

RELEASE: June 24, 2003

McGreevey Announces DYFS Settlement

New Jersey Child Welfare Panel to oversee reform effort; Reform plan to include all of the agency's children, not just those within the lawsuit

(TRENTON)—Governor James E. McGreevey announced today that the State has signed a settlement agreement that will resolve the federal class action lawsuit against DYFS, Charlie and Nadine H. v. McGreevey, which was originally filed in August 1999.

The parties agreed to immediate steps to ensure the safety of children in DYFS care. These steps include conducting safety assessments on every child in DYFS custody, immediate review of licensing standards for foster homes and residential treatment centers, and an immediate round of hiring of front-line workers. The safety assessments will be made publicly available. The Office of the Governor and the Department of Human Services will jointly oversee these immediate measures.

"This is a truly innovative agreement and is a major step forward for children and families in New Jersey," said McGreevey. "We have reached a settlement that acknowledges our commitment to fix DYFS and lays the foundation for implementing even more broad-based reforms."

In addition to the \$14.3 million increase in funding for DYFS submitted in the Governor's budget for fiscal year 2004, the Governor agreed to allocate \$8.05 million to support additional hiring, fund space and equipment needs of the new workforce, and provide other needed child welfare resources. An additional \$1.5 million will be set aside for an immediate foster parent recruitment effort.

The overall framework of the settlement involves the creation of the New Jersey Child Welfare Panel comprised of national experts to guide the State in transforming the system. The Panel will be funded and staffed through a generous contribution from the Annie E. Casey Foundation, a nationally recognized foundation focusing on child welfare reform.

As part of the State's ongoing efforts to reform the child welfare system, the New Jersey Child Welfare Panel will work with DHS for the next six months to develop and begin implementation of a reform plan. The Plan will include both immediate and long-term reforms to be undertaken by DHS, and outcomes for children that must be achieved over time.

Although the lawsuit was limited to the approximately 11,000 children in out-of-home-placements, the Governor and the Annie E. Casey Foundation have agreed the Panel will help DYFS to develop and implement a comprehensive child welfare reform plan for all 50,000 children who come into contact with DYFS annually.

"I applaud Children's Rights Inc. for their passionate commitment to our children. I am especially grateful to the Annie E. Casey Foundation for their generous financial support. We welcome the involvement of the New Jersey Child Welfare Panel, which includes some of the country's most respected child welfare experts. This agreement will undoubtedly help New Jersey bring dramatic improvements to the child welfare system," said McGreevey.

"Today is a good day for the children of New Jersey," said Department of Human Services Commissioner Gwendolyn L. Harris. "This settlement will allow all of us who care about the welfare of children in this state to move forward, hand-in-hand, and take the steps necessary to transform the child protection system into one that truly protects children and provides for their well-being. The work to create such a system can now begin in earnest, and I am confident that we will solve the problem of how to not only protect our children, but also support families at risk in such a way that we are able to do a better job of preventing abuse and neglect before it occurs."

The Panel will be comprised of two representatives of the Annie E. Casey Foundation, Kathleen Feely and Steven D. Cohen; Dr. Robert Johnson, Professor and Chair of Pediatrics, Professor of Psychiatry and Director of the Division of Adolescent Medicine at the New Jersey Medical School of the University of Medicine and Dentistry of New Jersey; Judith Meltzer, the Deputy Director at the Center for the Study of Social Policy in Washington, D.C.; and one additional member to be agreed upon by all the parties.

Once the Panel endorses the DYFS reform plan, the Panel will provide technical assistance and oversight to DYFS for an additional 18 months. During this period, the Panel will issue three public reports on the agency's progress during implementation, and make recommendations for continued improvement at DYFS. After the 18-month period, another expert, or one of the Panel members, will stay on to monitor the State's progress. After two years of sustained compliance with the DYFS reform plan, the Agreement will end.

As part of the Settlement Agreement, Lowenstein Sandler P.C. agreed to forego attorneys' fees in the amount of \$1,050,000, and the State agreed to direct these funds to support additional hiring of DYFS caseworkers and supervisors.

Federal District Judge Stanley R. Chesler must approve the agreement before it takes effect.

Governor McGreevey expressed his gratitude to Justice Stewart Pollack, retired of the New Jersey Supreme Court and Of Counsel at Riker, Danzig, Scherer, Hyland & Perretti LLP for mediating the parties' settlement, and to the team from New Jersey which negotiated the Settlement: Kevin Ryan, Deputy Chief of Management and Operations for the Governor; Deputy Attorney General Stefanie Brand; Lisa Eisenbud, Deputy Chief of Management and Operations for the Governor; and Dana Klinges and Charles Hart of Wolf Block Schorr Solis-Cohen LLP.

The Panel will examine key areas of DYFS operations and identify ways to strengthen the agency's reform agenda around 16 core principles:

- Foster care should be temporary an arrangement as possible, with its goal being to provide a safe, nurturing, and permanent home quickly.
- If at all possible, children in out-of-home placements should be quickly and safely reunified with their biological families. If this cannot be accomplished, children need to be placed with an adoptive family or in the permanent legal custody of an appropriate kinship family in a timely fashion.
- Families should be provided with the services they need to keep them together or to allow for safe and speedy reunification whenever possible.
- In making determinations about plans and services, the child's interests are paramount.
- Children in out-of-home placement should be in the least restrictive, most family-like setting appropriate for their needs.
- Children in out of home placement should be placed in settings that promote the continuity of critical relationships: together with their siblings; with capable relatives whenever possible; and in their own communities.
- Children in out-of-home placement should have stable placements that meet their needs, and should be protected from the harm caused by multiple placement moves.
- Children in out-of-home placements should have the services necessary to address their medical and psychological needs, including those services needed to address problems arising from the child's removal from his or her biological family.
- Children in out-of-home placement must have timely decision-making about the where and with whom they will spend their childhood, and timely implementation of whatever decisions have been made.
- Children in out-of-home placement should be protected from abuse and neglect and, to this end, investigations of allegations of abuse and neglect in out-of-home placements should be timely, thorough and complete.
- Adolescents in out-of-home placements should be provided with the skills, opportunities, housing and permanent connections with caring adults they need to successfully make the transition to adulthood.
- Decisions about children in-out-of-home placement should be made with meaningful participation of their families and of the youth themselves to the extent they are able to participate.
- In order to protect children and support families, New Jersey's child welfare system should operate in partnership with the neighborhoods and communities from which children enter care.
- New Jersey's child welfare system should be accountable to the public; to other stakeholders; and to communities throughout the State.
- Services to children in care and their families should be provided with respect for and understanding of their culture. No child or family should be denied a needed service or placement because of race, ethnicity or special language needs.
- New Jersey's child welfare system should have the infrastructure, resources and policies needed to serve the best interests of the children in its care.

The lawsuit was filed in August of 1999 by Children's Rights, Inc., a Manhattan-based child advocacy organization and Lowenstein, Sandler P.C. of Roseland, New Jersey. The action alleged that the State's child protection system violated the substantive due process rights of children by not adequately protecting them. In March 2002, the Court ruled that the case could proceed as a class action on behalf of children in DYFS' custody, and the parties began settlement discussions in February 2003 in mediation with former New Jersey Supreme Court Justice Stewart Pollack.

(Short bios are attached.)

Steven D. Cohen

Steven D. Cohen is a Senior Consultant at the Annie E. Casey Foundation where he works with child welfare systems in New York, Tennessee and Philadelphia to help them design and implement system-wide reform projects. From 1999 through 2001, he served as Staff Director for New York City's Special Child Welfare Advisory Panel. The Panel was an expert body assembled by the Annie E. Casey Foundation to assist New York City in improving its child welfare services. The Panel came about because of the settlement of a lawsuit against the City, *Marisol v. Giuliani*, and represented an effort to resolve litigation in a creative, less adversarial manner. From 2002-present, he serves as a member of a revised panel known as the New York City Child Welfare Advisory Panel, which continues to assist the Administration for Children's Services. Since mid-2001, he also serves as Chair of the Technical Assistance Committee working with the Tennessee Department of Children's Services, again as part of the settlement of a lawsuit against that agency.

Before joining the Casey Foundation, he was Associate Executive Director at the Jewish Board of Family and Children's Services, where he worked in various capacities from 1986 through 1998. He led the agency's strategic planning efforts; helped to guide it through multiple transitions brought about by such changes as the advent of managed care and developing needs in the Jewish community; and took the lead in pursuing merger and affiliation opportunities. Earlier, had various other responsibilities at JBFCS, including directing its administrative operations (finances, human resources, MIS, and facilities management) for approximately three years.

Kathleen Feely

Kathleen Feely first joined the Annie E. Casey Foundation in 1990. She managed the design and implementation of the Family to Family and Juvenile Detention Alternatives Initiatives (JDAI) and oversaw the state reform work in six states. With regret, she left her post as Vice President after seven years, departing in 1997 to spend a couple of years in the Netherlands when her husband was appointed Director of Development for NIKE Europe. Since returning to the United States and the Foundation in 1999, Kathleen now serves as Managing Director of the Casey Strategic Consulting Group and is also a member of the Senior Leadership Group of the Foundation. She and her staff are evolving a team-based approach to strategic consulting that melds together the rigorous analytical frameworks of private sector consulting with the best knowledge that Casey has about public systems that serve families and children. With her direction and guidance, staff work with state or city human services agencies that are poised for reform. The teams approach reform work systematically to understand the issues, collect and analyze data, respond to policy and political implications, and develop outcomes-based strategies to improve systems for families and children.

Kathleen's career spans more than two decades of high-level administrative, policy, and philanthropic work in systems serving families, youth, and children. Prior to joining the Casey Foundation, Kathleen spent a year as a Senior Policy Consultant at the Center for the Study of Social Policy in its New York City office. By then, she had already earned her stripes and national recognition as a resourceful groundbreaker serving as Deputy Commissioner for Planning and Program Development at the New York City Department of Juvenile Justice. It was there that Kathleen designed an innovative case management system that won the prestigious Ford Foundation/Kennedy School of Government Innovations Award in 1986. Before her appointment to the Department of Juvenile Justice, Kathleen was a policy analyst in the New York City Mayor's Office of Operations, and also worked extensively in developing programs for juvenile and adult offenders in New York and New Jersey. She earned her Master's in Labor Education from Rutgers University in New Jersey, and holds a Bachelor of Arts in History from the University of Wisconsin.

Robert L. Johnson

Robert L. Johnson, MD, FAAP is Professor and Chair of Pediatrics, Professor of Psychiatry and Director of the Division of Adolescent and Young Adult Medicine at the New Jersey Medical School of the University of Medicine and Dentistry of New Jersey. His research focuses on adolescent physical and mental health, adolescent HIV, adolescent violence, adolescent fatherhood and risk prevention/reduction programs with specific emphasis on substance and alcohol abuse, sexuality and sexual dysfunction, male sexual abuse, suicide and AIDS.

He currently serves on the US Department of Health and Human Services' Council on Graduate Medical Education, and The Board of Health Care Services and the Board of Law and Justice of the National Academy of Sciences. He Chairs the Newark Ryan White Planning Council and he is the Chair of the Board of Deacons at Union Baptist Church in Orange, N.J. Dr. Johnson is a Fellow of the American Academy of Pediatrics. He has previously been a Member of the National Council of the National Institute of Mental Health, Member of the NIH AIDS Research Council, Member of the Institute of Medicine Committee on Unintended Pregnancy, Chair of the National Commission on Adolescent Sexuality, President of the New Jersey State Board of Medical Examiners and Chair of the Board of Advocates for Youth. Dr. Johnson has become a well-recognized spokesperson for the adolescent and adolescent issues. He yearly addresses many local, state, national and international audiences and frequently appears on television and radio. He has published widely, and he conducts an active schedule of teaching, research and clinical practice at the New Jersey Medical School. Dr. Johnson's current book, *The Race Trap*, a Harper Collins Business Book addresses the pitfalls commonly encountered in communications across the racial divide. His new book *Strength for Their Journey*, a guide for parents of African American teens was published by Doubleday in the fall of 2002.

Judith Meltzer

Judith Meltzer is the Deputy Director at the Center for the Study of Social Policy (CSSP) in Washington, D.C., where she is responsible for project development, research and management for health care, child welfare and human services financing and administration. Her recent work has focused on the development of policies and strategies for child welfare reform and the development of community partnerships for the protection of children. For the past seven years, she has served as Court-appointed Monitor of the District of Columbia's child welfare system. She has been involved with several other jurisdictions who are under Court order to improve their child welfare services, including Arkansas, Missouri, Kansas, Connecticut, New York, Philadelphia and Tennessee. She is a member of a 5-member Technical Assistance Committee to the Tennessee Department of Children's Services, which was established as part of a Court-ordered settlement agreement to improve their child welfare system and a member of a 3-member Technical Assistance Panel in Connecticut. She also serves as Site Coordinator for the Louisville Kentucky Community Partnership for the Protection of Children, which is one of four community partnership sites originally funded by The Edna McConnell Clark Foundation Children's Program.

