crisis becomes overwhelming. The campaign budget should afford both continual outreach to families, and be of a size and scope to reach each of its target population segments. It should include parenting education as one of its strategies.*

Underlying these recommendations is our view that child protection systems alone cannot keep all of our children safe. It is the responsibility of the entire community.

Once a report is accepted by the State Central Register, the current system requires an investigation and a decision as to whether or not the report is “unfounded” or “indicated.” If indicated, the case may stay open and the family may be given the opportunity to receive services or the case may be closed with no services offered. In 2004, over 140,000 reports were accepted with over 40,000 of them indicated; of those 41% received services.

In 2006, the state expects to accept more than 150,000 reports. When cases are “unfounded” it appears that the reports were either baseless or did not rise to the level of concern to be indicated. Yet these families endured the same investigation as those conducted for the most serious cases where children are at risk and only 4% received any service beyond the investigation.

Of particular concern is that many of the unaided families are either struggling to survive or facing an immediate and overwhelming crisis, or both. The child welfare system must offer these children and their families useful developmentally appropriate services as needed, helping them move toward stability.

We need a new approach; an approach offering families with complex needs access to an array of developmentally appropriate preventive services and supports *before* their circumstance reaches a crisis point and before they warrant a call into the State Central Register and an investigation by Child Protective Services. Child Protective Services should be a service of last resort rather than an entry point for the help families need. Also, for families reported to the State Central Register, whose children are safe, a differential approach is more effective than an investigative approach for encouraging family members to join efforts to move forward, while still assuring child safety. To this end, the panels support legislative change permitting local departments of social services to offer a differential response. The panels call on the state to provide the funding needed to carry out and evaluate these efforts.

2. Home Visiting

Increase funding for home visiting programs in the 2007-2008 budget across New York State. Further, develop a strategy that leads to a comprehensive home visiting system across New York State and increased coordination between OCFS, the NYS Department of Health and local services.

Programs such as Healthy Families New York, Nurse Family Partnership and the Community Health Worker Program are effective in preventing child abuse and neglect, improving health and cognitive outcomes, and improving bonding between mother and child. The Rand Corporation has named the OCFS-funded Healthy Families New York program a proven best practice. The 2006-2007 budget added \$7.5 million for Healthy Families New York, bringing the total to \$25 million. The Nurse Family Partnerships receive funding through counties and the Community Health Worker program receives its funding from the

NYS Department of Health. Statewide there are only 83 sites in total for these three models. Many areas have no programs available and the existing sites are not able to handle current needs in their communities.

We specifically encourage OCFS to continue to meet with the Department of Health, prevention advocates, and other interested parties to identify gaps in eligibility, funding and services; to develop recommendations; and to develop a strategy leading to a comprehensive home visiting system that includes universal screening and prenatal care throughout the state. It is important for families that New York State brings these programs to scale. We also encourage OCFS to assure these programs are accessible and culturally sensitive to immigrant, Native American, and ethnic populations of children and families.

3. Home and Community Based Services Waivers

Provide for a single joint quality assurance team for Home and Community Based Waiver slots funded through the Office of Mental Health and the Office of Children and Family Services.

Home and Community Based Services Waivers allow communities flexibility in providing mental health and support services to children with behavioral and emotional disorders, and their families. The services give children the best chance of recovery by helping them to remain in their homes. These cost-effective waivers allow more children to receive these needed services.

Funding increases in the 2006-2007 state budget allowed the Office of Mental Health (OMH) to increase the number of slots by 300 and OCFS to increase slots by 150, for a total increase of 50% in the number of slots available throughout the state. OMH and OCFS will both distribute slots to local communities. Local communities will be responsible and accountable to both agencies on the use of these funds. Having one joint quality assurance team for both agencies will increase efficiencies, reduce duplication of services, and reduce administrative costs for the state and local communities.

4. Children and Family Trust Fund

Include \$2 million in funding for the Children and Family Trust Fund within the Office of Children and Family Services budget.

Panel members appreciate the \$2 million for these programs included in the 2006-2007 budget. In 2000, no funding was appropriated for the Trust Fund. In 2005, the Trust Fund received \$677,700 through a legislative member item.

The Trust Fund supports innovative approaches for primary prevention of abuse and neglect. The Trust Fund has been reliant on strong advocacy efforts for too long and needs more secure funding. Inclusion of Trust Fund dollars within the OCFS budget will give the important programs supported by the fund the financial security they need to continue their services to families.

