

# **From Poverty to Partnership**

**Moving Toward Child Welfare Practices That Empower Families**





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

The New York State (NYS) Citizen Review Panels (the Panels) for Child Protective Services (CPS) are important conduits for informed public input and provide an external perspective on the efficacy of New York State’s child protective policies, practices, programs, and fiscal priorities.

Panel members, appointed by the Governor or the NYS Legislature, are volunteers with a breadth of experience and knowledge in child welfare practice, policy, law, social work, education, and technology, among other areas. Each of the three Panels has up to 13 members. Of those members, the Governor appoints seven, and the Senate Temporary President and Speaker of the Assembly appoint three each.

The Western Panel covers the 17 counties in the western region of the state. The New York City Panel covers the five boroughs of New York City. The Eastern Panel covers the remaining 40 counties.

The Panels are authorized by both state and federal law to examine policies, procedures, and practices at both the state and local levels, and, where appropriate, to review the outcomes of specific cases. The Panels are authorized to hold public hearings and to evaluate the extent to which agencies are effectively discharging their child protection responsibilities. The Panels have reasonable access to public and private facilities receiving public funds to provide child welfare services within each Panel’s jurisdiction.

The Panels also advocate for legislation that can have a positive impact on child welfare services in NYS. The Panels are active on social media platforms, including Facebook and Twitter, to raise awareness of the issues surrounding child protective services. See the inside back cover for more information on the Panels’ legal role and authority. For summaries of Panel activities and a list of Panel members, refer to the Appendices.

### Foreword

This year’s Annual Report strives to amplify the voices of parents and children involved in the child welfare system, by spotlighting allegations and practices that families describe as punitive, biased, or unfair. One such voice belongs to Marc, a father whose daughter was removed into foster care because his stress in a challenging situation was mistaken for an inability to care for his child.

Marc’s story is told on the Center for Family Representation (CFR)’s website (<https://cfrny.org/our-client-voices/>). CFR is a nonprofit organization that provides legal and social work services to families in New York City that are at risk of separation through foster care or juvenile incarceration.

*“I did say I was overwhelmed and they told me we’re going to have to take the baby away. . . And I had to sit there, and I had to watch them go away with her.” — Marc, Father*

*“It was very quickly apparent to us that this was really a case of poverty, not a case of child neglect or child abuse.” — Alexandra Tucker Rapisarda, Esq., CFR Staff Attorney*

*“That’s not justice — that’s not a system that supports families.” — Michele Cortese, Esq., CFR Executive Director*

## Panel Membership

Panel members are listed at the end of this report. Four new members joined the Panels in 2021:

- Deb Rosen, Executive Director at the Bivona Child Advocacy Center (Western Panel)
- Kellyann Kostyal-Larrier, Executive Director at Fearless! Hudson Valley, Inc. (Eastern Panel)
- Karen Steinberg, Attorney-at-Law (New York City Panel)
- Carole Levy, Attorney-at-Law (New York City Panel)

All new members participated in a virtual orientation session and received orientation materials.

Efforts were made during 2021 to reach out to Legislative and Executive Branch leaders and staff to raise awareness of the Panels and the process for appointment. Vacancies remain on all three panels, however, and the Panels continue to seek new candidates to apply for appointment. For an up-to-date list of vacancies, visit the Panels' membership lists at <http://www.citizenreviewpanelsny.org/members/>

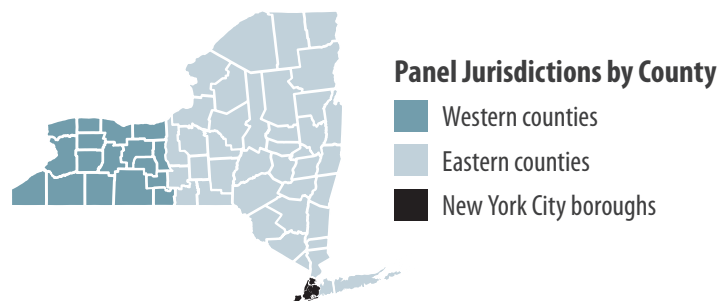
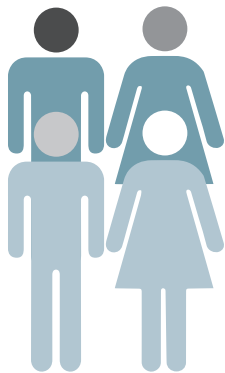
Potential members may self-nominate; be recommended by a current Panel member or other community leader; or be nominated directly by the NYS Senate, NYS Assembly, or the Office of the Governor. A letter of interest and resume must be submitted to a State Senator, State Assemblymember, or the Office of Governor. When an individual seeks appointment by the New York State Legislature, the appointment must be approved by the Temporary President of the Senate or the Speaker of the Assembly.

While the Panels strive for volunteer members who broadly represent the communities in which the Panels are established, no person currently employed by federal, state, county or municipal agencies that directly deliver child welfare services may be a Panel member.

The Panels continually strive for diversity in their membership in these areas:

- Race and ethnicity, age, gender/gender identification, disability, and sexual orientation;
- Geographic location within New York State including rural, suburban, and urban areas;
- Experience related to the child welfare system including professional experience or lived experience (birth parent, foster parent, relative, or former youth in care); and
- Knowledge base such as advocacy, technology, education, law, and program development and evaluation.

For more detailed information on the appointment process, a sample letter of interest, and description of member responsibilities, visit <http://www.citizenreviewpanelsny.org/recruitment/>.