Before joining the CSSP, Ms. Meltzer was a research associate at the Center for the Study of Welfare Policy and a lecturer at the School of Social Administration at the University of Chicago, and for several years worked for the Chicago regional office of DHEW. Ms. Meltzer has a Master's Degree in Social Welfare Policy from the University of Chicago.

5:33) 25-JUN-2003 06:10 [John Searight \(searighj\)](#)

New Jersey Deal Grants Panel Powerful Role in Foster Care

By RICHARD LEZIN JONES and LESLIE KAUFMAN NYT June 25, 2003

To settle a lawsuit over the failures of its foster care system, New Jersey agreed yesterday to one of the most sweeping transfers of authority ever to a court-mandated overseer, according to those involved in the lawsuit and those who follow similar litigation.

The five-member panel will help state officials develop a detailed plan to change New Jersey's embattled child welfare agency. It will set concrete targets and time frames for improvements in at least 11 separate areas of child welfare.

If the panel finds the plan insufficient, the settlement will be voided and the state must admit liability for violating children's constitutional rights and provide relief ordered by the court. The state has no recourse if it disagrees with the panel's findings on this.

Once the plan is approved, if the panel finds the state is not meeting its targets, it can allow Children's Rights Inc., the child advocacy group that filed the lawsuit, to return to court and ask for penalties.

Gov. James E. McGreevey acknowledged the expansive scope of the agreement at a news conference at the State House in Trenton yesterday. "Today marks the recognition of a new era of openness, cooperation, accountability and one singular clear goal: namely, the well-being of New Jersey's children," he said.

Praising his former adversaries at Children's Rights as "the protectors of our children," he added, "Frankly, for too long, New Jersey failed to meet this obligation. We fell far short. As governor, I refuse to defend the status quo."

While there was celebration at the State House, critics have found plenty to grumble about regarding the settlement. Some worried that the state had given away far too much authority and others questioned where in this time of high deficits the money would come from to support a vast overhaul of the agency.

The settlement is a victory for Children's Rights, a Manhattan-based group which filed the lawsuit in 1999. The group accused the state of endangering its foster children with inadequate and substandard care.

As part of the discovery process, Children's Rights was given access to extensive state records showing that as many as one in 10 children in foster care were being abused and that the state had erred in 60 percent of the investigations of complaints in which it had found no abuse.

The shortcomings of the Division of Youth and Family Services predated the lawsuit — in 1998, a blue-ribbon panel said the child welfare agency was in crisis. But the death of one child, Faheem Williams, a 7-year-old whose case file was improperly closed by the division just 11 months before his body was found in a Newark basement in January, helped galvanize public opinion and convinced the governor that drastic action was warranted.

Although the lawsuit covered only children in foster care, the independent panel will have the mandate to consider all areas of child welfare. A comprehensive road map must be developed within six months, according to the settlement.

The panel is also charged with setting goals for 11 areas of foster care as part of the plan. It will, for example, set the percentages by which the state must reduce the average length of time children spend in foster care and the average number of foster home placements each child

receives. If the state fails to meet these targets by their deadlines, it could face sanctions from the court, including financial penalties.

The panel, whose work will begin three weeks after the federal judge in Trenton approves the settlement, will be composed of a doctor and three public policy researchers including two senior fellows from the Annie E. Casey Foundation, a Baltimore-based child welfare research and advocacy group, which will also finance the panel. One additional panel member has yet to be named.

Judith Meltzer, the deputy director of the Center for Study of Social Policy in Washington, who is one of the panel members, said that with the muscle of the court behind them, they would be able to achieve what public officials, who are subject to budget pressures and inconstant public support, had not.

"Systems that have been in crisis have a very difficult time stepping out of the crisis and creating and sustaining the political will needed for reforms," Ms. Meltzer said. "And systems in crisis have leaders who have frequently lost credibility in the public eye, so it's not that they don't have ideas, but that they sometimes lack the credibility to implement them. That's where outsiders can make a difference."

But former government officials and academics familiar with similar court-mandate solutions argued that New Jersey had given away far too much authority and would eventually be hamstrung by the additional layers of review and input.

"This is an extreme solution," said Ross Sandler, the co-author of "Democracy by Decree" (Yale, 2003), a history of court-ordered public policy. "Under the proposed decree, even with the best of intentions by officials," he said, "plaintiffs, attorneys and outside panels and monitors will likely be controlling the New Jersey Division of Youth and Family Services for decades."

Under the terms of the settlement, the panel will dissolve 18 months after the detailed plan for agency reform is approved. But then a court monitor will be put in place to evaluate the agency's progress on the 11 target areas. As long as the agency fails to be in compliance in any one of the 11 goals, the court monitor will continue.

Even Marcia Robinson Lowry, executive director of Children's Rights, said that her organization was surprised at some of the concessions that her organization won from the state and the candor with which the governor described the division's ills. "This is unusual," she said. "I find that quite extraordinary and quite refreshing."

The court settlement left vague exactly how the state was to pay for all the new services and personnel the new plan would almost certainly require. As part of the settlement, the state agreed to immediately allocate \$22.35 million to hire more social workers and to pay for their space and equipment needs. It also specifically allocated an additional \$1.5 million for the recruitment of foster parents.

The state agreed that those amounts are "only the immediate starting point in securing the resources necessary to accomplish the goals and principles" of the agreement.

With the state facing a \$5 billion deficit, the governor was pressed by reporters yesterday about financing. "We are talking about our children," he said. "We will get this done."

As part of the settlement, Children's Rights will receive \$1.65 million for legal fees and \$85,000 for out-of-pocket costs. Lowenstein Sandler, of Roseland, a private New Jersey firm, decided to waive its legal fees of just over a million dollars. Mr. McGreevey said that that money would be used to hire more workers for the division.

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5:35) 26-JUN-2003 10:31 [Diane Falk \(falkd\)](#)

Hope for the children

Trenton Times

Thursday, June 26, 2003

BY EDITORIAL

There is nothing more basic to a civilized society and to a great democracy than to care for its children, and particularly the most vulnerable of its children. For far too long, New Jersey has failed to meet this obligation. We fell far short.

- Gov. James E. McGreevey, June 24, 2003

The governor stated the case accurately. And, it should be said, his own commitment to fulfilling this most basic of state responsibilities has been more manifest and consistent than that of many of his predecessors in office. Still, in the end, it has taken a hard-nosed advocacy group, a federal court and an unspeakable tragedy to force New Jersey to a point at which one can realistically hope for a better system.

This week, the state settled a four-year-old class-action lawsuit brought by Children's Rights Inc. on behalf of children under the supervision of the Division of Youth and Family Services. The organization contended that the children's civil rights were violated by DYFS' failure to protect them from abuse and neglect. The McGreevey administration had fought the suit until January, when 7-year-old Faheem Williams' emaciated body was discovered in a storage bin in a Newark basement nearly a year after DYFS closed his case without visiting him. Soon thereafter, the administration dropped its resistance to settlement talks.

The settlement will require New Jersey to immediately spend \$24 million to hire more workers, reduce caseloads, recruit new foster parents and buy computers, cell phones and office space. The state must act within 120 days to assess the safety of all 11,600 children in foster care and remove any who are considered to be at high risk of harm. By December, it must devise a plan to create a better child welfare system by reducing the length of time required to move children from foster care to adoption or to their natural parents, keep siblings together in foster homes and prevent the abuse and neglect of the state's young wards.

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There have been plans and promises before. What makes these plans and promises different is that the state's performance will be monitored by a panel of experts who will demand compliance and will be empowered to secure it. The five-member Child Welfare Panel will be funded by the Baltimore-based Annie E. Casey Foundation, a group with an impressive track record in improving the lives of vulnerable children. The panel will oversee the development of the state plan; if it is dissatisfied, it will notify Children's Rights, which could take the state back to federal court. It will set standards, prescribe outcomes and establish deadlines. At the end of two years, the panel will assess the state's progress. Again, if the state flunks, it could find itself back in court. A court monitor is expected to replace the panel after the two-year period.

No government, no matter how strongly committed, can guarantee the safety of all the children under its supervision. The Casey Foundation's John Mattingly offered a reality check when he called child welfare "a tough business, rife with tragedy," in which children are "dependent on the actions of men and women of moderate capacities making almost impossible decisions at nights and over weekends." But New Jersey can do far, far better than it has done. There's reason to hope, at last, that it will happen.

5:36) 26-JUN-2003 10:57 [Diane Falk \(falkd\)](#)

**At Children's Rights, accent is on
advocacy**

But nonprofit defends its big legal fees in settlements nationwide

Wednesday, June 25, 2003

BY ROBERT SCHWANEBERG
Star-Ledger Staff

Children's Rights Inc., the Manhattan-based advocacy group whose lawsuit to force New Jersey to improve its beleaguered Division of Youth and Family Services was settled yesterday, has brought similar lawsuits in nine other states and the District of Columbia.

From Connecticut to New Mexico, it has negotiated consent decrees forcing child welfare agencies to speed up adoptions, hire more caseworkers, improve screening of foster parents and protect children from abuse and neglect. Almost always, there is a provision for court-appointed monitors to hold the agencies' feet to the fire.

It is generally regarded as one of the most aggressive, and effective, advocates for children whom the rest of the world has forgotten.

Cecilia Zalkind, executive director of the Association for Children of New Jersey,

said Children's Rights has "called attention to problems in child welfare systems across the country. In some of their litigation, they have been very successful in bringing resources to systems that have been woefully underfunded."

Of 12 cases the group has brought around the country, so far 10 have resulted in settlements or consent decrees requiring improvements in children's services.

The executive director of Children's Rights Inc., Marcia Robinson Lowry, has been going to court on behalf of children since 1973, when she ran the Children's Rights Project of the American Civil Liberties Union.

In 1995, she split it off into a separate organization, which now has 10 lawyers and 13 support staffers. Frank Askin, founder of the constitutional litigation clinic at Rutgers School of Law in Newark and general counsel to the ACLU, described it as an amicable parting of the ways.

"They had a very narrow focus and were raising a lot of issues that were beyond the scope and focus of the ACLU," Askin said.

Asked why, after three decades, she is still fighting the same kinds of court battles, Lowry replied, "Because I have to."

"How can anybody look at what happens to children and not do everything they can to make it better?" she asked. "How can you walk away from that?"

But the organization's willingness to take government agencies to court -- and to collect big lawyers' fees in the process -- also has brought it controversy. In the end, when the settlement papers are signed, Children's Rights generally presents the state or city it has just sued with a legal bill running into the millions.

Yesterday was no exception. New Jersey's settlement requires the state to pay Children's Rights Inc. legal fees of \$1.65 million for its four years of work on the case, plus \$86,000 for its out-of-pocket expenses.

Lowenstein Sandler, the Roseland law firm that joined Children's Rights as co-counsel in bringing the case, agreed to waive its legal fee of \$1 million on the condition that money is used to hire more DYFS caseworkers.

But Lowry said Children's Rights needs to collect its \$1.65 million in order to monitor New Jersey's compliance with the consent decree and to bring other cases.

"We will use it to support our organization," Lowry said. "That's the only source of funding we have for four years of work. That's what keeps us going."

"There is no other way to do this work," Lowry said. "I don't have a trust fund, and no one on my staff has a trust fund."

Lowry said her group could have demanded \$2.4 million for the 13,000 hours of work it put into the New Jersey case, much of it spent responding to motions filed by the state's private outside defense firm, Wolf, Block, Schorr and Solis-Cohen of Philadelphia. The state has paid Wolf, Block \$1.3 million as of the end of March and still has bills outstanding, according to DYFS spokesman Joe Delmar.

Lowry faced criticism when Children's Rights billed New York City \$7.8

million and the District of Columbia \$2.3 million after settling cases against them. She said yesterday it never got those amounts, but settled for roughly half. Lowry said her group's attorneys and other staff are paid at rates "lower than other public interest organizations in New York."

Askin said Children's Rights is entitled to its fee.

"They've done good work," Askin said. "This is how they support themselves. They basically fund their work by the legal fees they collect, which I think is perfectly appropriate."