5. Child Welfare Workforce

Review and evaluate standards of performance, minimum qualifications for workers, content and effectiveness of training offered to caseworkers and supervisors, and workload levels for child welfare employees. Set state standards for workload and accountability and offer recommendations to local districts on how to implement improvements.

The child welfare workforce is integral to both offering quality child welfare services and to encouraging families to accept and access services. Quality is reflected in the workforce's ability to engage families, make good decisions in the field, and keep thorough and accurate records. The work is becoming increasingly difficult as families face ever more complex problems. Decisions made in brief time spans can affect families and children for the rest of their lives. Yet there is variability across districts in the state on worker qualifications and wide variability on workloads, supervision, and local district training of child welfare workers.

We encourage the Office of Children and Family Services (OCFS) to adopt recommendations on child welfare caseworker workloads based upon the report and recommendations from the Walter R. MacDonald & Associates study with additional input necessary to address the variance in practice that exists in local districts across New York State. We ask that these recommendations set measurable standards for performance, increase supervisor training, and offer mechanisms for ensuring the transfer of training into the practice arena. In particular, we encourage the state to focus on improving caseworker understanding of family dynamics, decision-making skills, developmentally appropriate practice, and techniques for engaging families as partners in moving forward.

6. Case Records

Conduct a review of case record practices to assure clarity, organization and completeness, and quality casework practice.

The case record is intended to help workers collect information, organize it, analyze it and make good decisions. Therefore, case records must accurately communicate a family's story, the decision-making process, services provided, and outcomes for children and their family. In 2006, the Western panel reviewed child fatality reports and the New York City panel reviewed case records.¹ In reviewing those records, both panels found it difficult to understand what had taken place, decision-making rationale, whether the involvement with the families was helpful, and what interventions improved outcomes for children.

¹ Federal law specifically allows Citizen Review Panels to review case records in order to evaluate the extent to which the state is effectively performing its child protective responsibilities.

Reform should ensure that case records provide fast access to key specifics, including relevant dates, people, actions, services offered, and rationale for decision-making. Case records turned over to third parties as allowed by law should arrive in a uniformly organized manner. Also, the panels request that local departments of social services begin producing official summaries of each case as a standard practice for all case files.

7. Child Advocacy Centers (CACs) and Multidisciplinary Teams (MDTs)

Increase funding for these important services to support operating costs and to provide education, outreach, and training to encourage full participation by potential team members. Also, set statewide standards for CACs and MDTs which provide uniform definitions, practices, and eligibility criteria.

Much-needed funding for these services was provided in the 2006-2007 state budget, for improving and increasing services at existing locations and for expansion to new locations. It will take time to assess the funds distribution and to tally the impact they have on services levels and how far those services go to meet the growing need. Far too many Child Advocacy Centers devote staff time to fund-raising for their operating budgets, detracting from the staff time available for service provision.

Although standards for CACs and MDTs exist, there is a need to promote uniformity of definitions, practices, and eligibility across the state. Education programs will help the responders statewide better understand the work of Child Advocacy Centers, the potential for successful investigations using multidisciplinary teams, and their roles, responsibilities, and protocols. In addition, CACs and MDTs should make their records available to all parties, including parents.

8. Federal Bureau of Investigation Checks

Support OCFS's budget request for an increase in funding covering the costs of FBI checks on prospective foster care and adoptive parents.

Legislation passed in the 2006 session authorizes FBI checks for adults interested in becoming foster parents or adopting a child. Currently, New York only performs state checks, leaving unanswered questions about a prospective foster or adaptive parent's conduct while living in another state. The FBI check will provide added screening and offer further protection to our children.

The legislation requires these checks but did not cover the costs for conducting an added 17,000 checks across the state. OCFS needs an estimated \$687,000 in added state funding to cover the costs of the checks, staffing, and systems changes needed to implement the new legislation effectively.

9. Child Fatality Review Teams

Provide the funding and other support necessary to create a Statewide Child Fatality Review Team to support local and regional teams across the state. With this, develop uniform protocols for operations, reporting, and data collection and analysis. Also, publish and disseminate a New York State report on child deaths with recommendations for prevention of child deaths in the future.

Legislation passed in 2006 changed the scope and composition of locally based Child Fatality Teams across the state, and included added money to support the operations of these teams. The legislation did not provide for a state Child Fatality Review Team.

