

Western Citizen Review Panel  
Meeting Minutes  
March 14, 2008

*Attendees:*

Wendy Nilson	Christine Schnars	Paula Mazur
Stefan Perkowski	James A. Vazzana	Dennis Wittman
Dennis Walczyk	Ellen Kennedy	

*OCFS Staff:* Terry Palumbo, Charles Carson (by phone)

*SCAA Staff:* Diane Mastin, Karen Schimke (by phone)

*Handouts:*

Agenda

Panel member information

Model Policy on Educational Neglect

2007 Panel Recommendations

Chart: 2008-09 proposed Executive Budget

Draft Panel Operating Guidelines

Draft Western Panel meeting dates and topics

CMS Regulations Impacting Child Welfare Services

Information on the proposed White House Conference on Children and Youth

CRP National Conference information

*Child Welfare Changes Needed in Federal Child Welfare Law to Better Protect Children and Ensure Them Nurturing Families*, proposed policy changes by a coalition of national organizations

Article: *Total Estimated Cost of Child Abuse and Neglect in the United States*, Prevent Child Abuse America, 9/2007

*Report to Congress, Evaluating the Effectiveness of Citizen Review Panels: A Feasibility Study*, submitted by the Children's Bureau

Minutes from the Nov. 16 panel meeting

The meeting began with introductions of the panel's new member, Wendy Nilson, and guest, Charles Carson. Charles Carson, Legal Counsel for the Office of Children and Families talked with panel members by phone about the proposed model policy for Educational Neglect. Legislation passed in June, 2006 required that school districts and local departments of social services have in place agreements for handling child protective reports. Questions and discussion followed.

Mr. Carson began his remarks with an overview of Educational Neglect cases. Reports of educational neglect require three elements to arrive at a decision of "indicated". There must exist:

- 1) Reasonable cause to suspect the parent, custodian, or legal guardian is aware of excessive absences;
- 2) Failure to exercise a minimum degree of care to address the problem AND
- 3) Reasonable cause to suspect educational impairment/harm or imminent danger of harm.

The question becomes how does a local district make the needed judgments to indicate or unfound a case? Do you look at grades to make a decision regarding impairment? Recently, two courts have ruled that absences alone are enough to come to a finding of Educational Neglect. Both of these cases will move to the State Court of Appeals. It is his understanding that these two cases represent unusual circumstances and will not necessarily define how to make such judgments in other cases.

He stated that the SCR will always look at educational neglect reports carefully for indications of deeper problems within the family that put a child's safety into question.

The draft model policy is vague due to variation at the local level. Local districts of social services must work with multiple school districts, some of which cross county lines. Each school system has its own policies and protocols for reporting educational neglect cases. A state standard for excessive absences or illegal absences is lacking. This is particularly difficult for staff at the State Central Register to make a determination as to whether or not to accept such a report for investigation.

Discussion followed. Questions raised included the efficacy of truancy courts, the lack of staffing to address this area within the State Education Department, the elimination of truancy officers and the lack of Family Court judges. 30,000 education neglect reports were filed last year of which 15,000 were indicated. Educational neglect is the type of case that could fall under a Family Assessment Response. However, those cases with an underlying issue that is more serious would not be appropriate for a differential response. Panel members asked if there is any research that has been reported that could guide this area of inquiry.

Some problem areas were identified.

1. As of a few years ago, State Education Department indicated that CPS interviews with children could take place in schools; however, procedures need to be worked out at the local level.
2. Policies are determined by school boards. Local school districts could benefit from State Education Department leadership on a variety of issues. A possible solution would be to have a dedicated State Education Department staff person as a resource to local school districts.
3. Standard definitions of terms are needed.
4. D.S.S. attorneys have a higher standard of proof when taking cases to court. Attorneys are very busy and often do not have the time to work with CPS staff involved in a case to prepare for a court proceeding. Often the result is that these cases are put aside. Possible solutions included increased training and increased staffing to allow more participation in meetings outside of court. Judy Gerber was mentioned as a person who does such training.
5. PINS diversion legislation may be having an impact on CPS reports.
6. Schools are required to have school psychologists and guidance counselors but not social workers. Social workers are particularly effective at the elementary level.

These problem areas could be addressed by the task force on system reform called for in the panels' 2007 recommendations, if that task force is convened.

Panel members received updates on their report, the proposed *Executive Budget*, and events in Albany. They agreed to invite local commissioners of social services to their next meeting in June. In September, they will invite BOCES Superintendents. SCAA staff will draft specifics for the meeting and circulate drafts to panel members for their input. They approved the Panel Operating Guidelines.