**Western:** Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, Yates; **Eastern:** Albany, Broome, Cayuga, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Nassau, Oneida, Onondaga, Orange, Oswego, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, St. Lawrence, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Westchester; **New York City:** Manhattan, Bronx, Brooklyn (Kings County), Queens, Staten Island (Richmond County)

# The Panels' Statement on Racial Inequity

This year's Annual Report focuses on family empowerment, a topic that cannot be addressed without acknowledgement of the child welfare system's role in perpetuating racial bias. The following statement, crafted by the Panels in 2020, reflects the members' commitment to maintaining a lens of racial equity and justice in all of their work.

It is a time of racial inequity reckoning. The Panels denounce human rights violations in every form, especially those against people of color. We stand in support of a basic sense of justice and join the fight against any violations of civil rights. The impact of racial injustice and continued disparity in services to minority communities shreds the fabric and stability of families. We honor this moment in history by prioritizing anti-racism advocacy, highlighting bias within the child welfare system, and working with our partners and families to ensure safe, humane, and effective responses to child abuse and neglect.

In addition, we acknowledge the historical legacy of unjust treatment of people of color in numerous systems, including both law enforcement and child welfare. We want to use our collective voices to demand transparency and fairness in examining the recent and unnecessary deaths of Black citizens at the hands of law enforcement, as well as the unnecessary detention of Black and Indigenous children in foster care and the trauma or racism in child welfare investigations. **Their lives mattered! Black Lives Matter! Black Families Matter!**

To provide feedback on bias in the NYS child welfare system, visit <http://www.citizenreviewpanelsny.org/contact-us/>

## Executive Summary

The Panels' recommendations are based on prior child welfare knowledge, presentations and discussions at Panel meetings, research and analysis, case reviews, and meetings with stakeholders.

Several issues that impact child welfare services in New York State have helped to shape this year's recommendations:

- Financial impacts of the COVID-19 pandemic
- Rising rates of child poverty
- Implementation of the national Family First Prevention Services Act [P.L. 115-123]

These factors have created both an urgent need and a golden opportunity to make significant change and improve conditions for children and families in our state. The question remains — **are we ready to take the bold steps needed to transform the child welfare system and accomplish our vision for children and families?**

The Panels recommend the following concrete strategies for New York State child welfare practice:

- **Reauthorize the statute SSL 153-K and restore state support to 75% for open-ended state reimbursement of preventive services.**

*Recommendations for the reporting phase:*

- **Eliminate the option of anonymous reporting to the Statewide Central Register of Child Abuse and Maltreatment (SCR).**
- **Remove poverty-related neglect allegations from the child welfare reporting system.**
- **Increase funding for concrete supports for families, such as housing, access to food and employment, and supplemental income.**

*Recommendations for the investigative phase:*

- **Pursue the statewide expansion of Family Assessment Response (FAR) by assuring adequate funding, training, and ongoing implementation support.**
- **Require that the examination of children's bodies for the purpose of collecting evidence of child maltreatment be conducted by medical professionals trained in trauma-informed care rather than caseworkers.**
- **Study the long-term impacts of the Blind Removal Process and the Kin-First Firewall Practice (see *Implementation of the Family First Prevention Services Act (FFPSA)* section for definitions).**

To provide feedback on this report, visit the 2021 Report feedback survey at <https://www.surveymonkey.com/r/5BH2WZG>.

# 2021 Annual Report

For over 20 years, the Panels have honored their commitment to examine child welfare practice in New York State and issue an Annual Report, including recommendations, to the NYS Office of Children and Family Services (OCFS), the NYS Legislature, the NYS Division of Budget (DOB), and the Office of the Governor. To review past Panel reports and responses from OCFS, visit <http://www.citizenreviewpanelsny.org/annual-report/>.

The Panels thank all past and present members for devoting their time and efforts to create thoughtful, meaningful recommendations for change. The Panels also thank all their partners, OCFS staff, local district and voluntary agency staff, and other guests that have participated in Panel meetings or contributed to Annual Reports. Learning from agency and community leaders about the issues confronting the child welfare system has been essential in putting forth consequential recommendations with the goal of improving child welfare across the state.

While the state has made some progress through regulatory, programmatic, and policy changes, there is much more work to be done. For example, sustained advocacy efforts have resulted in some reforms of the Statewide Central Register for Child Abuse and Maltreatment (SCR). These reforms require a higher level of evidence for substantiation of child maltreatment, and make indicated reports that are more than eight years old no longer relevant nor applicable to potential employment. But the SCR still allows anonymous reporting, which provides an opportunity for malicious calls. The Panels have addressed this concern in this year's Annual Report.

The Panels seek to raise up areas of continued concern from previous Annual Reports:

- ➔ **Increasing focus on and investment in preventive services and community supports for families;**
- ➔ **Creating independent funding for the Kinship Guardianship Assistance Program (KinGAP), outside of the Foster Care Block Grant, to strengthen long-term support for children living with kin;**
- ➔ **Enhancing funding and support for home visiting, an evidence-based preventive strategy for strengthening families with younger children and preventing maltreatment;**
- ➔ **Reducing disproportionate minority representation and promoting race equity in the child welfare system;**
- ➔ **Improving outcomes for children of incarcerated parents; and**
- ➔ **Creating strategic partnerships with universities and investing sufficient funds to support a strong, dedicated, diverse, well-trained, and stable child welfare workforce.**

## Challenges and opportunities for the future

Support grows daily for a seismic change in child welfare practice. Advocates, state and federal policy makers, child welfare professionals, and those with lived experiences in the child welfare system are calling for urgent measures designed to help families before they are involved in a child protective investigation.