"Nobody's getting rich off this," Askin added. "Marcia Lowry's had a very deep commitment to these issues for many years."

Paul Rosenzweig, a senior fellow at the Heritage Foundation, said he could not comment on the specifics of Children's Rights' legal fee. But in general, he said, the federal civil rights laws that allow private parties to bring lawsuits the government would not -- and collect fees when they win -- are "problematic."

"It's a formula for an infinite number of civil rights suits -- many of which are meritless," Rosenzweig said. "It's another part of the litigation explosion."

Robert Schwaneberg covers legal issues. He can be reached at rschwaneberg@starledger.com or (609) 989-0324.

5:40) 28-JUN-2003 10:29 [Diane Falk \(falkd\)](#)

Experts see child abuse cloaked in neighbors' silence

Despite a legal mandate to report mistreatment, most people hesitate -- for many reasons

Friday, June 27, 2003

BY ANA M. ALAYA

Star-Ledger Staff

Sometimes when Jean Syska sits in her front yard, she is haunted.

She looks at the house next door and thinks about the baby boy who used to live there. She wonders: Could she have saved him?

His name was Christian Manookian. One day last month, at the age of 19 months, he drowned in the bathtub of his family's home. Now his parents are in jail, charged with child endangerment and drug possession.

"I'm having a hard time," Syska said one evening recently. "I can still see that face, a beautiful, healthy little boy."

The Manookian case is one of a string of child deaths that have triggered a massive shakeup at the New Jersey Division of Youth and Family Services. In some of those cases, DYFS appears to have missed signals that might have led to early intervention that could have saved a life.

But child welfare experts say the Manookian case and others underscore another culprit: silence.

Like other former neighbors of the family in at least three towns, Syska believed that Jack and Megan Manookian neglected their children. She often saw their little girl wandering the streets of Lakewood late at night, dirty and barefoot, playing in a nearby lot where drug dealers hung out. She thought of calling authorities, but was scared that the parents would retaliate. Then, one day, the family was gone from their tiny brick home. They had been evicted.

"This is a case where if I had to do it all over again, I would have called DYFS," Syska said sadly.

Friends, neighbors and relatives are often aware of child neglect or abuse, experts say, yet never call authorities -- despite a legal obligation to do

so.

"People are hesitant to bring the heavy hand of the state into other people's lives," said Cecilia Zalkind, executive director of the Association for Children of New Jersey, a child advocacy group in Newark. "I think there's a reluctance, a sense that parents have complete control over their children and to interfere with that is inappropriate."

New Jersey's law on mandatory reporting of child abuse is one of the broadest in the United States.

It is one of 18 states with statutes requiring anyone who witnesses, or suspects, abuse or neglect to report it. Most states require only that certain people, such as doctors or teachers, report abuse.

DYFS maintains a reporting hotline -- (800)792-8610 -- which received about 50,000 of the agency's overall 70,000 calls last year, according to Andy Williams, a DYFS spokesman. Callers can remain anonymous.

Some child advocates believe the agency's tarnished reputation discourages many from calling. Many people know that DYFS has a poor track record when it comes to substantiating complaints.

"New Jersey is a small state," Zalkind said. "Word gets around if you've made an allegation and it hasn't been responded to, or if the allegations were dismissed."

But Williams said DYFS, which is about to be overhauled, plans to rebuild "public trust."

DYFS also will require social workers to interview neighbors in certain child abuse investigations, he said. That change was prompted by the Manookian case, as well as the June 4 death of Daniel Soto, a 21-month-old in East Windsor.

After Daniel died, neighbors told reporters that they had heard a young child's screams on several occasions but did nothing. They said they were afraid they would have to go to court and face retaliation.

"Neighbors are seeing things and not reporting to us," Williams said. "We realized we need to be more proactive and use neighbors as a resource."

The reporting problem is a national one, said John Holton of Prevent Child Abuse America in Chicago. "The public is confused about whether or not the intervention at the state level helps or hurts a child," Holton said.

"Clearly, if a child is being seriously malnourished, or assaulted, people want the child removed. But after that, the outcomes for those children after the state gets involved is very poor in a lot of states," he added.

Before the drowning death of Christian Manookian, DYFS investigated his parents three times. One investigation was prompted by the death of another son, Jack Jr., 20 months old, who strangled on the cord of a window blind in Old Bridge in 2001.

DYFS did not substantiate neglect or abuse in Jack Jr.'s death, or at any time. Christian's death had a different result. Police learned he was being supervised by a 5-year-old sister when he died. They also found heroin, marijuana, guns and ammunition in the family's home in Wyckoff.

When Syska read about Christian's death, she remembered how much she had worried about him. And she remembered sharing her fears during phone chats with her daughter.

"I would say, 'Oh good, I hear the baby crying,' because I would sometimes think I didn't hear the boy crying and wondered what happened to him. Because I knew he wasn't watched," she said.

Syska's daughter also recalls the conversations.

"My daughter reminded me just the other day -- she said, 'You knew he was going to die,' Syska said. "I said, 'That's a terrible thing to say.'"

Not long ago, Syska picked up the phone and called DYFS, on behalf of the Manookians' two remaining children. While their parents are in jail, they are with relatives.

"I called and I said, 'I want to tell you that when the family lived here, these kids were not watched,'" Syska said. "I told them I was worried, afraid something would happen to the other children if the parents got them back.

"And the DYFS worker basically said, 'Is that it?'"

A variety of factors discourage many people from reporting suspected abuse, said Randi Mandelbaum, director of the Child Advocacy Clinic at Rutgers-Newark. Some people simply don't want to "rat out a neighbor," she said. Others are not sure what constitutes abuse.

"What's discipline and what's not?" he asked. "It's hard. It's a very fine gray line and it depends on the facts of each case."

In the case of Elijah Kelly, a 4-year-old Passaic County boy who died of traumatic head wounds in May 2001, family friend Abhishek Nair said that he didn't call authorities despite seeing the boy's mother punch and whip her son because he "didn't know how to handle it."

The mother, Tauleah Kelly, has since pleaded guilty to manslaughter. Her boyfriend, Jeremiah Parker, a former New York Giants football player, was convicted of child endangerment.

"When she told me I can't tell her how to discipline her kid, I felt she was right," Nair said. "I've never called 911 for someone disciplining their son."

Prosecutors use the state mandatory reporting statute sparingly. Failing to report is a misdemeanor and carries up to a \$1,000 fine and six months in jail.

"Unless someone fails to report with a sinister motivation, what we do generally is to educate people and move on to the next case," said Joseph A. Del Russo, a chief assistant prosecutor in Passaic County who has been handling child abuse cases for a decade.

"We need the community to be vigilant," Del Russo said. "Child abuse is usually a secret, behind closed doors. Sometimes it spills into the yard, or the car. We want neighbors to report."

Staff writer Mary Ann Spoto contributed to this article.

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June 30, 2003

Mental Wards at New Jersey Hospitals Are Made to Double as Foster Homes

By RICHARD LEZIN JONES and LESLIE KAUFMAN

t Trinitas Hospital in Elizabeth, N.J., roughly three dozen patients are in the children's psychiatric ward, and more than half of them are foster children stuck there simply because the state has nowhere else to put them.

Hospital administrators and child welfare officials say the situation is sad, but not unique.

In the children's psychiatric ward at St. Clare's Hospital in Boonton, for instance, roughly one out of every six patients is a foster child who was classified upon admission as among the state's most troubled. Hospital officials admit that these children, after being stabilized, no longer need to live in the unit, which is kept locked.

Across New Jersey, in fact, in nine such specialized wards, scores of the state's foster children have met the same fate in recent years. While in the custody of the state's Division of Youth and Family Services, the children are admitted to the wards for emergency eight-day stays, but wind up remaining for weeks or months.

One foster child, records show, was in a locked ward for nine months. Stays of three months or longer, according to records, are hardly uncommon for foster children who have otherwise been cleared for release.

"The situation now is horrific," said Kathy Wright, executive director of the New Jersey Parents Caucus, a federally financed nonprofit organization that supports parents of children with psychiatric disorders. "DYFS workers bring them there, if they have failed in a foster placement. But once they are in, they stay from 20 days to 180 days. Once a kid has a mental past or violent past, no one wants them."

Hospital administrators acknowledge that extended stays on the wards are seriously inappropriate. The wards were conceived as a triage stop of sorts, where severe mental and emotional problems could be diagnosed and treated, and then the children moved on to long-term care in a residential program or to their own homes.

The conditions in the wards, by most accounts, are clean and well monitored. Professionals are on duty, and treatment is given. But the wards, known as Children's Crisis Intervention Services units, were not designed for long stays. Thus, officials concede that children kept there often go without consistent schooling, if they get any at all. And because of security concerns, the children, even once they are stabilized, can go days without even a walk outside.

More than 300 of the 4,000 or so New Jersey children who spent time in the inpatient wards in the last year — children ages 6 to 17 — were foster children. They spent, on average, a month in the wards, four times the average stay for other children.

Hospital administrators, child welfare officials and others say there is just no real alternative — that scarcely any spots are available in residential after-care, and that even fewer foster families are capable of taking in difficult children.

State officials, who last week agreed to turn over control of much of the state's child welfare system to an independent oversight panel, said they had been working to address the problem of prolonged and unnecessary stays in the psychiatric wards. But the challenge, they admit, is formidable, one made even more difficult in recent years.

According to state figures, 700 more patients spent time in the wards in 2002 than five years ago.

Most of the children who enter the psychiatric wards are admitted by families not involved with New Jersey's child welfare system. Because those children are able to return to their own homes, their stays on the wards typically last a week.

But many of the children who are sent to the wards are children in the custody and care of the state. Some of them have been turned over to the state because their parents were not able to handle them, or could not pay for their care. Some of the children were already in foster care when they first displayed symptoms of emotional or mental problems, and some have been surrendered to the state because their parents cannot afford psychiatric care. All of the children have problems that doctors have determined require immediate treatment.

Often these children have severe troubles — sexual aggression or pyromania. Others are admitted to the wards for depression or anxiety. Hospital administrators also say that a sizable percentage of foster children who enter the wards suffer from attention deficit disorder or attention deficit hyperactivity disorder. Administrators say that most children can be stabilized in the wards within a week or two and be ready to be discharged to an after-treatment program. But often — even after doctors, lawyers and a family court judge agree that a child in state custody is ready for discharge — they wait.

A spokesman for the Division of Mental Health Services, Val Casey, said the extended stays of some foster children were the result of bureaucratic challenges like coordinating the efforts of several state agencies.

But others who have worked with the children in the wards over the years question the ability of state child welfare workers to adequately monitor their cases, and still others say the size of those workers' caseloads further complicates the placement process.

Whatever the full set of reasons, the consequences are obvious on the wards of two hospitals, Trinitas and St. Clare's. The problem of extended stays became so acute at Trinitas that in 1995 its administrators created an intermediate care unit to accommodate children who were expected to remain in its psychiatric ward for extended stays. The average stay for those in the intermediate unit now exceeds six weeks.

A visit to the ward at Trinitas this month found many of the children gathered expectantly in the hallways. It was court day, as it is known on the ward, and a handful of children who had been in the psychiatric wing for weeks or months were eager to hear if a judge might at last order them released.

A young girl in a pink dress and ponytails shuffled nervously outside a therapy room that has been converted to court chambers. Adolescent boys clustered together, hoping that they might soon be saying their goodbyes.

On this day, however, most of the children who appeared in the improvised courtroom wound up disappointed. There was one bit of good news, though. The ward was abuzz over one child who was finally told by a judge that he was being released, about eight months after doctors first recommended that he be discharged.

"It's frustrating," said Michelle Perna, the director of the crisis intervention and intermediate care units at Trinitas. "If you don't know where a kid is going, you can't really give them anything to look forward to."

Ms. Perna said that it pained her to watch children in the unit who, knowing they have been cleared to go, simply remain indefinitely.

"They get excited, and they also get disappointed because they think they're going to get good news," she said.

And while hospital workers try to make the children's stays productive, they are candid that the wards are improper long-term settings.

"We're not a group home," said Jean Bronock-Zaccone, a behavioral health official at St. Clare's Hospital, which has a 28-bed children's psychiatric ward. "Our job is to stabilize, and then let them move on to a less restrictive facility."

Ms. Bronock-Zaccone said the presence of children who should have been discharged from the wards sometimes keeps others from getting the kind of emergency help the wards were designed to provide.

The experiences in the wards, then, can be extremely frustrating.

One 7-year-old child, who is not being identified to protect her privacy, had a history of misbehaving during a troubled childhood that included abuse and neglect at the hands of her mother.

