

New York City Panel  
Minutes of the meeting, January 26, 2006

Attendance:

David Lansner            Eric Brettschneider            Mathea Rubin  
Yvonne Plummer        Margaret Magnus            Jocelyn Brown            Marion White

*ACS Staff:* Ronald Richter, ACS Deputy Commissioner for Family Court Legal Services  
Jeanette Ruiz, ACS Deputy Commissioner for Out of Home Placements

*OCFS staff:* Richard Nells

*SCAA staff:* Diane Mastin

*Handouts:*

Public Hearing Notice	November 3 Minutes
Draft plan for Roundtable on recommendations	Home Alone Guidance information
Parents Anonymous information sheet	Instructions for access web site
Dec. 1 <sup>st</sup> Letter to the Editor from panel	

*Articles:*

When a Village Fails a Child, 11/19 The New York Times  
A Child's Death Commands Lasting Attention and Outrage, 1/18, The New York Times  
Wider investigation and tougher child murder laws planned, 1/20 NY NewsDay  
Feds seek more foster care reviews, 1/17 Newsday.com  
Foster parents say they were shortchanged, 1/20 NYNewsday  
Rethinking Child Care, An Integrated Plan for Early Childhood Development in New York City  
10/05 NYC Administration for Children's Services

Meeting began with a conversation between panel members and Ronald Richter and Jeanette Ruiz regarding implementation of the permanency bill and recent developments in relationship to the death of Nixzmary Brown. Mr. Richter indicated that he has identified three priorities for his work with ACS lawyers to bring uniformity of practice to their legal representation: 1) become advocates for ACS's core mission regarding children, 2) improve their work/relationships with attorney's for parents and law guardians, and 3) improve the quality of their advocacy in court through understanding the role and practice of the caseworkers.

In answer to questions and the resultant discussion, Mr. Richter indicated that many cases come to agreement amongst the parties but may take months to do so. He hopes that this timeframe can be reduced by helping ACS lawyers gain improved negotiating skills and through having a unified position on cases when they come to court. He has seen improvement in their work with law guardians. Cases can come to court with the caseworker, case supervisor, case manager and lawyer in disagreement about a particular case. Panel members commented about the importance of having parents feel that they have been dealt fairly and received a fair trial. Mr. Richter stated that he hopes to see improvements as the number of court cases decline, giving an opportunity to do something differently.

Ms. Ruiz added that she and Richter have developed a good relationship and have been able to resolve differences that occur before going to court. She stated that caseworkers need to feel empowered to speak during proceedings. Often they are the representatives who have directly seen the family. Recognition has to be given to the complexity of these cases and family situations. American Bar Association's standard for attorney caseloads is 60. Mr. Richter would like to see ACS closer to that standard.

Discussion moved to various changes and proposals as a result of the Nixmary Brown death. Ms. Ruiz stated that the new position of Ombudsmen is filled with a temporary appointment while a search is conducted to fill the position permanently. A phone line has been established to serve primarily those mandated reporters who want to do follow-up on a call they have placed to SCR. This hotline can be used to give further information to ACS and to inform the reporter with an update on their report. The position reports to the Deputy Commissioner for the Office of Quality Assurance. Note that this position differs from the previously existing Ombudsmen position which serves foster care cases. Care will have to be taken regarding recurrence data and need to file another report with the SCR.

ACS plans to have caseworkers assigned to schools. This should help develop relationships with school personnel who physically see children on a daily basis and can provide useful information regarding monitoring of a case after a report has been made.

Panel members stated their impression that Commissioner Mattingly has done an outstanding job at ACS. Concern was expressed about unnecessary removals following the recent media attention. Mr. Richter reassured panel members that the spike in removals are necessary and are cases where a safety intervention is called for. ACS is also devoting more resources to prevention services and allowing flexibility in how funds are use to be responsive to needs. Ms. Ruiz is monitoring these cases on a daily basis. Usually such a spike represents a 6% increase. Currently the spike is under 8% of cases.

Panel members agreed that there has not been such a case that has drawn extensive media attention as the Brown death for 10 years. At these times, attention is drawn to the hotline and results in spikes of reports. Such calls die out after three months. They stated their interest in sending a daily message about the need to call in reports when a child is at risk, advertising the hotline all the time.

Updates were given on the legislation proposing FBI checks for prospective foster care and adoptive parents, the panel website, governor's proposed budget and the annual report. Senator Wright plans to reintroduce the same bill during this legislative session. OCFS has a program bill as well that may be introduced. Panel members will forward names for appointments to the panel. One panel member has resigned opening another slot on the panel. Panel members agreed to hold a roundtable discussion with OCFS staff on their recommendations in the annual report. Panel members re-elected David Lansner and Eric Brettschneider as co-chairs of the panel. The Home Alone topic and custody case issue were both postponed.

Jocelyn Brown asked that the panel consider her concerns regarding the expertise needed in abuse cases on the part of medical personnel. She has found that important evidence has been missed by doctors without specific expertise in child abuse. CAC's should be used more often. ACT staff will help draft a particular recommendation on this topic to put before the panel and ACS for future discussion.

Panel is interested in representation at the hearing on Feb. 9<sup>th</sup> in the city regarding child welfare practices and asked Eric Brettschneider to represent them with testimony.

Panel agreed to alternate meeting times between morning and afternoon meetings. Next meeting is scheduled for March 2 from 10-12.