“The good news is that there is momentum in our field for real and sustained changes to our work, as evidenced by a mounting chorus of voices calling for change. The great news is that now more than ever, these voices include families and youth who have been impacted by the system and their voices are finally being heard. We believe that when we work together with families, we are engaging in revolutionary work and are coming closer to a tipping point of change (Pryce, 2021, January).”

“Supporting families before they reach crisis by helping them achieve economic security is among the most effective ways to prevent child maltreatment, trauma, and family separation.”

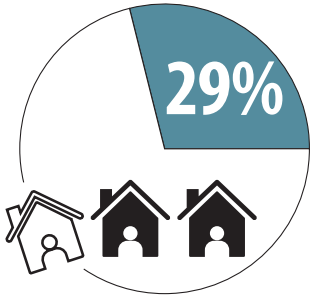
— CHAMPS-NY comment on the OCFS Family First Prevention Services Act Plan

“We as panel members are working hard to ensure that all families in New York are whole and thriving, because thriving families raise thriving children.”

— Mary McCarthy, Eastern Panel Co-Chair

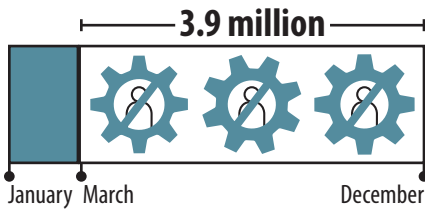


## HOUSING CRISIS



29% reported being behind in rental payments.

## UNEMPLOYMENT CRISIS



3.9 million increase in unemployment.

## FOOD CRISIS



Families with children.

Black and Latino families vs. White families.

## FOSTER FAMILIES CRISIS



1 in 3 foster families lost sources of income.

## The impact of COVID-19

The COVID-19 public health emergency continues to have a monumental impact on children and families, child welfare practice, and our nation as a whole. In New York:

- Of surveyed households with children, approximately 29% reported that they were behind in rental payments (Schuyler Center for Analysis and Advocacy, 2021).
- An additional 3.9 million workers filed for unemployment between March and December of 2020, compared to the same period in 2019 (Schuyler Center for Analysis and Advocacy, 2021).
- At the end of 2021, approximately 12% of families with children reported that they had reduced the size of their children's meals or had skipped meals as a result of pandemic-related financial hardships (Schuyler Center for Analysis and Advocacy, 2021). A national survey reported that Black and Latino families were twice as likely as white families to report food insecurities (Center on Budget and Policy Priorities, 2021).
- One in three New York foster families lost jobs or sources of income as a result of the COVID-19 public health emergency (Conn, 2020, November 17).

During this crisis, child welfare practice changed dramatically as CPS workers continued to promote the public health of child welfare professionals, children, and families. As reported by OCFS at the March 2021 regional Panel meetings, NYS agencies partnered in opening quarantine shared spaces and in expediting operating certificates to accommodate COVID-19-related needs in residential settings. Family court hearings transitioned to virtual meetings. Caseworkers met with children in outdoor spaces or via videoconference. OCFS Regional Offices delivered personal protection equipment to voluntary agencies and other partners — a task outside of their normal realm of responsibilities (NYS Citizen Review Panels for Child Protective Services, 2021).

The pandemic has exacerbated the challenges faced by an already strained child welfare workforce. For years, these workers have been **overworked, underpaid, and undervalued**. Much of the available data on this relates to the nonprofit, non-governmental sector of the child welfare workforce, but county child protection and foster care workers experience similar stressors. In 2019, the average income for a human service worker in a nonprofit agency was at or below the poverty line, with more than half qualifying for some form of public assistance (Change.org, 2019).

New York's nonprofit human services workforce is 81% female. More than 45% are women of color, so low pay rates further contribute to racial and financial inequity (Gettman, 2021). Child welfare workers across the state are leaving their jobs in droves and leaving the child welfare field altogether, with the system facing an annual staff turnover rates of 35% to 40% (Gettman, 2021). High turnover rates impact the remaining staff, but, most importantly, they reduce the ability of children and families to create crucial relationships with staff to reach optimal levels of care.

"I miss Miss Dana. She was there for me when no one else was. She talked to me about my mum and grandma, my friends, my school, all kinds of stuff. But she moved away and doesn't work with me anymore. I miss her. The last few months there have been a bunch of different people seeing me. They're nice, but they ask a lot of questions that Dana already knew about (PA Council of Children, Youth & Family Services, 2021)."

— *Child in foster care*



## Child poverty in New York

New York is one of the most economically disparate states in the country, with the top 1% earning 44 times more than the bottom 99% (Cropely, 2018). Unfortunately, New York's children, especially children of color, feel the brunt of this extreme economic inequality (Center on Budget and Policy Priorities, 2021). A review of data conducted by the Annie E. Casey Foundation ranked New York 27th out of 50 states in child well-being (Annie E. Casey Foundation, 2021). The data for the state's children paint a grim picture:

- 18% live in poverty
- 28% have parents who lack secure income
- 15% live in high-poverty areas

New York's children of color also are more than twice as likely to be living in poverty than white children (Schuyler Center for Analysis and Advocacy, 2021).