In the fall of 2002, her grandmother, with whom she had been living, became homeless, records show, and she signed the child into state custody. But once in foster care, the girl had episodes of screaming and kicking. She wound up in one of the locked wards after she threatened her foster mother with a knife.

Documents from subsequent court hearings to determine her fate record numerous failures that prevented her from getting the kind of care recommended by doctors, and approved by a judge. At one hearing, the state child welfare worker simply did not show up. After the child spent two months in the hospital and was on the verge of being discharged to Davis House, a residential program, her file contains this notation: "By voice mail, Davis House canceled the placement." After nearly three months, a judge ordered a social worker to take her from the ward.

Child welfare officials said they do not comment on cases involving specific children.

State officials say they are now aggressively attacking the problem of foster children lingering in psychiatric wards. The state's recent agreement to create an independent panel with broad powers to oversee the Division of Youth and Family Services came with an implicit commitment of more money, some of which will likely be used to provide more beds in New Jersey for children after they are treated in the wards.

For now, officials are optimistic that a program — the Partnership for Children — will allow troubled children to receive sustained and sophisticated mental health care in their homes or foster homes.

"If we can ensure that children, whatever their family circumstances, get services earlier and closer to home, we hope we can prevent the kind of escalation in behavior that leads people to the hospitals," said Julie Caliwan, director of the partnership.

But hospital administrators, parents and child welfare agency workers say that so far the program has been more theoretical than practical for New Jersey's poorest children. And they are skeptical that such a system will ever solve the predicament of the children who stay on the wards for the longest.

"It's all so appealing," said a state judge who has worked in the system for many years and who spoke only on the condition of anonymity. "It sounds great, but if you have a sexual offender or a kid who has set 15 fires, who's going to want to take them in?"

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A chance for real change in DYFS

Sunday, June 29, 2003

Last Tuesday, announcing the settlement of the suit against the state Division of Youth and Family Services by the child advocacy group Children's Rights Inc., Gov. James E. McGreevey declared, "This is the end of DYFS as we know it."

Boy, do we ever want that to be true. And boy, do declarations like that ever make us skeptical, whether they're about DMV or urban schools or suburban sprawl. In this particular case, haven't we been trying to reform DYFS for years? Decades?

Well, yes. But this attempt has the potential to be dramatically different, because the settlement's required remedies trigger a process that should create an unprecedented sea change in the agency.

"We've done something landmark," says Kevin Ryan, McGreevey's deputy chief of management and operations. "This is the first time a panel will be articulating what the benchmarks are, how to meet those benchmarks and what the outcomes will be for children. And this will be enforceable in federal court."

The panel he's referring to is the New Jersey Child Welfare Panel, a group of national experts who will monitor the marching orders set forth in the settlement. It will be funded and staffed by the Annie E. Casey Foundation, a national foundation whose sole focus is child welfare reform.

It is depressing but true that meaningful changes in DYFS were only going to be realized as a result of tragedy. For years, people have been describing the agency as a tinderbox, one day destined to ignite and explode. The first of those explosions occurred six years ago with the death of Amara Wilkerson, a 2 1/2-year-old who was beaten to death by her mother's boyfriend. That case prompted Children's Rights Inc. to institute a class-action suit against the state on behalf of all children under its protection, and -- as if to underscore the urgency of the argument -- several other tragedies have followed while the case made its way through the legal system.

But it was the death last January of a Newark boy, 7 1/2-year-old Faheem Williams, that may have created the ultimate pressure to reach an agreement. The "never again" mindset it triggered put enormous pressure on the state to help forge a solution that would far exceed any mere vow of good faith.

At least while this case was fresh in memory, the public would find insufficient all the familiar explanations for how this could happen: too few caseworkers, insufficient infrastructure. It's not that there was no truth there. It's just that a window opened during which a public that ordinarily doesn't pay much attention agreed that DYFS must have the proper tools to safeguard the well-being of society's most defenseless members.

Retired state Supreme Court Justice Stewart G. Pollock, who mediated the negotiations, says he "never had any doubt that everyone wanted to do the right thing." The only differences, he said, were over "how you get there. That's totally understandable."

Now, of course, the real question kicks in: Will this settlement solve these complex, deep-rooted problems?

Marcia Robinson Lowry, executive director of Children's Rights Inc., says "confident" is not a word she would use "when we're trying to reform a system that has been so bad for so long." But she will say the settlement creates "the very best set of circumstances to make (the governor's) statement a reality."

It includes "very specific commitments," Ryan notes, starting with a plan that within six months will address everything from DYFS management structure to out-of-home placement, including the care environment, keeping siblings together and the amount of time children spend in foster care.

"We're fixing a very troubled system," says Ryan, "but it will be a better system because of the collaboration.

"Quite frankly," he adds, "we need these experts. We need the Casey Foundation and this highly qualified panel so we can avoid mistakes other states have made."

Ten other states have come to similar settlements with Children's Rights Inc., he says, but New Jersey "is the first to call for an expert panel of people who have been through this, the first time these types of minds have been given authority and power."

Lowry says she is "pleased by the governor's attitude that he's not going into this grudgingly or reluctantly." She's also pleased that the plan is not entirely dependent on political goodwill, which can ebb and flow from election to election. "We have the courts with us," she says. "So if worse comes to worst we can go to court and get the orders we need."

As far as the governor is concerned, says Ryan, "the state will deliver on this." That sentiment is shared by Pollock, who says he was impressed with McGreevey's determination for meaningful change.

"What came through to me was the sincerity of his commitment to kids," Pollock says. "(The governor) told me, 'Government doesn't get any more basic than this.'"

True. But it will take a governor with unshakable resolve to create a DYFS that can reliably live up to its mission. If McGreevey turns out to be that governor -- well, it would be hard to imagine a greater legacy he could leave New Jersey.

Fran Wood is a Star-Ledger columnist.

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New Jersey Measures Toll of Child Abuse Report Reveals Trends in 123 Deaths Since '98

By RICHARD LEZIN JONES NYT

July 11, 2003

More than half of the New Jersey children who died of abuse or neglect over the last five years were less than a year old, and the numbers of those fatalities have been climbing markedly in the last two years. And of the 123 children total who died of abuse or neglect, more than 30 percent of them came from just two counties — Essex and Camden.

Those were some of the findings of what New Jersey officials yesterday called the most comprehensive portrait yet of its child welfare agency's worst failings. The report was full of charts and graphs, and page after page of stark statistics — scores of deaths broken down by age and race, county and cause of death.

Among the most disturbing conclusions, the officials conceded, was that some of the 81 children known to the state's child welfare agency died or were killed shortly after their households were declared safe.

State officials, in announcing what they called the most far-reaching documentary effort mounted by the Division of Youth and Family Services, said the report was a painful but necessary part of the agency's efforts at reform. The state recently agreed to turn over much of the oversight of the agency to an independent panel of experts.

In many respects, New Jersey's record closely mirrors that of other states. For instance, the rate at which children have wound up dead because of abuse or neglect — up 13 percent from 1998 to 2001 — is consistent with climbing numbers across the country. Similarly, the vast majority of the children were black or Hispanic, and lived in the poorer sections of the state.

Still, New Jersey's Human Services commissioner, Gwendolyn L. Harris, said that she was troubled by her agency's performance, specifically by the repeated instances in which children died in homes the state had determined to be safe.

"This points out one of the essential flaws in our case practice model," she said.

Ms. Harris said one of the agency's measures to improve its performance was to formalize the practice of using traditional background checks, from criminal records to mental health histories, to predict possible harm to children. Ed Cotton, the recently appointed director of the child welfare agency, made his reputation in Illinois by improving the ability of the state to assess potential risks to children.

In yesterday's report — a grim kind of demography of premature death — the researchers paid considerable attention to the deaths of the very youngest children.

There were 70 abuse or neglect deaths of children under the age of 1 for the past five years, a rate that is in line with the national one. Of the 70 deaths in New Jersey, nearly half happened in the last two years. The report found that nearly a quarter of those deaths were caused by drug exposure during pregnancy, a percentage that has tripled since 1998.

The report offered further confirmation that New Jersey parallels other national trends in child abuse deaths. Roughly 4 out of every 10 children in the study died because of physical abuse. Of those, 60 percent were killed by their fathers or other males in the household.

Inadequate supervision, or a complete lack of it, was cited in about a quarter of the deaths. Ms. Harris said that those cases may indicate the need for greater parental education, a step that she said was already under way. In some cases of abuse, the commissioner said, the intent to harm children was unmistakable. In other cases, it might have been ignorance.

One death report in yesterday's release described the death of a 1-year-old, Gary Waltz-Shutter. One morning in April 2002, Gary's mother, Denise Waltz, placed him and her 2-year-old niece in the bathtub. After removing Gary from the tub and dressing him, Ms. Waltz said, she let

him play in a hallway within her line of vision while her niece remained in the tub.

Ms. Waltz went to the kitchen to make formula and use the phone, the state report said. She said that she was gone from 50 seconds to two minutes. When she returned to the bathroom, she saw Gary face down in the bathtub.

In all, more than two-thirds of the 123 deaths involved children who were black, Hispanic or Asian. Boys made up slightly more than half — 53 percent — of the children who died.

Geographically, three counties — Essex County, which includes Newark; Salem and Atlantic Counties — had the highest rates of child death per 100,000 children. Those counties and two others, Passaic and Hudson, made up 61 percent of the state's child deaths.

All of the seven children who died in Atlantic County during the five years reviewed had been monitored by the state child welfare agency at some point.

Fourteen other counties also reported child deaths during the period covered by the report. Only two counties, Somerset and Bergen, the state's most populous county, had no child abuse or neglect deaths reported during the reviewed period.

Ms. Harris said that supervisors in several offices were reviewing cases that had been closed. That review, the commissioner said, had already led officials to re-open several cases.

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DYFS reveals 'alarming' data on childhood fatalities

MARY JO PATTERSON Star-Ledger Staff

July 10, 2003

The undertaker scooped the white pine box holding the body of Jaquan Holmes from the trunk of his hearse, and carried it to a freshly dug grave. It was light as a bread box.

In under five minutes, the burial was over. There was no service at his graveside, no ceremony, and no grieving relatives, just the undertaker and a caseworker from the N.J. Division of Youth and Family Services. Jaquan, a premature baby, was seven days old when he died, the eighth child of a heroin-using mother.

Between 1998 and 2002, 123 New Jersey children died of neglect or abuse, and Jaquan was among them. Yesterday his name appeared among the last 55 additions to the tally, which the state Department of Human Services has been working to complete since January. Today, half way through 2003, it is possible to publish for the first time the names of children who died of abuse or neglect in New Jersey over the five-year period.

More than half of those 123 children were less than a year of age, and almost half of them were African-American, according to a 22-page statistical analysis of the deaths that was released at the same time. While the father or another male killed 61 per cent of those who were physically battered, mothers figured heavily in cases of fatal neglect -- through lack of supervision, or drug abuse.

Many children died in tubs, pools or fires, when no one was watching them. In one case, a toddler drowned in a bathtub while supposedly under the supervision of an older sibling. The father had left them alone for about a half hour to smoke marijuana with his girlfriend.

Two-thirds of the children who died came from families who had been counseled by DYFS, suggesting that the state's efforts on their behalf may have failed more often than not. The agency provides a variety of services to families, but its core mission is to protect children.

Human Services Commissioner Gwendolyn L. Harris called that finding alarming, during a press conference yesterday to discuss trends identified in the report. "(There were) cases that were open and then closed, and then a child death occurred within a year after the case was closed," she said.

But rather than blame individual performance, she faulted what she called the state's "flawed" guidelines for assessing whether a child is safe in his home. Other states use more scientific measures for deciding when a child should be removed.

"The division has not have a risk assessment. Risk assessments have been available in the field of child protection for a number of years," she said. "Why the state of New Jersey has not had it is an open question."

The departmental report itself, however, analyzed the performance of each of DYFS's 32 district office and reported disturbing differences in outcomes.

Offices in Newark, Camden, Ocean County, and Central Passaic had a "disproportionately large" percentage of fatal abuse cases that were open at the time of child's death. In Atlantic County, every single child who died of abuse or neglect was known to DYFS, the report said.

Departmental officials said the analysis was undertaken to help the reform of DYFS, following the public outcry over a child abuse case bungled by a Newark district office in January.

Police discovered the shriveled corpse of Faheem Williams, 7, in a Newark basement, months after DYFS failed to follow up on a report that he was being abused. Within days the news media, including The Star-Ledger, demanded reports on the child abuse fatalities in New Jersey that had occurred in the previous five years. By law, such reports are public. The long delay was caused, in part, by poor record-keeping by case workers and their managers.