As many local communities assess their capacity to convene Child Fatality Teams and make changes linked to the new legislation, a statewide team of experts would offer much needed technical support to local communities. The state team would also review all fatality reports produced locally, looking for commonalities that could lead to recommendations for change to prevent future deaths. Such reviews have led to new practices and warnings, spanning SIDS, water safety, the dangers of co-sleeping, and related topics. The State Team should be linked to New York State's overall effort and national efforts on child death surveillance and injury prevention.

10. Disproportionality

The Panels request that OCFS conduct a study and issue a report evaluating the extent to which racial and ethnic disproportionality and disparities exist in child welfare practices across the state. Further, the report should offer recommendations as needed to remove practices identified as contributing to disparate treatment and disproportionality.

The issue of disproportionality in child welfare services is a national concern. Studies show that race and ethnicity are factors affecting the handling of CPS and child welfare cases and that it can exist at critical stages, such as reporting, determination, placement, and outcomes experienced by certain children and families of color. The panels are concerned that disproportionality and disparate treatment exists in New York State and ask that OCFS undertake such a study to understand which child welfare practices contribute to disproportionality or disparate treatment. Such a study should also offer recommendations as needed to remove practices identified as contributing to disparate treatment and disproportionality.

Summary of 2006 Eastern and Western Citizen Review Panel Meetings and Activities

For minutes from any of the follow meetings, go to www.citizenreviewpanelsny.org.

Eastern Panel

February 3, 2006

Panel members discussed a joint meeting with the Western Panel, OCFS staff, and guests to consider the panels' 2006 recommendations. Lee Lounsbury, Assistant to the Executive Deputy Commissioner, talked with the panel about OCFS response to the tragedies in New York City. Panel members reviewed the Governor's proposed budget, a draft survey to invite DSS Commissioners' input, and a data report produced for the panel by Hornby Zeller. They reelected their panel chair and vice chair to a two-year term. They received updates on a child welfare public hearing and proposed legislation allowing FBI checks.

April 7, 2006

Panel members reviewed the Hornby Zeller report and a report produced from DSS Commissioners' responses to a survey sent by the panels. They approved plans for a roundtable discussion in May with the Western Panel, OCFS staff, and guests to review the Panels' 2005 recommendations. SCAA staff presented information on the Legislature's response to recent child deaths with proposed legislation.

September 15, 2006

Panel members devoted their meeting to discussions centered on the OCFS Response to the Panels' 2005 Recommendations, 2006 child welfare legislation, and their 2006 report and recommendations. They received updates on OCFS Foster Care Waiver application, changes in federal regulations, revisions to the "rights" letter and the national CRP Conference. They expressed concern over the vacancies that exist on the panel and lack of new appointments to the panel.

November 3, 2006

Representatives from the State Central Register presented information about the Register, its operations, and improvements in software, training of workers and supervisors, and equipment made over the last few years. 2006 reports to the SCR have already increased by 11%. Emily Bray, OCFS Legal Counsel, presented information on the 2006 child welfare legislation passed in 2006, what each bill means, and their concerns for implementation across the state. Bridget Walsh from SCAA presented information about state-level work among the Department of Health, OCFS, advocates, and others on home visiting and universal screening.

Panel members reviewed drafts of their 2006 recommendations and suggestions for their work in 2007.

Joint Eastern/Western Panels

May 15, 2006

The Eastern and Western Panels met in Utica for a two-part meeting with OCFS staff and invited experts in the field, to discuss their 2005 recommendations and receive input. The meeting began with a private discussion between OCFS staff and panelists. Guests with expertise in child welfare attended the second half of the discussion to give their input.

October 13, 2006

The Eastern and Western Panels scheduled a joint meeting in Syracuse, although a snowstorm prevented the Western Panel members from attending. The panel heard from Linda Bayless, Senior Associate from the Child Welfare Policy and Practice Group, a national expert on family engagement strategies, and Linda Kurtz, OCFS Regional Director, who is the Strategy Coordinator for Family Engagement in New York State. Panel members learned about the best practices used across the United States, and New York's efforts to encourage use of these strategies in local districts. Panel members shared ideas on their 2006 recommendations and 2007 plans for panel meetings.

Western Panel

March 10, 2006

Panel members discussed a joint meeting with the Eastern Panel, OCFS staff, and guests to discuss the panels' 2005 recommendations. OCFS staff spoke to the panel about OCFS's response to the tragedies in New York City. Panel members reviewed the Governor's proposed budget, a data report produced for the panel by Hornby Zeller, and proposed child welfare legislation. They reelected their panel chair and vice chair to a two-year term. They received updates on a child welfare public hearing and proposed legislation allowing FBI checks.