The Panels find this to be simply unacceptable. New York must do better. Panel members commend Governor Kathy Hochul for signing the Child Poverty Reduction Act into law on December 1, 2021. This new law commits the state to the goal of reducing the rate of child poverty by 50% within 10 years and indicates progress toward ending child poverty in New York.

## Implementation of the Family First Prevention Services Act (FFPSA)

In 2022, New York State will be implementing the federal Family First Prevention Services Act [P.L. 115-123]. Enacted on February 9, 2018, the law is designed to strengthen families, reduce the use of congregate care for children, and expand access to evidence-based prevention services. It also allows states to increase funding for services designed to prevent child maltreatment.

New York has been gearing up to implement this legislation and make massive systemic changes to child welfare service delivery and funding structures. In September 2021, the state released its plan to implement the requirements of FFPSA. OCFS has put forward the following strategies and the Panel will be monitoring the progress of these initiatives (NYS Office of Children & Family Services, 2021a):

- Parent advisory boards and support for parent advocates
- Youth advisory boards
- Warmline support for parents — a mechanism for parents to seek information on preventive services and supports prior to entering the child welfare system
- Expansion of Family Assessment Response (FAR) — an alternative approach to providing protection to children by engaging families in an assessment of child safety and family needs, in finding solutions to family problems, and in identifying formal and informal supports to meet their needs and increase their ability to care for their children
- Blind Removal Process — a strategy to reduce racial disparity in removals of children from the home by hiding all demographic and racial identifying information during the decision-making process
- Kin-First Firewall Practice — a requirement that Local Districts of Social Services (LDSSs) verify that all relatives and significant adults in the child's life have been explored as viable placement options prior to placing the child in a non-kin foster home
- A pilot project for universal basic income and the provision of other concrete supports to families. Universal basic income involves providing cash assistance directly to families. It has shown promise in other states in improving mental health outcomes, employment outcomes, and financial stability outcomes



## Poverty, neglect, and racial inequity

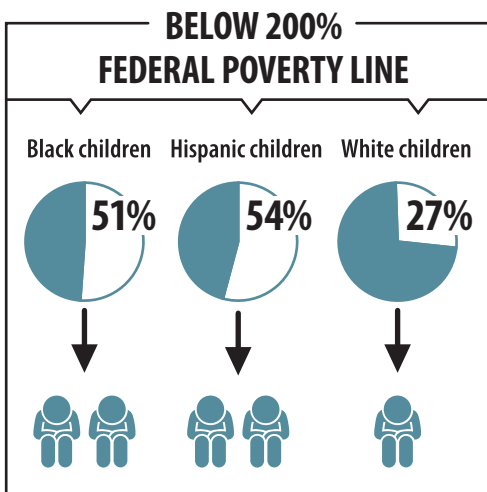
Living in poverty has detrimental effects on child development and well-being. “Particularly at its extremes, poverty can negatively affect how the body and mind develop and can actually alter the fundamental architecture of the brain. Children who experience poverty have an increased likelihood, extending into adulthood, for numerous chronic illnesses, and for a shortened life expectancy (Murphey & Redd, 2014).”

Poverty is a risk factor for neglect, but poverty is not the same as neglect. According to the Children’s Bureau, “The presence of poverty alone does not mean a child is unsafe, unloved, or that a parent lacks the capacity to care for his or her child (Milner & Kelly, 2020).” Unfortunately, current New York child welfare practice and interpretation of regulation make a direct correlation between the two.

The Child Welfare League of America estimates that neglect is identified in 95% of indicated cases in New York (Child Welfare League of America, 2017). Parents with previous child welfare involvement reported that their children often were removed from their homes

for neglect-related reasons that could have been addressed with services such as substance use counseling, housing assistance, and other concrete supports (Rise, 2017).

Poverty is disproportionately present in communities of color — a direct causation for the overrepresentation of children of color in the child welfare system. In 2018, an estimated 51% of Black children and 54% of Hispanic children in New York State were living below 200% poverty while 27% of white, non-Hispanic children were living under the same conditions (Schuyler Center for Analysis and Advocacy, 2021). OCFS reports that while Black children make up 16% of the general child population in the state, they represent 25% of children named in a report and 45% of children placed in foster care. This trend is predictably inverse for white children, who comprise almost 50% of the general child population, and represent 39% of children named in a report and 26% of children placed in foster care (NYS Office of Children & Family Services, 2021a).



“Our priority has been and continues to be, aggressively tackling inequity in the child welfare services system. We know that Black and Brown children are more likely to go into foster care. We’re working with partners and policymakers to change this.”

— Linda C. Brown, Western Panel Co-Chair

## The Panels' Recommendations for 2022

How can New York address the current challenges in the child welfare system? The Panels offer recommendations for clear, concrete strategies that will continue to drive New York toward improvement. **We owe nothing less to our state's most vulnerable children and families.**

The Panels urge Governor Kathy Hochul and the New York State Legislature to adopt the following recommendations:

### Reauthorize and restore essential preventive services funding to 75%.

**Providing preventive services for families can avoid deeper child welfare involvement. The Panels urge that this legislation be reauthorized and that the state reimbursement rate for preventive services be restored to an uncapped 75%. As NYS Social Services Law 153-K expires in June 2022, this recommendation carries urgency.**

Investing in services for families before they are involved in the child welfare system allows children to stay safely in their homes and reduces costly foster care placements. New York State's current investment in preventive services has contributed to a 59% reduction of children in foster care since 2010 (NYS Child Welfare Coalition, 2021). The legislation for this important investment in family supports (SSL 153-K) is subject to a sunset provision this year. Originally offering counties 75% uncapped reimbursement for preventive services, the rate has been reduced in recent years to 65% and again to 62.5%. These reductions are costly to LDSSs and counties and do not promote the use of preventive services. The Citizen Review Panels recommend the statute is reauthorized and state funding restored at 75% to meet the full potential of its purpose by budgeting for the state share for these costs. Working with lawmakers to re-authorize the law and restore the rate to 75% would significantly strengthen families to keep their children safely at home.