Those reports -- sparse case summaries describing how the child died and whether DYFS had involved -- formed the basis of yesterday's report.

In emotionless, telegraph-style, they frame the cause of each child's death.

"Mother and father admitted to beating Elliot over a period of time. Father admitted to hitting the infant with a car seat," one such report states in the case of Elliot Burgos, a four-month-old boy killed on Nov. 14, 2000.

"Rhakida Daniels, mother of Aljaneer, left her son in the care of a friend's ten-year-old son, while she went out for fast food," states another, filed in the July 28, 1998 death of Aljaneer Caraway, a four-month-old boy. "It appears the 10-year-old was unable to cope with Aljaneer's crying and punched the baby in the stomach and head."

At the press conference, Harris said one of the most disturbing trends uncovered by the report shows that the number of very young children suffering fatal neglect or abuse has been on the rise since 1998.

In the five-year study period, children 12 months old or younger accounted for almost 57 percent of all deaths. But the proportion of children who died before their first birthday has risen, from a low of 40 percent in 1998 to a high of 66.7 percent in 2002.

Boys under one year were more likely than girls to die from neglect or abuse, the report said. Overall, however, the deaths were fairly even split between boys and girls; boys accounted for nearly 54 percent of all fatalities.

Jersey's death toll of abused children is similar to other states in the northeastern United States. In 2001, state fatality data from the National Child Abuse and Neglect showed abuse and neglect death rates ranged from a rate of .32 deaths per 100,000 child population in New Hampshire to 7.89 per 100,000 in Delaware. New Jersey has a rate of 1.58 while Pennsylvania has 1.65 and New York 1.67.

Harris underscored the need for improved services to mothers who use drugs. About 80 percent of the DYFS caseload consists of parents who use drugs, according to state officials.

"We've got to start acting like this is more the case as opposed to the exception," she said.

Harris also said the department, under the direction of deputy commissioner Colleen Maguire, has begun a systematic attack on the agency's documented shortcomings.

"We started in Newark," she said, which had 19 children die as a result of abuse or neglect from 1998-2002. "We are meeting with a cross-section of folks, agencies we contract with, health professionals, maybe law enforcement, to look at what we are doing and what we are not doing."

Finding successful ways to intervene in the life of drug-using mothers, especially those who have had a number of children, is extremely difficult, said Michelle Rennert, a social worker in the neonatal intensive unit of University Hospital in Newark.

"Most of the time, with mothers with a long history of drug abuse, the intervention doesn't seem to be very successful," Rennert said.

At University Hospital about 8.3 percent of all live births there involve mothers with a history of substance abuse, said Elmer David, attending neonatologist at the hospital and an associate professor of pediatrics at New Jersey Medical School/UMDNJ.

"Drugs add insult to injury," he said. In addition to the usual risks posed by prematurity, drug-exposed babies have other daunting medical

problems, such as feeding intolerance, necrotizing enteritis and short bowel syndrome, he said.

DYFS not only knew about Jaquan Holmes' mother use of drugs; it also paid to provide drug treatment services. It also had also provided her with foster care services, medical care, transportation, clothing, furniture, shelter care, respite care, homemaker services, and psychological services. After Jaquan died, DYFS paid one last bill -- for a funeral and burial.

By the time he was born, on Dec. 11, 2002, his mother had already given birth to seven children.

One was already an adult, and the other six were wards of the state. DYFS had taken away all her children. Her involvement with the division dated back to 1989.

The baby was born at home, and his mother had no pre-natal care. They were rushed to Jersey City Medical Center, where Jaquan died seven days later.

Not mentioned in the report is the fact that his body lay in the Newark office of the regional Medical Examiner for the next four months. The reason for that is unclear, and queries to the state Medical Examiner Office and to DYFS did not produce an answer.

Staff writer Susan K. Livio contributed to this report.

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Camden County murder-suicide father subject of DYFS claims

BY DAVID KINNEY AND SUSAN K. LIVIO Star-Ledger Staff July 10, 2003

The Division of Youth and Family Services has launched an internal investigation into why social workers last year closed their case on a Camden County man who last weekend killed his two children, his ex-girlfriend and then himself.

Ten complaints involving the two children were filed with DYFS over eight years, including reports from relatives who claimed the father hit his young children and used drugs in front of them. Child-welfare workers could not substantiate those claims and closed the case in September, DYFS spokesman Joseph Delmar said.

Police say a despondent Steven Wasserman murdered his 10-year-old daughter, 8-year-old son and 33-year-old ex-girlfriend before committing suicide in the garage of his Magnolia house over the Fourth of July weekend.

One neighbor, Joanne Dominick, said the children's mother told her in 1997 that Wasserman hit his son in the face. The neighbor was there when the mother reported it to DYFS. Though DYFS found the claim unsubstantiated, it sent Wasserman to get anger-management counseling.

Dominick said she worried at the time that not enough was done.

"The woman said to us, 'There's nothing we can do. There's not enough proof.' I said, 'Wait -- you're saying the kids need to get beaten more for something to be done?' I said, 'Something's going to happen to these kids, and it's going to be too late,'" she said yesterday in an interview.

The disclosure of the child abuse claims in the Magnolia deaths added another chapter to a year of controversy over DYFS' inability to safeguard children. The state said in a long-awaited report released yesterday that 81 of the 123 children who died from abuse and neglect between 1998 and 2002 were under DYFS supervision at one time. Of the kids, six in 10 were -- like the Wassermans -- killed by a father or unrelated male caretaker.

Delmar said DYFS will finish its examination of its contacts with the Wassermans within two weeks.

"On the surface, it may appear we did not act appropriately since there was a large number of referrals," Delmar said. "However it is too early to make that determination."

Authorities said it appeared Wasserman, 44, killed his daughter Rhiannon first. Next, Wasserman used a baseball bat to bludgeon his ex-girlfriend, Valerie Soto of Chester, Pa., to death, they said. Then, authorities said, he killed himself and his son Michael in his Chevy Blazer by running the engine in their garage until they died of carbon monoxide poisoning.

Authorities said Wasserman left a long note behind in which he bemoaned his life and troubled relationships. Magnolia Police Chief Robert Doyle said he may have been unemployed at the time of his death. He had broken up with Soto in May.

Last night, about 200 people, including classmates of the two children and their parents, filled the Magnolia Elementary School gymnasium last night for a memorial service for the slain children.

Some of Wasserman's neighbors have described him as a stormy father who sometimes yelled and cursed at his children in public, and constantly fought with his wife, Lisa Asquith, before they were divorced several years ago.

Police said they responded to domestic violence complaints involving Wasserman and Asquith. Court officials said Asquith sought temporary restraining orders against him three times between May 1995 and August 1996, but all of them were either dismissed or withdrawn. When Wasserman and his wife divorced, they fought over custody of their children -- and he won.

Asquith filed complaints to DYFS five times.

In July and August 1997, she said he hit Rhiannon; social workers found she had insect bites.

In November that year, she accused him of hitting Michael in the face, prompting the anger-management order. Six months after that, she again claimed her husband hurt Michael, and again, DYFS found the charge unfounded. This time, DYFS helped ship the kids off to summer camp.

In 2002, she said he held Rhiannon face-down in a tub of water. Investigators concluded the allegation to be unfounded after the daughter told them her mother had ordered her to make up the story.

"Many times these allegations are unfounded and they have no merit." Delmar said. "However we have a responsibility to investigate every referral. A referral should not be looked at in terms of a custody battle. Every referral should be given equal weight."

The sole substantiated complaint did not involve either parent: In 1999, Rhiannon was treated for dehydration, and Wasserman's mother -- who lived with the family -- was cited for refusing to get hospital treatment as ordered by a doctor. Delmar said DYFS took no action in that case.

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Experts called in to reinvent DYFS

Foundation has proven record of repairing child welfare systems

BY SUSAN K. LIVIO Star-Ledger Staff Sunday July 20, 2003

Before last month, the state had high regard for but no involvement with the Annie E. Casey Foundation of Baltimore, a \$2.7 billion philanthropic organization and troubleshooter for failing child welfare systems in dozens of cities and states across the country.

Now state officials have placed the future of New Jersey's troubled child welfare agency largely in the hands of the foundation, which has committed experts and money to help reinvent the state Division of Youth and Family Services over the next two years.

The foundation's rise to local prominence stems from a June 24 settlement between DYFS and Children's Rights Inc., the national advocacy group that sued the state for violating the civil rights of the 11,600 children DYFS supervises in foster homes, group homes or institutions. The class-action suit accused DYFS of putting foster children at risk of abuse and neglect, and trapping them indefinitely in a cash-strapped, mismanaged system.

Children's Rights and the state agreed an independent panel of child welfare experts was needed to devise a new blueprint for DYFS, and gave the Casey Foundation a prominent place at the drafting table. They named Casey senior staff to occupy two of the panel's five seats. Casey also will supply the full-time staff to assist the panel.

"Casey is the country's largest and most revered child welfare foundation, with a huge corpus and investments in every single state," said Kevin Ryan, Gov. James E. McGreevey's deputy chief of management and operations. "And here we were squarely in the midst of the country's most infamous child welfare nightmare. It was a natural place for Casey to want to be. It was a matter of us convincing them they needed to be here."

The nightmare is the case of 7-year-old Faheem Williams, who was found dead in January. The case prompted the state to settle the 4-year-old lawsuit with Children's Rights. His death highlighted how DYFS failed him and his dysfunctional family. Child welfare workers had gotten a tip the

boy and his two brothers were being scalded and beaten, but they never completed their investigation and closed the case.

Ryan, as a negotiator in the lawsuit, said he consulted many colleagues, including Nicholas Scoppetta, former Mayor Rudy Giuliani's child welfare commissioner. Scoppetta's message to Ryan: Settle the suit and get Casey involved.

The foundation was appointed in 1998 to help clean up New York's child welfare system.

"They were nonpolitical and objective," Scoppetta said. "They funded it entirely themselves because they did not want to be beholden to the city government on the funding of their activities," Scoppetta said.

Children's Rights, too, insisted on Casey's involvement in New Jersey.

"The state knows it's in a very deep hole here," Children's Rights Executive Director Marcia Robinson Lowry said.

The McGreevey administration has six months to develop a plan that cures DYFS' many ills. The panel's job is to make sure the plan is viable, and to hold DYFS accountable for carrying it out.

In New York, Casey spent \$4.5 million over three years to run the panel's operations, according to John Mattingly, a Casey senior associate. He said he envisions a similar multimillion-dollar effort here.

The 65-year-old foundation, created by one of the founders of United Parcel Service, Jim Casey, and his siblings, reported \$2.7 billion in assets and \$180 million in grants awarded last year, Casey spokeswoman Diane Camper said. Annie was the Casey children's mother.

The foundation's projects and clout have been growing steadily for the last decade. It provides intensive foster home finding and adoption family services, helps communities plan for new schools, and invests in job training, housing and commercial development in low-income neighborhoods. One project provides financial counseling to Camden residents.

Until now, New Jersey has known Casey through its annual KidsCount reports, a compilation of data on children's health, economic stability, safety and mortality in every state.

The foundation officially moves into New Jersey this week, although the panel has met once privately. Once the plan is devised, the panel must release progress reports for the public every six months, according to the settlement.

The panel consists of Casey associates Kathleen Feeley, who has managed and designed the foundation's foster children and juvenile offenders programs and overseen reform efforts in six states; Steven Cohen, who oversees reform efforts in New York, Tennessee and Philadelphia; Robert L. Johnson, a psychiatrist, pediatrician and recognized authority on adolescent medicine; and Judith Meltzer, deputy director of the Center for the Study of Social Policy in Washington, D.C.

A fifth member has yet to be named.

Susan Livio covers health and welfare. Copyright 2003 NJ.com. All Rights Reserved.

5:47) 23-JUL-2003 08:56 [John Searight \(searighj\)](#)

New DYFS chief vows change

Cotton will place child safety first in overhaul of troubled agency

BY SUSAN K. LIVIO

Star-Ledger Staff

July 23, 2003

On his second day as director of a child welfare agency that has gained national attention for its failures, Edward Cotton vowed yesterday that New Jersey will dramatically improve its system to protect abused and neglected children.

"Safety is paramount," said Cotton, the new director of the Division of Youth and Family Services. "Anything else comes after that. I can't stress that message enough."

