

New York City Citizen Review Panel  
Thursday, July 7, 2005, 10:00 am to 12:00 am  
Draft Meeting Notes

Attendance:

Mathea Rubin  
Gerard Papa

Eric Brettschneider  
Jocelyn Brown

David Lansner  
Marion White

*ACS Staff:* Zeinab Chahine, Joseph Cardieri, Ronald Richter

*OCFS Staff:* Richard Nells

*Schuyler Center for Analysis and Advocacy staff:* Karen Schimke, Diane Mastin

*Location:* New York City United Way offices

*Handouts:* Options for Joint Panel meeting

Discussion Notes: Roundtable on Dual Track Legislation

Legislation: S5834, S5534A

Minutes from May 5<sup>th</sup> meeting

Articles: Drug Trials on Children Broke Rules, Officials Say

Government concludes some AIDS drug experiments on foster child violate rules

Meeting was called to order at 10:00 and began with introductions. Co-chairmen welcomed Administration for Children's Services staff to the panel meeting. Updates followed. Megan McLaughlin's name has been forwarded to OCFS for possible panel membership. There is no new information on the progress of other names submitted. The location of future meetings was discussed. Panel members will forward possible locations offering a more central location in NYC for consideration to the panel coordinator. In particular, NYU sites and ACT offices will be considered.

Panel members received a brief update on the HIV trials with children in foster care. Discussion followed. There was agreement that these trials were done in good faith and at a time when the medical community had no medications to offer those infected. ACS has directed the Vera Institute to do a soup to nuts review and have made a commitment to make reports available to the public. ACS will provide reports to panel members as they become available, most likely quarterly. The issues summarized by panel chair included 1) a question as to staff being too permissive or too slow to enter children into the trials, 2) whether or not there was adequate medical consultation, 3) whether or not an independent advocate was required for the children, and 4) the relationship between the pharmaceutical companies to these trials. The contract with Vera ends December, 2006. Discussion continued with current practices used by ACS for tracking children's medical needs, use of medical consultants, and questions regarding information being passed on when a child enters foster care and the role of the parent when decisions are to be made. Panel members asked that this discussion continue at the next panel meeting. ACS will come prepared to give a report on current practices. OCFS staff will also bring information as to OCFS guidelines and status.

A report was given on the activities of the Western and Eastern panels, including the request for a case review, commissioner's meetings, and proposed legislation to allow for FBI checks to be

done on those applying to become foster care parents. SCAA was asked to do some research on this legislation and give feedback and guidance to the panel. In response to a proposed agenda for a joint panel meeting, panel members asked that they have an opportunity to discuss their role and responsibility and how the panels can be used to implement change.

SCAA staff gave a report on pending legislation of interest to the panel. Dual Track has passed both houses and will be sent to the governor. The proposed legislation to establish an Office of the Child Advocate was not passed in the Senate. The permanency bill has passed both houses and is likely to be signed by the governor. Parts of this bill will go into effect in 90 days, other parts 120 days. Departments of social services will need to make many changes in order to come into compliance with the provisions in this bill.

Panel members expressed the value they received in hearing different positions on the dual track legislation. They gained understanding from the discussion held June 10<sup>th</sup>. They still have questions as to outcomes from the reforms ACS has instituted. ACS is looking to develop the kinds of reports that will help them monitor these changes. A motion was made to write a letter to the governor supporting dual track legislation. The motion was defeated 2-4. A motion was then offered to write a letter to the governor supporting a veto of the legislation. That motion was passed 4-2. A letter will be drafted and sent to the panel chairs for their approval.

Data provided by OCFS was then discussed. In answer to a question as to whether or not ACS could provide data about anonymous reports and whether or not these reports were duplicated by mandated reporters, ACS staff thought that they could provide such information. ACS agreed to report back at the next panel meeting. ACS staff passed out information on court ordered removals and stated that they were not that comfortable with the accuracy of the breakouts the panel had requested. They should have this information by the next meeting.

Two pieces of information on home alone guidelines were passed out to panel members. One was prepared by social workers in David Lansner's office and the other by Elizabeth Speidel and an ACT intern in Eric Brettschneider's office. Some discussion followed as to the need for guidelines and not regulations. Such guidelines can be preventive, serve as a reference point for everyone in the system, and serve as a tool for equitable enforcement of the laws. The difficulties include putting parents in a bind when an unusual circumstance occurs, care needed when one looks at a variety of hypotheticals and how parents are affected, how to take into consideration variances depending on an array of factors influencing safety. ACS does have a booklet: *What parents should know*, to provide parents information. A suggestion followed as to focusing on prevention and possibly the cultural differences of which parents from other countries should be aware. ACT staff will work on a statement and added options for parents. This item will be carried over at the next meeting.

Panel members agreed to postpone the planned agenda for the September 8<sup>th</sup> meeting and continue the discussions on medical issues, data, and home alone guidelines begun at this meeting.

Meeting adjourned at 12:00. The next meeting is scheduled for Thursday, September 8th at 10:00 at the New York City United Way offices. A new location will be considered.