### Eliminate anonymous reporting to the SCR.

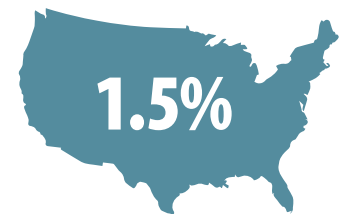
**Anonymous reporting and malicious reporting drain resources and inflict trauma on children and families. The Panels recommend that the state eliminate anonymous reporting to the SCR.**

Current interpretation of NYS regulation allows callers (with the exception of mandated reporters) to remain anonymous when reporting potential child maltreatment to the Statewide Central Register for Child Abuse and Maltreatment (SCR). One of the few studies that specifically analyzed anonymous public reports and substantiated reports found that, nationally, 1.5% of all reports were both anonymous and substantiated (Cecka, 2014). Despite the fact that very few anonymous calls result in substantiated cases, the SCR is obligated to take the call, and the LDSS is required to initiate an investigation. This creates an unneeded burden on the child welfare system, diverting resources away from children that truly need help.

Far too often, anonymous reporting is misused, resulting in repeated or malicious calls. For example, an estranged partner, a domestic violence perpetrator, or a disgruntled family member or neighbor may call the SCR repeatedly and make false or exaggerated allegations. Knowingly making a false allegation is punishable by state law [Penal Law 240.50(4)], but such cases are rarely prosecuted. "Furthermore, being the subject of a CPS call and/or investigation is traumatic for children and families and disproportionately affects families of color. Subjecting families to unnecessary investigations has detrimental human and socio-economic implications, especially for communities of color (Casey Family Programs, 2020)."

Confidential reporting allows callers to make reports while reducing malicious and frivolous calls. The Panels also recommend that OCFS amend regulations to screen out repeated and malicious calls to the SCR, removing the burden from LDSSs to undertake a CPS investigation, thereby freeing up local resources to help children and families. Mandated reporter training should then be updated to reflect these practice reforms.

### ANONYMOUS AND SUBSTANTIATED



Only 1.5% of all potential child maltreatment reporting calls nationwide are both anonymous and substantiated (Cecka, 2014).

*"The public should never be allowed to call a hotline, make an allegation, and hang up the phone without giving any context or any information about themselves to the operator."*

*— Dale Margolin Cecka, law professor and youth advocate*

“[With] More housing, more job opportunities, I would have avoided a lot of issues with involvement with ACS . . . more resources in the community to help single mothers out, to help people who are about to have children, or even help the children out. I’m older, so I remember [when] there were so many free things to help out, there was always community centers, there was always games, there was always something free we could find, and they took all that away from these communities. I feel like they should do that (Rise, 2021).”

— Participant in a focus group conducted in New York City

## Remove poverty-related neglect allegations from the child welfare reporting system.

The Panels advocate for the removal of poverty-related neglect allegations from the child welfare reporting system and urge the state to continue to develop other methods for families to receive supports and services.

Living with poverty does not equate to child neglect. In New York, neglect allegations include failure to provide clothing, food, or shelter; education; medical or dental care; guardianship; supervision; and emotional support (NYS Office of Children and Family Services, 2020). More often than not, these types of allegations are not “an imminent risk of serious harm,” but a result of living in poverty.

There is increasing awareness that the impact of poverty has been mistaken for neglect, and that parents are punished rather than supported in trying to provide for their children. Given the financial impacts of the COVID-19 public health emergency, more New Yorkers are dealing with a lack of clothing, food, or shelter. But are they truly neglecting their children? The Panels think not. However, if the pandemic has taught the state anything, it is that community-based supports can rise to the challenge.

The last year serves as a model of a more humane, more equitable path forward, showing us that we need not destroy families and destroy communities in order to keep children safe. Instead, we can address child poverty and child safety by providing families the monetary support they need, without strings attached, and by building robust community support networks. We need not — and cannot — ever go back to “business as usual” (Arons, Testimony before the New York City Council General Welfare Committee, 2021).

During the pandemic crisis, charities and government social service groups kept their barriers for entry low, requiring only that community members complete online request forms or call intake lines. They removed eligibility requirements that tended to judge moral worthiness (Arons, n.d.). In other words, during the pandemic, New Yorkers were able to help each other address poverty-related “neglect” without intervention from the child welfare system.

## Increase funding for concrete supports for families.

The Panels emphatically urge the Governor and NYS Legislature to explore and implement strategies to increase concrete supports for families. Such strategies include, but are not limited to, sustained income support, low-income housing, expansion of medical assistance programs like Medicaid, and expansion of other public assistance programs.

The impact of concrete supports on the reduction of neglect-related child maltreatment cases is well documented. “Financial supports reduce child abuse and neglect by enabling families to better access resources and address their own basic needs (Weiner, Anderson, & Thomas, 2021).”