Cotton said he will make the foster care system so safe it will pass a federal audit that begins next spring. And he knows there are more challenges. He must win the confidence of a court-ordered panel of child welfare experts that will decide whether DYFS is doing its job. The work force suffers from morale problems. And he needs to restore the public's trust in an agency criticized for missteps involving children who were known to DYFS and ultimately died or suffered serious injury.

Cotton, 54, a former foster father who left the state child welfare director's job in Nevada to take the \$110,000 post in New Jersey, said he is "not coming in blind."

He said he knows DYFS has endured seven tumultuous months since the body of 7-year-old Faheem Williams was found in a basement in Newark in January. DYFS workers had closed his family's case 11 months earlier without investigating a complaint that he and his brothers had been beaten and scalded.

The case plunged the agency in the national spotlight and forced the state to settle a civil rights lawsuit brought on behalf of foster children. The settlement established the panel that will monitor DYFS for the next two years.

"I've been asked quite a bit by my friends in other states, 'Why New Jersey?'" Cotton said. "I believe the governor's commitment to kids has been out front."

Cotton's new boss, Human Services Commissioner Gwendolyn Harris, said she hired him for his track record in Illinois, where as deputy director of that state's child welfare agency he helped design a "safety assessment," a set of questions that determines the long-term danger faced by a child who had been abused.

When workers used the assessment, the number of children who were abused again dropped 16 percent in the first year. By the program's fifth year, the instances of repeat abuse had dropped 50 percent.

Harris said Cotton will use this assessment system to improve DYFS' track record in the first U.S. Department of Health and Human Services audit of New Jersey's foster care system. Future federal funding may depend upon the audit. DYFS' credibility is also at stake: a study based on DYFS statistics said one in 10 children had been abused in foster care.

Based on case records dating from 2000, New Jersey would fail the audit, but federal officials allow states another chance to improve.

"We must have improvement in all areas. Those are his marching orders," Harris said.

Although he has only skimmed the records, Cotton said a safety assessment could have aided the staff involved the Williams case.

"What concerned me (in that case) was, 'How were safety decisions made? Where are the supervisors when workers are making decisions?' One person should not be hanging there on his own," Cotton said.

Cecilia Zalkind, executive director of the Association for Children of New Jersey, said Cotton "is coming into the agency at a very critical time. This is a one-time opportunity to really make changes. You could have the greatest reform on paper, but carrying it out is what's important."

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Legal costs of DYFS suit top July 22, 2003 Associated Press

The state's four-year court battle with a children's rights group will cost taxpayers more than \$5 million in legal expenses.

New York-based Children's Rights Inc. had sued New Jersey in 1999 in an effort to force changes at the troubled Division of Youth and Family Services. The two sides reached an agreement in June, and the state is paying the legal fees it incurred and those of the advocacy group.

"This was the most heavily defended lawsuit I have seen with a system that was undefendable," Marcia Robinson Lowry, Children's Rights executive director, told the Philadelphia Inquirer for yesterday's editions.

While legal costs in the case grew from the expense of copying hundreds of thousands of pages of records, hiring experts and documenting testimony by dozens of witnesses, the costs could have been higher.

Wolf, Block, Schorr & Solis-Cohen, a Philadelphia law firm that assisted the state, billed New Jersey \$165 an hour per attorney rather than the normal \$400 an hour or more, and has so far filed invoices totaling \$1.26 million for legal fees plus \$130,000 in expenses. In the past year, after state officials objected to paying for two Wolf Block lawyers, the firm agreed to bill for only one even when providing two.

The state also had paid \$1.2 million to the Child Welfare League of America, principally to have social workers read case files, said Joe Delmar, a DYFS spokesman. Delmar said the analyses of the files will help the agency overhaul the changes spelled out in the settlement.

Delmar also said more than \$500,000 was spent on expenses in the case, including costs related to expert witnesses, depositions and requests to produce more than 200,000 pages of records.

A law firm that worked with Children's Rights, Lowenstein Sandler of Roseland, waived more than \$1 million in fees. Andy Williams, a spokesman for the state Department of Human Services, said Children's Rights had \$1.65 million in legal costs, plus \$86,000 in expenses.

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5:48) 06-AUG-2003 07:19 [John Searight \(searighj\)](#)

State flunks fed audit of foster care system

DYFS may have to return millions in aid

BY SUSAN K. LIVIO Star-Ledger Staff August 06, 2003

New Jersey has failed a federal audit of its embattled child welfare system and may have to give back as much as \$10 million in U.S. aid, according to officials familiar with the review.

Federal regulators have told the state that the audit found the Division of Youth and Family Services was performing badly in several critical areas of its foster care system, state and federal sources said. The problems included:

Failing to document it has made reasonable efforts to keep children out of foster care, or reunite foster children with their families as soon as possible.

Placing children in foster homes without proof that they had been licensed to certify their safety, cleanliness and the character of the foster parents.

Keeping children that parents have voluntarily placed in foster care longer than six months without a judge's approval.

Seeking reimbursement for a foster child who does not live in poverty. The federal government requires individual states to foot the bill for foster children who do not qualify for welfare benefits.

The audit by the U.S. Administration for Children and Families is routinely performed every three years. New Jersey failed its previous review, in 2000, but was forced to return only a modest \$191,000.

The exact amount the state would have to return will not be known until DYFS officials receive the federal government's written report later this month. But they already know the report will not contain much good news.

"We are anticipating we are not going to pass the audit," DYFS Chief of Staff Jean Marimon said in a recent interview.

The audit examined the files of 150 foster care cases, chosen at random, from April to September 2002, during which time DYFS collected \$32 million in federal aid.

After finishing the review in June, the federal auditors told DYFS it had failed to meet the strict guidelines for federal reimbursement, and estimated it would have to return about \$10 million of the aid, according to officials familiar with the process. That number could be adjusted as the audit report is finalized, they said.

The potential loss of as much as \$10 million comes after state lawmakers scraped together \$30 million in a cash-strapped budget to start funding several DYFS reform measures.

Every three years, all states undergo a "Title IV-E" audit, named after the federal law that helps subsidize care for roughly 542,000 children in foster homes and institutions across the country, including 11,600 in New Jersey.

Susan Orr, associate commissioner of the U.S. Children's Bureau within the Administration for Children and Families, said "We give the states a chance to improve. Most states that do not pass (the first time), pass the second time."

New Jersey didn't. Officials said some of the same mistakes made in the 2000 audit were repeated this year.

Of the 80 cases scrutinized in 2000, 49 were disqualified for federal reimbursement. In 33 of these cases, DYFS placed a child in an unlicensed

foster home, or failed to re-inspect a foster home before its license expired. The state also failed in 14 cases to obtain a court order determining that DYFS had made "reasonable efforts" to keep the child with his or her family before being placed in foster care.

Federal auditors required the state to develop a correction plan so DYFS could be ready to pass the 2003 review.

Deborah Bradley Kilstein, chief of staff for the state Department of Human Services, which includes DYFS, said a plan was in place. "What was missing," she said "was continued evaluations to ensure the action steps were adequate and were being maintained over time."

State officials are hoping a new reform campaign will solve these problems.

With a new quality assurance team in place -- including an oversight committee involving officials from every local and regional office, and an automated tracking system, the same mistakes will not go unnoticed again, Kilstein said. "We will make sure the changes will make a lasting difference."

Marimon of DYFS said the state had a hard time correcting its mistakes after the 2000 audit because "the automation was not there to track it." The state is about to replace its antiquated computer system with the high-tech Statewide Automated Child Welfare Information System, which should automate and simplify many of the paperwork demands DYFS employees must meet.

"By the beginning of September, all offices will be trained. ... Once it's institutionalized, it will be easier to track and address any problems," Marimon said.

In June, the state settled a federal class-action lawsuit brought by a children's advocacy group that accused it of underfunding its child care agency and trapping foster children in a system that puts them at risk for abuse and neglect. Under the settlement, a panel of national child welfare experts will oversee the state's reforms.

New Jersey is far from being the only state that struggles with the federal foster aid reimbursement rules, according to child welfare experts.

"Determining eligibility of foster children for (federal) funding is a complex issue. Some states are more successful than others," said Pat Wilson, a senior consultant at the Child Welfare League of America, a national research and advocacy organization in Washington, D.C. "The issue of Title IV-E eligibility would be better if it were simpler."

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5:49) 07-AUG-2003 06:54 [John Searight \(searighj\)](#)

Work soars for child welfare staff

Surge in abuse calls following Faheem Williams tragedy outpaces the expansion of DYFS

BY SUSAN K. LIVIO

Star-Ledger Staff

August 07, 2003

In the seven months since the discovery of a Newark boy's remains spurred a push for reform, the state child welfare agency has been swamped with new reports of abuse and neglect. Meanwhile, its hiring of new social workers has failed to keep up, causing caseloads to soar.

The number of abused and neglected children being monitored by the state Division of Youth and Family Services jumped 24 percent to 58,300 from January through July, according to statistics compiled by the Association for Children of New Jersey.

That pushed the average number of children monitored by each district office caseworker to 41 last month, up from 32 at the end of last year, according to DYFS spokesman Joseph Delmar.

A combination of new abuse complaints that must be investigated, and a backlog of cases waiting to be closed, is outpacing the state's efforts to reduce caseloads by hiring new workers.

DYFS officials partly attribute the surge in abuse complaints to publicity surrounding the death of 7-year-old Faheem Williams in Newark. The boy's battered and emaciated body was found in a relative's basement Jan. 5, 11 months after DYFS had closed his case without investigating an allegation of abuse.

"The number of calls has risen drastically," DYFS Director Edward Cotton said yesterday. Not all calls turn out to be bona fide cases of abuse or neglect, but it takes time to determine that, he said.

Cecilia Zalkind, executive director of the Association for Children of New Jersey, a watchdog group on child welfare issues, said the increase in cases could benefit the children involved -- if the DYFS staff can handle it.

"If it means more cases are opening appropriately and not closed too quickly because they need to be open, that's a good thing," Zalkind said.

But she added: "More critically, what is the impact on staffing? How many more caseworkers will be needed? If workers are dealing with more cases, what does that do to the quality of work for children who need their help?"

In the aftermath of the Williams case, Gov. James E. McGreevey and Human Services Commissioner Gwendolyn L. Harris pledged to overhaul DYFS and earmarked \$14 million in February for 271 new positions, including 65 caseworkers and 47 supervisors.

Since then, DYFS has hired 99 caseworkers and front-line supervisors, but they simply filled vacant positions, Delmar said. There are still 38 vacancies to fill before the agency "breaks even" and starts adding new positions.

But for DYFS -- where it typically takes three months to hire somebody -- this is progress. "We are doing quite well," Delmar said, noting that the number of vacant positions two years ago climbed to 150. "We continue to get a large number of people applying for positions."

A last-minute addition of \$4 million in June to the DYFS budget will allow the state to add even more caseworkers and front-line supervisors, although how many is under discussion, Cotton said yesterday. "There is no reason to delay. We have the authority to hire," he said.

Unionized DYFS workers sounded skeptical about the state's resolve to hire enough workers.

"The caseloads are amazing ... It's at crisis proportions," said Hetty Rosenstein, president of Communications Workers of America Local 1037, which represents 2,000 DYFS workers. "That's why we need a caseload cap," said Rosenstein, referring to proposed legislation that would set a limit on the number of children supervised by a single front-line worker.

"Left to their own devices, (the administration) will not hire enough staff," Rosenstein said. "I have numbers now in Sussex County, where workers have 70 or more cases, including one with 100. In Sussex County? This is unprecedented."

DYFS officials say it is not surprising their agency is busier following a high-profile tragedy like the death of Faheem Williams, which makes the public more aware of the problem of child abuse.

"We're getting twice as many referrals as we had been since Faheem died," Deputy Human Services Commissioner Colleen Maguire said in a recent interview. "Workers are actually frightened not to attend to these calls, so we have caseloads that have increased across the state, some higher than others."

More cases often means workers don't have the time to complete the required interviews and paperwork to close a case that no longer needs the state's intervention, Maguire added.

Cotton noted that some of the complaints DYFS receives do not warrant intervention. "One call consisted of a child throwing rocks at a cat and urinating in the yard. We dealt with it as an investigation, but ... investigating a parent for neglect in this case is inappropriate."

To help inundated workers, Cotton will deploy senior staff later this month to examine older case files and to talk to staff to determine whether select cases need to be closed, he said. The senior staff -- including himself -- would then complete the paperwork and make visits to the families to close out cases.

He said of the caseworkers, "We will take that burden off of them so they can do social work."