October 6, 2006

Panel members devoted their meeting to discussions centered on the OCFS Response to the Panels' 2005 Recommendations, 2006 child welfare legislation, and their 2006 report and recommendations. They received updates on OCFS Foster Care Waiver application, changes in federal regulations, revisions to the "rights" letter and the national CRP Conference.

November 17, 2006

Charles Carson, OCFS Legal Counsel, talked with panel members about 2006 child welfare legislation. Mr. Carson covered what each bill means, how OCFS is moving toward implementation of each regulation, and OCFS's item-specific concerns on time frames or difficulty in statewide implementation. Karen Schimke from SCAA talked with panel members about state level work among the Department of Health, OCFS, advocates, and others on home visiting and universal screening. Panel members reviewed and revised a draft of their 2006 recommendations. Discussion followed.

Eastern and Western Citizen Review Panel Members

Eastern Panel

Name	Organization	Appointment
Stacy Alvord, Chair	Community Action Program for Madison County	Executive
Mary A. Felasco, Esq.	Felasco Law	Executive
Lance R. Jackson, Vice Chair	Northern Parent & Child Society (retired)	Senate
Mary McCarthy	School of Social Welfare, SUNY Albany	Senate
Dianne R. Meckler	Capital District Child Care Coordinating Council (retired)	Assembly
JoAnn Merriman, RPA-C	Seton Health Pediatrics	Executive
Adam R. Shaw, Esq.	Boies Schiller & Flexner LLP	Executive
Julia Smead-Bielawski, Esq.	New York State Appellate Division, Third Department	Executive
Stephen Weber	NYS Board of Examiners of Sex Offenders	Senate
Anita Welborn	The Leukemia & Lymphoma Society	Executive

Western Panel

Name	Organization	Appointment
Kathryn Bryk Friedman, Ph.D., Esq.	Institute for Local Governance and Regional Growth, University in Buffalo	Executive
Ellen T. Kennedy, Vice Chair	Buffalo State College	Executive
Mark Lazzara	West Seneca Youth Bureau	Executive
Paula Mazur, MD	Children's Hospital of Buffalo	Executive
Stefan Perkowski	Child Advocacy Center	Executive
Christine Schnars	Loyalton of Lakewood	Senate
James A. Vazzana, Esq., Chair	Chamberlain, D'Amada, Oppenheimer and Greenfield	Executive
Dennis Walczyk	Catholic Charities of Buffalo	Assembly
Augusta Welsh	Genesee County Mental Health Services	Senate
Dennis J. Wittman	Genesee Justice Program (retired)	Executive

2006 Legislative Review

Source: New York State Office of Children and Families web site
<http://www.ocfs.state.ny.us/main/legal/leg2006.asp#cps>

Termination Parental Rights for Homicide (TRP) - Chapter 460 of the Laws of 2006 (S.5392-B/A.11582-B). Effective November 14, 2006.

Authorizes launch of a TPR proceeding against a person convicted of homicide where the victim was another child for whom the person was legally responsible or another parent of the child. The legislation provides a possible exception to the TPR requirement for homicide of another parent where the convicted parent was a victim of domestic violence.

Expansion of Child Fatality Reviews and Teams - Chapter 485 of the Laws of 2006 (S.6703-B /A.10023-B). Effective December 14, 2006.

Expands the scope, role, and composition of child fatality review teams (CFRT).

- Along with investigating the death of a child in foster care or whose death was reported to the Statewide Central Register of Child Abuse and Maltreatment (SCR), OCFS must investigate and issue a report on the fatality of any child for whom the social services district has an open child protective or preventive services case. Where there is a local CFRT that issues reports, the local CFRT may assume this role. The law also provides the CFRT access to records, addresses confidentiality, and provides members of the team immunity from liability in relationship to their participation on the team.
- A CFRT also has permissive authority to investigate any unexplained or unexpected death of a child.
- Expands the required members of a CFRT to include local health officials, the coroner or medical examiner, the county attorney's office, the district attorney's office, and local and state law enforcement.
- Tightens applicable time frames for receipt of a coroner's report on all such fatalities within the scope of the CFRT or OCFS requiring preliminary report issuance within sixty days from the date of death, absent extraordinary circumstances.

Dual Investigation/Multidisciplinary Teams - Chapter 494 of the Laws of 2006 (S.7042-A/A.11854). Effective December 14, 2006.

- Requires local child protective services (CPS) to alert its multidisciplinary team (MDT) (or law enforcement in counties without a MDT) about all received SCR reports of suspected child abuse or maltreatment that allege physical or sexual abuse, or the death of a child. Also mandates the launch of a dual investigation in consort with the MDT (or law enforcement).