Research suggests that strongest predictors of a family being investigated for neglect include:

- Need for a food pantry or cutting meals
- Inability to care for sick family members
- Difficulty paying rent, utility shutoff, or frequent moving (Slack & et al., 2011)

Concrete supports such as sustained, ongoing supplemental income; low-income housing; jobs with sufficient wages; and expansion of medical assistance programs like Medicaid have a measurable positive impact on families. Research has shown that, for each additional \$1,000 that a state spends annually on public benefit programs, there is a:

- 4.3% reduction in child maltreatment reports
- 4% reduction in substantiated child maltreatment
- 2.1% reduction in foster care placements
- 7.7% reduction in child fatalities due to maltreatment (Anderson & Grewal-Kok, 2021)

The Panels were pleased to see the Universal Basic Income Pilot was included in the state's FFSPA implementation plan. Much more needs to be done, however, to make a substantial impact on concrete services needs of families.

### **Expand Family Assessment Response (FAR) statewide.**

**The Panels fully support the statewide expansion of the FAR model. It must be implemented, however, with adequate funding, training, and ongoing implementation support. This is essential for the FAR model to be utilized sustainably, equitably, and with fidelity.**

FAR is an alternative approach to providing protection to children. It removes cases from the investigative track and engages families in finding workable solutions and necessary supports. The statewide expansion of FAR is included in the state's FFSPA implementation plan.

Through collaborative meetings with State Legislators, child welfare partners, and local social services officers, the Panels have concluded that, while the model has some support, to date FAR has not been implemented fully or with fidelity. For example, the dynamics of cases involving one partner who perpetrates domestic violence can pose specific challenges related to FAR, as there are safety considerations for families engaged with the program. Sufficient training must be part of any expansion plan. Support to agencies and a process for continuous quality improvement must be implemented in order to best utilize the FAR strategies and prevent the use of FAR from exacerbating prevalent racial inequities in the system.

### **Adopt the American Bar Association's (ABA) guidelines for observing injuries on a child's body.**

**The Panels recommend that OCFS adopt the ABA position that the examination of children's bodies should only be done under extreme circumstances when the system needs to assess a child's physical well-being. The examination should be done by a trauma-informed medical professional in an appropriate setting — no case worker should examine a child's unclothed body. In adopting this position, OCFS should clearly articulate and issue trauma-informed guidance to LDSSs regarding physical examinations.**

The state's FFSPA Prevention Plan articulates the goal to transition New York from a *child welfare* system to a *family and child well-being* system. This vision pushes beyond family-centered principles toward empowering families to feel safe and thrive. Central to these efforts are an even greater emphasis on the principles of trauma-informed care. Based on this foundational thinking, it is vital to focus a lens on practices in the child welfare field that hinder these efforts.

One such practice is the physical examination of children suspected to be victims of child abuse. During a CPS investigation, according to NYS Social Services Law [SSL 421 3(c)], a physical examination of a child may be done by checking for bruises or other signs of abuse. Photos may be taken of alleged injuries. There appears to be a lack of guidance for CPS workers regarding the conditions under which it would be necessary for the child to remove their clothes and who should perform the examination in a way that causes the least trauma to the child.

At its annual meeting in 2020, the American Bar Association House of Delegates passed a resolution urging governmental bodies to adopt policies that prohibit strip searches of children and youths, except in exceptional circumstances. According to the authors of an article in the ABA publication *Human Rights Magazine*:

“Strip searches can seriously traumatize children, leading them to experience negative consequences for years, including anxiety, depression, loss of concentration, sleep disturbances, difficulty performing in school, phobic reactions, and lasting emotional scars. Universally justifying routine harmful strip searches of children in the name of safety is a dangerous precedent (Saha Shah & Feerman, 2021).”



While OCFS’s practice guidance states that the visual observation of a child’s body may be performed by medically-trained providers (i.e., a physician or medical staff affiliated with a Child Advocacy Center), guidance states that this is “usually” done by a CPS caseworker (NYS Office of Children and Family Services, 2021b). Clear guidance is lacking as to who should perform the examination, how it should be performed with attention to the impact on the child, and when this measure is absolutely necessary.

### **Study the impacts of the implementation of the Blind Removal Process and Kin-First Firewall Practice.**

**The Panels strongly recommend an in-depth study of the long-term impacts of the Blind Removal Process and Kin-First Firewall Practice.**

While the Panels applaud the Blind Removal Process and Kin-First Firewall Practice being implemented by OCFS as part of the FFPSA Prevention Plan, there is a need to study the long-term impacts of these programs, especially on families of color and kin families of color. As previously identified in this report, the rate of removal for children of color is significantly higher than that of their white counterparts. In addition, anecdotal evidence collected by panel members raises concerns about the rate of removals from kin placements, specifically from families of color.

## **A time for bold action!**

The current circumstances facing New Yorkers require bold and comprehensive action from state policy and fiscal decision-makers. This is a time for forward-thinking and progressive leadership. The Panels urge Governor Hochul and the NYS Legislature to take aggressive actions and adopt the recommendations in this report. New York should lead the country in the charge to transform the child welfare system to best support our children and families.



To provide feedback on this report, visit the 2021 Report feedback survey at <https://www.surveymonkey.com/r/5BH2WZG>; scan the **QR Code** to the left; or contact the Panels at [www.citizenreviewpanelsny.org/contact-us](http://www.citizenreviewpanelsny.org/contact-us).