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5:50) 12-AUG-2003 09:22 [John Searight \(searighj\)](#)

Beneath Faults of Foster Care in New Jersey, a Grim Burden

By RICHARD LEZIN JONES

August 12, 2003

In the thousands of pages of foster care records that a federal judge has forced New Jersey officials to make public in recent months, the state's failures to protect children are widespread, recurring and dramatic. The documents are a record of botched abuse investigations and the often utter lack of oversight of troubled households.

But at a more basic level, the documents, 2,900 pages of which were released yesterday, provide an unrelenting, unvarnished look at the often gruesome capacity of adults to harm children. And in that, even if they hardly offer evidence to excuse the state, they do make clear the size of the threat and the dimensions of the challenges in protecting children from all and any kinds of danger.

For in the documents, even when the public may be inured to disturbing newspaper headlines, the range of the established harm done to children is breathtaking.

Particularly troubling to those who studied the system is that in many of the cases released yesterday, caseworkers failed to recognize what advocates and others say were obvious signs of abuse.

In one case, the records show, two foster children were punished by having pepper and dish detergent placed on their tongues, which caused them to vomit.

In another, the files show, two foster children were punished by repeatedly being forced to stand on one leg, their arms extended, for minutes on end.

And in a third case, a foster mother made her two charges sleep outside on an unheated porch during the winter, documents show. The state also found that she sometimes used a small wooden baseball bat to hit the children, sending one to the emergency room for treatment.

"There are just people who prey on vulnerable people," said Cecilia Zalkind, executive director of the Association for Children of New Jersey, an advocacy group based in Newark. "I think that has happened in some of these cases. You're talking about a system that serves vulnerable people and has no oversight."

Such abuse is certainly not unique to children in New Jersey. According to federal figures, about 900,000 children suffer maltreatment each year, and roughly 1,100 children die annually because of abuse and neglect. That people can commit the unthinkable, then, is well established.

However, the thousands of pages that New Jersey has released — which include cases from across the state that were collected in the past several years — depict a world of near-limitless invention in ways to harm children. The files, in page after page of clinical, almost neutral language, make the unimaginable seem commonplace.

In the case of the children who had detergent and pepper placed on their tongues, workers with the State Division of Youth and Family Services also found that the children's foster mother beat them with a belt and forced them to stand in a corner for long periods as a method of punishment. The victims were two girls who were 5 and 6 years old.

Other files described the deplorable living conditions of some foster homes. Workers found that a 6-year-old was so neglected in one home that he picked through the garbage at school looking for food. His foster mother beat him with a belt and refused to take him to the hospital after he suffered first- and second-degree burns in a kitchen accident.

In another incident, caseworkers discovered a foster home that reeked of urine and was so littered with garbage bags and newspapers that they had to hold on to a wall for balance. After one visit, a caseworker wrote to a colleague, "We have to move these babies."

The documents released yesterday were designated in a court order issued by United States Magistrate Judge John Hughes. In March, Judge Hughes ordered New Jersey officials to make the documents public in response to a court action brought by The New York Times.

The files were previously in the possession of Children's Rights Inc., a Manhattan-based advocacy group that sued New Jersey over its foster care system and had been given the confidential records as part of court proceedings.

From April to June, three sets of state records were released by the judge's order. On June 24, Gov. James E. McGreevey announced a wide-reaching settlement with Children's Rights that, among other measures, called for the creation of an independent Child Welfare Panel to help overhaul the state's foster care system.

Yesterday, Children's Rights officials said they hoped that the files that were made public would be used as a tool in the state's effort to change the way it cares for foster children.

"It's always shocking to read the case file details, as recorded by the agency, of abuse of children," said Eric Thompson, a lawyer with Children's Rights. "This should be a further wake-up call to the state."

Mr. Thompson was particularly troubled because in many of the cases released yesterday, caseworkers had ruled that allegations of abuse were unsubstantiated.

"It's essential that trained professionals be able to recognize the red flags of abuse and neglect in order to protect these children," he said.

A spokesman for the State Division of Youth and Family Services, Joe Delmar, said the agency was determined to improve its performance.

Mr. Delmar said the agency was reviewing its licensing requirements for caregivers, conducting safety reviews of foster children and increasing its monitoring of foster home and other programs by taking steps like having more unannounced visits.

"We will continue to move forward with our transformation plan with support and guidance from the Child Welfare Panel," Mr. Delmar said.

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DYFS failed to pay heed to signs of child abuse

Advocate releases data about 37 cases

BY MARY JO PATTERSON Star-Ledger Staff August 12, 2003

The 6-year-old foster child certainly looked like a classic case of abuse or neglect.

He rooted through garbage at school looking for food. His clothing was filthy. He showed up one day with an untreated burn. He said his foster mother beat him.

Yet an investigation by the state Division of Youth and Family Services in 2002 failed to substantiate abuse or neglect. The boy's foster home was eventually shut down, but only at the request of the foster mother.

Confidential records in that case, and 36 others where DYFS failed to substantiate reports of abuse or neglect involving foster children, were released yesterday by Children's Rights Inc., the New York group that sued DYFS in 1999 for failing to protect its foster children.

The case was settled June 23, when DYFS agreed to a court-supervised plan of emergency reform. Three days earlier, however, a judge gave the plaintiffs permission to publicize internal DYFS documents considered critical to their case.

Yesterday, they released 2,900 pages, saying they presented additional evidence that New Jersey's child welfare system is dysfunctional. Names of children and foster parents were removed.

It was the fourth time since April that Children's Rights has released a batch of documents appearing to damn the state's child protection agency. Lawyers for the group said it was likely to be the last.

The newest documents reflect the work of DYFS' Institutional Abuse Investigation Unit, which is responsible for investigating reports of abuse to children in residential and foster care.

"These reports offer dramatic evidence that New Jersey has been failing to protect its foster children," said Marcia Robinson Lawry, executive director of Children's Rights.

DYFS had little new to say in response.

"We will continue to move forward with our transformation plan," said Joe Delmar, spokesman for the beleaguered child welfare agency. "The review of IAIU continues. Safety assessments will be conducted for all children in out-of-home placement."

The documents released yesterday cover 37 cases between 1999 and 2002 where DYFS received, but did not substantiate, reports of possible maltreatment. Sixteen of the children involved were living in foster homes and 21 in institutions.

Some of those foster homes were eventually closed, though not as a result of the reports. And in later investigations, some of the children were eventually found to have been harmed.

While detailed, the documents do not always provide insight into DYFS investigators' thinking.

The 6-year-old Irvington boy who came to school hungry and dirty, for example, told an investigator, "Mom hits me almost every day, sometimes she puts me outside."

He also said that he arrived at school "real early," without food, while his foster mother slept at home.

Yet the investigator assigned to his case concluded that he had not had been neglected or abused. She did note numerous "concerns," however.

Eric Thompson, a senior staff attorney at Children's Rights, said it is not unusual for DYFS to overlook evidence of abuse.

"Many times the actual abuse was minimized by the investigator, even though there was concrete and admitted evidence of physical abuse, including visible marks," he said.

In one case, Thompson said, foster parents repeatedly used a tree switch on an 11-year-old girl, first at their home in East Orange and two years later after moving to Roselle.

Both times, the beatings produced marks on the girl's leg that were consistent with the switch. The mother also admitted using corporal punishment, in violation of DYFS policy. Still, no one substantiated physical abuse.

In Millville, in another case of "unsubstantiated" abuse, a foster child ended up in an emergency room.

Thompson called the division's habit of acknowledging concerns, without substantiating abuse, "a recipe for allowing ongoing abuse to continue."

Three institutions were named in yesterday's documents: Lipman Hall in Newark, a residential treatment center for severely disturbed youth; Vision Quest in New Lisbon, which also treats teenagers with severe emotional problems; and a now-closed program called Newark Transitional Supervised Living.

Twelve of the 21 reports of alleged maltreatment or neglect at the three institutions involved charges that workers inappropriately restrained teenagers.

Five of the remaining nine reports detailed sexual encounters between unsupervised residents.

Children's Rights has previously faulted IAIU.

In May, it distributed a report commissioned from a professor at the University of Maryland that blamed the unit for discounting far too many complaints.

"IAIU findings decisions were found to be professionally unreasonable 25% of the time," wrote the author, Diane DePanfilis, co-director of the university's Center for Families. "First-hand observations by DYFS workers of serious abuse and neglect in out-of-home placements were repeatedly discounted by IAIU."

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5:51) 19-AUG-2003 20:09 [John Searight \(searighj\)](#)

DYFS mom held in fatal beating of 14-year-old son

Agency called family 'low risk'

BY ANA M. ALAYA AND SUSAN K. LIVIO Star-Ledger Staff August 19, 2003

A Bergen County woman was charged yesterday with beating to death her 14-year-old son, who had called 911 and asked for help after she repeatedly punched and kicked him, authorities said.

Linda J. Calbi, 47, of Old Tappan was charged with murder and child endangerment hours after her son, Matthew, died early yesterday at Pascack Valley Hospital in Westwood.

The Calbi family has been under the supervision of the state's embattled child welfare agency, the Division of Youth and Family Services, for the past two years. A DYFS spokesman said yesterday the agency had classified the family as "low risk," but is now reviewing how it handled the case. Matthew is the 18th child to die this year from what authorities suspect is abuse or neglect by a parent or caretaker.

Linda Calbi is accused of beating her son after a night of heavy drinking at her home, said Bergen County Assistant Prosecutor James Santulli,

chief of the homicide unit. Santulli said the two had been fighting for at least an hour Sunday morning before Matthew was finally able to lock himself in a room and call for help.

"This happened over a period of time," Santulli said. "After being kicked and punched, he shut the door and was able to call 911."

Calbi, a petite woman with long, sandy blonde hair, followed the ambulance to the hospital, where she was treated for bruises to her arms and legs and a bite to her wrist, Santulli said.

Matthew died of a ruptured neck artery. He also suffered bruises to both legs and had five hemorrhages in the head and a hemorrhage in the right eye, Santulli said. The boy initially was treated at Pascack Valley for injuries to his right eye, right shoulder and right arm before doctors discovered internal bleeding from a neck artery and performed emergency surgery. He died at 12:50 a.m. yesterday.

Santulli said he believes the fight began over Linda Calbi's heavy consumption of brandy on Saturday evening. Authorities are investigating whether she was drunk at the time of the incident, he said.

Calbi, who is unemployed and attends Bergen Community College, was arraigned before Judge William C. Meehan in state Superior Court in Hackensack shortly before noon yesterday. She faces 30 years to life in prison on the murder charge and five to 10 years on the child endangerment charge.

She was being held last night at the Bergen County Jail in Hackensack in lieu of \$1 million bail.

Calbi and the boy's father, Christopher Calbi, are divorced and have lived apart since 1999, authorities said.

Santulli said Matthew's 9-year-old brother, Dean, was at the Old Tappan house at the time of the altercation, but would not comment on whether the boy witnessed the fight. He said the child is staying at his father's home in Teaneck.

"It's a terrible tragedy and the family asks that at this time, its privacy be respected," Brian Sokoloff, a spokesman for Christopher Calbi, said in a statement read in front of the father's home.

School friends and neighbors described Matthew as a slight boy who liked music and didn't make trouble.

"He was very athletic and very friendly and very into his music," said Azka Iqbal, a former neighbor who was a year behind Matthew in school in River Vale.

Former and current neighbors of the Calbis said Linda Calbi appeared stressed and bitter, particularly after her separation and divorce. Neighbors along the cul-de-sac in River Vale, where the Calbis had lived for five years, said she drove erratically and that they often saw police at the house.

About a year ago, Calbi moved into a \$500,000 townhome in Old Tappan, an affluent community in northern Bergen County where the median household income is more than \$102,000. The townhouse complex is fairly new, with a pond and a pool.

Meanwhile, DYFS workers in Bergen County knew the Calbi family for nearly 2 1/2 years before Matthew's death.

The agency had last seen Matthew and his brother May 13, although it was unclear from the files last night whether the boys were living with their mother in Old Tappan or their father at the time.

"The caseworker said they were doing well," DYFS spokesman Joseph Delmar said.

DYFS delayed visiting the boys for three months -- instead of maintaining the typical monthly visitation schedule -- based on what workers perceived as a low risk, Delmar said.

Matthew's death may prompt state officials to tighten the visitation policy and require monthly visits in all cases. Deputy Human Services Commissioner Colleen Maguire and DYFS Director Edward Cotton had discussed revising the policy before the boy's death.

"We will do a comprehensive review to ensure we follow proper procedures and will make a determination if policy needs to be changed based on what we learn," Delmar said.