- The new law requires CPS also to assess whether it must make a notice to law enforcement in the circumstance where a report made by a mandated reporter alleges physical harm to a child, and two other pending or indicated SCR reports were made in the previous six months involving the same child, a sibling, or another child in the same household. If notice is given, CPS must jointly investigate the report with its MDT (or law enforcement in counties without a MDT).
- The law allows CPS and law enforcement to develop different local protocols on joint investigations of SCR reports. Such local protocols must receive OCFS approval.

CHAMP - Chapter 516 of the Laws of 2006 (S.7643-A/A.11636-A). Effective August 16, 2006.

Adds a new section 422-c to the Social Services Law (SSL) requiring OCFS to contract with the Upstate Medical Center at the State University of New York in Syracuse for a child abuse medical provider program (CHAMP) designed to improve access to quality medical services for child abuse victims. CHAMP provides information, training and mentoring on child abuse and maltreatment identification and treatment to mandated reporters in medical professions.

Child Advocacy Centers - Chapter 517 of the Laws of 2006 (S.7644-B/A.11188-A). Effective February 12, 2007.

- Adds new SSL §423-a establishing child advocacy centers (CACs) to deal with cases of child victims of sexual abuse and serious physical abuse.
- CACs must meet the minimum standards established in SSL §423-a.
- Requires OCFS to oversee creation of CACs in every region of New York State.

Child Protective Service Supervisors Qualifications and Training for Caseworkers and Supervisors - Chapter 525 of the Laws of 2006 (S.7816/A.11574). Effective November 14, 2006.

- Establishes minimum qualifications and training requirements for CPS supervisors.
- Current CPS supervisors must be trained within a year of the effective date of the legislation. Newly appointed CPS supervisors must complete the training on their appointment.
- Establishes continuing annual training requirements for all CPS supervisors and workers.

Child Abuse Public Information Campaign - Chapter 539 of the Laws of 2006 (S.8131/A.11635). Effective August 16, 2006.

Requires OCFS, assuming necessary budget appropriations, to conduct a public information campaign stressing zero tolerance for child abuse. The public information campaign must include information about the signs of child abuse and maltreatment, the child abuse hotline, and the services available to help at-risk families.

**Educational Neglect Reports - Chapter 543 of the Laws of 2006 (S.8183/A.11571-A).
Effective August 16, 2006.**

- Requires OCFS with the State Education Department (SED) to develop model policies and practices for local departments of social services (LDSS) and school districts covering reporting and investigation of educational neglect. OCFS and SED must post the model policies and practices on their respective web sites by September 1, 2007.
- Each LDSS, in consort with school districts located within that LDSS's jurisdiction, must develop policies and procedures for reporting and investigating educational neglect based on the OCFS/SED model policies and practices. The LDSS must submit policies and procedures to OCFS for review by January 1, 2008.
- OCFS must approve or disapprove the proposed policies and procedures within 60 days of receipt.

**Hospital Protocols - Child's Death - Chapter 632 of the Laws of 2006 (A.11666/ S.8082).
Effective August 16, 2006.**

Requires the Department of Health (DOH) to address protocols for medical review of unnatural child deaths at a hospital or while a child is being transported to a hospital. The protocols must include reporting appropriate cases to the SCR and law enforcement. DOH is required to consult with OCFS, LDSS, child fatality review team coordinators, law enforcement, and appropriate medical experts when developing the protocols.

**Child Protective Services Access Warrants - Chapter 740 of the Laws of 2006
(S.8344/A.11852-A). Effective January 18, 2007.**

- Establishes a procedure to enable a CPS unable to locate or denied access to a child who is the subject of a report, to obtain a warrant permitting immediate access where the CPS has reason to believe the life or health of the child is endangered.
- The CPS may contact law enforcement to escort CPS staff and enforce the warrant.
- Law enforcement personnel, if contacted, must respond and remain at the location where the child may be present.
- Such a warrant may be obtained before a petition initiating a child protective proceeding is filed.

Requires 24-hour a day access to family court to obtain the warrant.

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 decide whether state and local agencies are effectively carrying out their child protective responsibilities. Under the legislation, each state must set up citizen review panels. 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. They must evaluate the extent to which the state is fulfilling its child protective responsibilities under its CAPTA State Plan by:

1. Examining the policies, procedures, and practices of state and local agencies.
2. Reviewing specific cases, when warranted.
3. 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, setting up 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.