## Appendices



### Summary of Panel Activities

#### *Eastern Panel*

##### *March 4, 2021*

Staff from OCFS provided updates on the statewide impacts of COVID-19 on child welfare services and collaborative efforts to provide supports to local districts and children in care; implementation of blind removal and kinship firewall policies; data related to racial disparity in child welfare; data on reports of child maltreatment made to the Statewide Central Register in relation to the impact of COVID-19; status of the workforce workgroup; and Signs of Safety Learning Labs, an international approach to child welfare that examines ways to get expedited, concrete supports to families. WRI provided updates on the distribution of the Annual Report, expansion of the Panels' presence on social media, the contract with a consultant to begin work on videos to promote the work of the Panels, and collaborative work with other child welfare stakeholders to achieve the statewide expansion of FAR. Panel members debriefed and discussed plans for future meetings.

##### *May 20, 2021*

Staff from OCFS provided updates on statewide expansion of Family Assessment Response (FAR), including expansion into two new counties, Broome and Putnam; Family First Prevention Services Act implementation plans and use of transition funds; and the reconvening of the OCFS-led workforce workgroup, focusing on recruitment and hiring procedures for caseworkers. Jennifer Goldman, CRP Coordinator, provided the following updates: presentation of the NYS CRP advocacy video during the national CRP network virtual conference; continued meetings with NYS Legislators and other child welfare stakeholders to discuss the effective statewide expansion of FAR; results from the Annual Report Feedback Survey; and additional opportunities to meet with state executive staff to discuss the Panels' recommendations. Westchester

County Legislator Christopher Johnson joined the meeting to discuss the possible creation of an Eastern Panel subcommittee to focus on the Lower-Hudson Region. This concern arose after a constituent approached him about the large geographic area that the Eastern Panel covers. The Panel members and Mr. Johnson discussed strategies for more effective communication with constituents in the Eastern Panel region. Panel members debriefed and discussed plans for the June joint meeting.

##### *September 16, 2021*

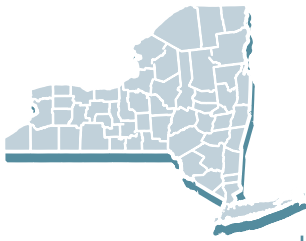
Staff from OCFS provided updates on efforts to address malicious reporting; revitalization of the statewide child welfare workforce group; and efforts to address racial inequities in the child welfare system. Jennifer Goldman, CRP Coordinator, provided an update on continued efforts with NYS Legislators and other child welfare stakeholders to discuss the effective statewide expansion of Family Assessment Response. Panel members debriefed and discussed plans for the October joint meeting.

#### *Western Panel*

##### *March 14, 2021*

OCFS provided updates on statewide impacts of COVID-19 on child welfare services and collaborative efforts to provide supports to local districts and children in care; implementation of blind removal and kinship firewall policies; and Signs of Safety Learning Labs, an international approach to child welfare that examines ways to get expedited, concrete supports to families. WRI provided updates on the distribution of the Annual Report, expansion of the Panels' presence on social media, the contract with a consultant to begin work on videos to promote the work of the Panels, and collaborative work with other child welfare stakeholders to achieve the statewide expansion of FAR. Panel members debriefed and discussed plans for future meetings.





### **May 14, 2021**

Staff from OCFS provided updates on the statewide expansion of Family Assessment Response (FAR), including expansion into two new counties, Broome and Putnam; Family First Prevention Services Act implementation plans and use of transition funds; and the reconvening of the OCFS-led workforce workgroup, focusing on recruitment and hiring procedures for caseworkers. Jennifer Goldman, CRP Coordinator, provided the following updates: presentation of the NYS CRP advocacy video during the national CRP network virtual conference; continued meetings with NYS Legislators and other child welfare stakeholders to discuss the effective statewide expansion of FAR; results from the Annual Report Feedback Survey; and additional opportunities to meet with state executive staff to discuss the Panels' recommendations. Staff from the New York Initiative for Children of Incarcerated Parents joined the meeting to discuss their initiatives to support children of incarcerated parents including reducing stigma, training for child welfare staff, and legislative advocacy. Panel members debriefed and discussed plans for the June joint meeting.

### **September 24, 2021**

Staff from OCFS provided updates on efforts to address malicious reporting; revitalization of the statewide child welfare workforce group; status of funding for home visiting programs; efforts to address racial inequities in the child welfare system; and the utilization of Title IV-E funding. Dr. Keith A. Alford, the new Dean of the School of Social Work at SUNY Buffalo, joined the meeting. Panel members and the Dean introduced themselves, and the panel members provided an overview of the work of the Panels to the Dean. The Dean and Panel Members then discussed opportunities for future collaboration, including the inclusion of curricula in schools of social work that focus on child welfare issues. Jennifer Goldman, CRP Coordinator, provided an update on continued efforts with NYS Legislators and other child welfare stakeholders to discuss the effective statewide expansion of Family Assessment Response. Panel members debriefed and discussed plans for the October joint meeting.

## **New York City Panel**

### **March 2, 2021**

Staff from the New York City Administration for Children's Services (ACS) joined the meeting to provide updates on the expansion of Family Enrichment Centers and access to existing preventive services; race equity initiatives, including the implementation of blind removals; current data on children in care; and work with the Department of Education to address the increase in cases with an educational neglect allegation as a result of the pandemic. OCFS provided updates on statewide impacts of COVID-19 on child welfare services and collaborative efforts to provide supports to local districts and children in care; implementation of blind removal and kinship firewall policies; and Signs of Safety Learning Labs, an international approach to child welfare that examines ways to get expedited, concrete supports to families. WRI provided updates on the distribution of the Annual Report, expansion of the Panels' presence on social media, the contract with a consultant to begin work on videos to promote the work of the Panels, and collaborative work with other child welfare stakeholders to achieve the statewide expansion of Family Assessment Response (FAR). Panel members debriefed and discussed plans for future meetings.

### **May 16, 2021**

Staff from the New York City Administration for Children's Services (ACS) provided updates on the NYC Foster Care Strategic Blueprint; Family to Family and Parents Supporting Parents initiatives; intake data trends; Provider Agency Measurement System (PAMS) results; and the impact of COVID-19 on child welfare services in NYC. Staff from OCFS provided updates on the statewide expansion of Family Assessment Response (FAR), including expansion into Broome and Putnam counties; Family First Prevention Services Act implementation plans and use of transition funds; and the reconvening of the OCFS-led workforce workgroup, focusing on recruitment and hiring procedures for caseworkers. Jennifer Goldman, CRP Coordinator, provided the following updates: presentation of the NYS CRP advocacy video during the national CRP network virtual

conference; continued meetings with NYS Legislators and other child welfare stakeholders to discuss the effective statewide expansion of FAR; results from the Annual Report Feedback Survey; and additional opportunities to meet with state executive staff to discuss the Panels' recommendations. Panel members debriefed and discussed plans for the June joint meeting.

### ***September 14, 2021***

Staff from OCFS provided updates on efforts to address malicious reporting; revitalization of the statewide child welfare workforce group; efforts to address racial inequities in the child welfare system; and the publication of child fatality reports. Jennifer Goldman, CRP Coordinator, provided the following updates: completion of a short video introducing the role of the Citizen Review Panels; and the continuing collaboration with NYS Legislators and other child welfare stakeholders to discuss the effective statewide expansion of Family Assessment Response (FAR). Panel members debriefed and discussed plans for the October joint meeting.

### ***Joint Panel***

#### ***June 10, 2021***

Panel Chairs provided updates on the work of each regional panel. A panel of guest speakers provided information and discussion on the outcomes of confidential vs. anonymous reporting. Erasma Beras Monticciolo from Power of Two provided an overview of the mission at Power of Two and described the negative impact that anonymous and malicious reporting has on the families that her program serves. She also discussed community-based strategies to support families and avoid entry into the child welfare system. Christine Gottlieb from the NYU School of Law Family Defense Clinic discussed legislation, both enacted and proposed, related to the reporting of child abuse and/or neglect. Panel members and panelists discussed information shared and the Panel members agreed to support legislative efforts to reduce/eliminate anonymous and malicious reporting. OCFS Deputy Commissioner Lisa Ghartey Ogundimu provided an update on current OCFS initiatives including collaboration with other state agencies to address child poverty, improved

data sharing, and increased supports to families to reduce cases with allegations of educational neglect. OCFS Commissioner Sheila Poole also spoke about several racial equity initiatives including training, examination of current policies/regulations, and workforce diversity. Stan Capela provided observations from the National Citizen Review Panels Virtual Conference. CRP Coordinator Jennifer Goldman provided updates on the next CRP video; discussions with Assemblymember Andrew Hevesi on the statewide expansion of FAR; and a meeting with Executive Chamber staff, Khemenec Pantin and Emily Badalamente, both from the office of Christopher Tavella, Deputy Secretary for Human Services & Mental Hygiene. Panel members agreed to continue to support the reduction/elimination of anonymous and malicious reports.

### ***October 14, 2021***

Professor Anna Arons from the New York University School of Law joined the meeting to highlight the findings from her research article, "An Unintended Abolition: Family Regulation during the COVID-19 Crisis." The Panels and Professor Arons discussed anonymous vs. confidential reporting and the trauma caused by unnecessary CPS investigations and malicious reporting. The Panels discussed themes and recommendations for the 2021 Annual Report. An online survey was sent to all panel members to finalize recommendations, and a meeting was scheduled to discuss the survey results.

# Citizen Review Panel Members 2021

## Eastern Panel

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

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

**Kathleen Thornton Halas**  
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**Eunju Lee**  
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SUNY Albany  
*Appointed by the Assembly*

**Maureen McLoughlin, Esq.**  
Attorney; Adjunct Professor  
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*Appointed by the Governor's Office*

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CapitalCare Developmental  
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**Erin Christopher-Sisk, PhD**  
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**Kellyann Kostyal-Larrier**  
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*Appointed by the Senate*

## New York City Panel

**Stanley Capela, Panel Chair**  
Corporate Compliance Officer  
Vice President for Quality  
Management  
HeartShare Human Services  
of New York  
*Appointed by the Senate*

**David J. Lansner, Esq.,  
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**Dr. Jocelyn Brown**  
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Medical Center  
*Appointed by the Governor's Office*

**Wayne Ho**  
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Chinese-American Planning Council  
*Appointed by the Governor's Office*

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**Mathea C. Rubin**  
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**Jorge Saenz de Viteri**  
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**Marion White**  
Senior Program Director  
New York Foundling Child Abuse  
Prevention Program (CAPP)  
*Appointed by the Governor's Office*

## Western Panel

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

**Sarlyn Tate, Panel Co-Chair**  
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**Todd Sage**  
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## Federal Law and the Citizen Review Panels

The 1996 amendments to the federal Child Abuse Prevention and Treatment Act (CAPTA) require states that receive federal funding under that legislation to 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 fewer 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; and
- 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 in 1996, the NYS 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 were established to serve Eastern and Western New York.

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

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