DYFS had first gotten involved with the Calbi family on March 23, 2001, after Linda Calbi was arrested for driving drunk and causing an accident while her children were riding with her. There were no injuries.

She was referred to a community agency under contract for DYFS to assess her drinking problem, but "she was not diagnosed with alcoholism," Delmar said.

Eleven months later, on April 29, 2002, DYFS received a complaint against the boy's father. Christopher Calbi, someone had alleged, kicked Matthew and left bruises. But DYFS workers who investigated did not substantiate the claim and closed the case.

DYFS reopened the Calbi file on Dec. 28, 2002, this time to investigate a claim that Matthew's mother had hit him, leaving bruises and scratches. Again DYFS investigated and did not substantiate the allegation, Delmar said.

On May 2 of this year, Linda Calbi overdosed on prescription medication. DYFS workers arranged for her to obtain outpatient alcohol and drug treatment and to see a therapist. The Calbis then decided among themselves that their boys would live with their father.

It was unclear last night when or why the boys moved back with their mother.

Matthew is the 18th child to die this year from suspected abuse or neglect, Delmar said. Many cases are still under investigation and this number may change.

DYFS has endured seven tumultuous months since the body of a 7-year-old boy, Faheem Williams, was found in a Newark basement in January. DYFS workers had closed the Williams family's case 11 months earlier without investigating a complaint that Faheem and his brothers had been beaten and scalded.

A state report issued this year revealed that of the 123 child deaths in New Jersey between 1998 and 2002, 81 of the victims had been under DYFS supervision at one time.

Staff writer Robert Gebeloff contributed to this report. Copyright 2003 NJ.com

5:52) 20-AUG-2003 07:40 [John Searight \(searighj\)](#)

For Relatives of Beaten Boy, Tears Trump Finger-Pointing

By RICHARD LEZIN JONES NYT August 20, 2003

NEWARK, Aug. 19 — There was no second-guessing of a system that seemed to have failed again.

Instead, for the family of 14-year-old Matthew Calbi, who the police believe was beaten to death by his mother on Sunday — just two months after New Jersey child welfare officials returned him to her custody — there is nothing but grief.

"Somebody said to me, 'Is the family pointing fingers at this point?' " said Brian Sokoloff, Matthew's uncle. "I said, 'They're so numb, they don't even know they have fingers at this point.' "

So now, Mr. Sokoloff said at the home of Matthew's father, Christopher Calbi, in Teaneck, N.J., there is only mourning for the boy, who was a juggler, a fan of hip-hop music, and the kind of teenager whose idea of a perfect world was a place where the Yankees never lost another game.

And today, family and friends tried their best to remember Matthew by those threads of his young life rather than the attention given in his death.

The authorities believe that Matthew was punched and kicked so badly by his mother, Linda J. Calbi, during an altercation Sunday afternoon that he suffered massive internal bleeding that led to his death. Ms. Calbi, 47, of Old Tappan, N.J., has been charged with murder and child endangerment and is being held in bail of \$1 million.

State child welfare officials, already under intense scrutiny this year, have promised to look into their handling of the Calbi family's case. Matthew died about three months after he and his brother were temporarily removed from Ms. Calbi's custody by child welfare officials concerned for the boys' safety after the authorities said she overdosed on prescription drugs. A month later, she was given custody again.

It was one of four investigations of the family since 2001. And a spokesman for the child welfare agency promised a thorough examination.

"We're going to conduct an exhaustive review," said Ed Rogan, a spokesman for the state Division of Youth and Family Services. "As with any of the cases we deal with, we want to get to the bottom of it. Certainly, if there are any failures found, we are going to address them."

The agency has come under intense scrutiny since the body of 7-year-old Faheem Williams was found in a locked Newark basement in January.

The state has promised a sweeping overhaul of child welfare. As part of that effort, it settled a lawsuit in June with Children's Rights Inc., a Manhattan-based advocacy group, by agreeing, in part, to the creation of an independent Child Welfare Panel with broad powers to reshape the agency.

Social work experts have pushed for change, citing child deaths around the state that they say could have been prevented. They also cite the agency's routine failure to recognize what experts say are obvious signs of abuse.

In Matthew's case, investigators found that two allegations of abuse made against his parents in the last 18 months were not substantiated.

While the state began its review of the Calbi family's case file, Mr. Calbi declined to speak to reporters today. Mr. Sokoloff, who acted as the family spokesman, said the Calbis divorced several years ago. Officials have placed Matthew's brother, Dean, 9, in Mr. Calbi's custody.

Mr. Sokoloff, who declined to discuss the family's dealings with child welfare officials, said the family members were focused solely on helping one another through the grieving process.

"I'm not interested in dealing with the political issues," he said. "I'm worried about my family and keeping it intact, and keeping a 9-year-old, Matthew's brother, who is also the joy of everyone's life, trying to spare this kid from as much of this horror as is possible."

Mr. Sokoloff said Matthew was an active, charming teenager. He joked that his nephew had only one fault: his love of the Yankees.

"We have endless debates about it," said Mr. Sokoloff, a Mets fan. "Among my many, many deep regrets is one trifling regret that he wasn't able to live long enough where I could say, 'Matt, you see, the Mets are better than the Yankees.' "

The two also had playful debates about music. "He was endlessly trying to convince me of the artistic merit of rap music, and he would make CD's. 'Listen to this, listen to this,' " Mr. Sokoloff said, noting that his response was always the same: "Matthew, this is not music."

"It's hard to fathom that he's not here," Mr. Sokoloff said. "He was really a bright light to many people."

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DYFS role in teen death spurs probe

Charges of fatal beating by mom leave angry governor 'frustrated'

BY ANA M. ALAYA AND RUDY LARINI Star-Ledger Staff August 20, 2003

Gov. James E. McGreevey ordered an investigation yesterday into whether the state's troubled child welfare agency properly supervised the family of a 14-year-old Bergen County boy who police say was beaten to death by his mother.

Describing himself as "frustrated and angry" over the death of Matthew Calbi early Monday, McGreevey said he expected the state Division of Youth and Family Services to provide him with the results of its internal probe by the end of the week.

DYFS, in the midst of an overhaul prompted by the deaths of several children under its supervision, has been involved with the Calbi family for more than two years. During that time, the agency allowed Matthew and his 9-year-old brother to remain with their mother, 47-year-old Linda Calbi, despite several complaints.

A DYFS caseworker was due to visit the family's Old Tappan home for an evaluation later this month.

"I'm frustrated and I'm angry," McGreevey, asked about Matthew's death, said at an unrelated news conference in Newark. "I'm frustrated that a mother would do this to a child. It's heinous. It's barbaric. And the mother will be prosecuted to the fullest extent of the law. I'm also frustrated that evidently DYFS did at one point conduct a review of the case, and a decision was made.

"I have requested that there be a complete evaluation to determine what DYFS did, and perhaps more importantly, what DYFS did not do," McGreevey said.

Linda Calbi, charged with murder and endangering the welfare of a child, is accused of repeatedly battering her son during an hour-long

confrontation in the townhouse she shared with both of her children. She and her husband, Christopher Calbi, divorced in July 2001.

Bergen County Assistant Prosecutor James Santulli, chief of the homicide unit, has said mother and son were arguing about Calbi's alcohol consumption Sunday morning when the argument became physical.

Matthew was punched and kicked repeatedly before he managed to lock himself in his bedroom and call 911, Santulli said.

He was taken to Pascack Valley Hospital in Westwood, where he was treated for injuries to his head, right eye and legs. Doctors later discovered internal bleeding from a ruptured neck artery.

Calbi, a petite woman with sandy blonde hair, was treated at the same hospital for bruises to her arms and legs and a bite to her wrist. Authorities are trying to determine if she was drunk at the time of the incident.

Santulli said Calbi was undergoing a psychological evaluation yesterday at Bergen Regional Medical Center in Paramus and likely would be transferred to the Bergen County Jail in Hackensack sometime today. She was being held in lieu of \$1 million bail.

Calbi's drinking has played a central role in DYFS' involvement with the family and has been the source of strife with neighbors at her former home in River Vale.

Police in River Vale, an upscale community in northern Bergen County, charged Calbi with drunken driving in March 2001 after she was involved in a traffic accident. Her children were in the car at the time, sparking the child welfare agency's first visit.

DYFS referred Calbi to a community agency to assess whether she had a drinking problem. DYFS spokesman Joseph Delmar said Calbi was not diagnosed with alcoholism.

But Calbi's former neighbors on Ellen Court Lane, a cul-de-sac lined with expensive homes, said the woman was repeatedly seen driving erratically on the block and frequently had alcohol on her breath.

"Within a very short time, she was driving drunk up and down the block. She was drunk all the time," said one woman who said she clashed repeatedly with Calbi during their five years together on the block.

The woman, saying she feared for her safety and that of her children, spoke only on condition that she not be identified.

The neighbor said that when she complained to Calbi, the woman began to harass her, shouting at her and her children and at one point, in February 2001, banging on her car windows and issuing threats.

"We have been living in fear for the last five years," the neighbor said.

River Vale police confirmed that they had received frequent complaints about Calbi from neighbors. Police also confirmed that on Feb. 10, 2001, a judge ordered Calbi to stay away from the family of the neighbor with whom she had been feuding.

Calbi moved to Old Tappan last year. Neighbors there said they had seen no outbursts, nor had they seen any sign of potential violence toward her children.

"She was always very friendly to me," said Carmella Cherpock, who lives in the townhouse next door. "She was nice to her children, always watching over them."

Another neighbor, Kelly Bennett, said Calbi sometimes shouted at her children, but not so frequently or vociferously that Bennett became suspicious.

"It seemed like maybe she yelled a lot, but not in a violent manner," said Bennett, a mother of two daughters, ages 5 and 2. "I didn't witness any kind of swearing or outwardly destructive behavior toward her children."

DYFS' involvement in the case continued in Old Tappan. On Dec. 28, 2002, the agency investigated a report that Calbi hit Matthew, leaving scratches and bruises. The agency did not substantiate the allegation.

On May 2 of this year, the agency was called in again after Calbi overdosed on prescription medication. DYFS workers arranged for her to obtain outpatient alcohol and drug treatment and to see a therapist. The Calbis then decided among themselves that their boys would live with their father.

Matthew and his brother returned to their mother's home in June, a move DYFS did not oppose. Delmar, the DYFS spokesman, said he could not immediately say why, but he did note yesterday that Calbi was in therapy and treatment for substance abuse at the time.

A DYFS caseworker last spoke with Calbi by telephone on Aug. 7, but Delmar would not discuss the nature of the call.

One complaint, from April 2002, alleges that Matthew's father also struck the teen, but the allegation was likewise unsubstantiated.

At the father's Teaneck home yesterday, Matthew's uncle, Brian Sokoloff, said the family was blindsided by the death.

"Nobody could imagine a mother harming a child in this way," Sokoloff said. "It's too horrific to even think of. The family is numb. It's an unspeakable tragedy. There really are no words in the English language for this kind of thing."

Sokoloff described his nephew, who would have entered the ninth grade next month, as a fun-loving boy who enjoyed people.

"He was a light in the lives of a lot of people," Sokoloff said. "He loved being around people. He could really work a room. He loved juggling. He would pick up two, three pieces of wood, and the next thing you knew, you would have a whole show going on in front of you."

Then Sokoloff paused and recalled how frail Matthew was when he was born several months premature.

"I know that he weighed only a pound-and-a-half when he was born," Sokoloff said, adding that Matthew suffered through some early health problems. "But ultimately, he was a normal kid. He was a great kid. Born premature. Died premature."

Staff writers Mark Mueller, Susan K. Livio and Jeff Whelan contributed to this report.

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5:53) 20-AUG-2003 07:55 [John Searight \(searighj\)](#)

Posted on Sun, Jul. 27, 2003 Philadelphia Inquirer

Editorial **URGENT REPAIRS**

Fixing N.J. child agency a must-do job.

Pity poor Edward Cotton. But pity more the 50,000 children under the care of the agency he now heads.

Cotton took over Tuesday as director of the New Jersey Division of Youth and Family Services. Enough said. But not enough done.

Reforming the agency requires monitoring, coordination and a sustained commitment that includes money, staff recruitment and training, and changes in procedure.

Cotton comes in as the cleanup man after a number of highly publicized deaths of children under DYFS' care, reports documenting just how broken DYFS is, and the settlement of a federal civil rights lawsuit that came about because of the deaths and the reports.

The legal action, brought by a New York-based Children's Rights Inc., had been filed in 1999. But, as DYFS ignored its problems, state officials ignored DYFS.

It shouldn't have taken 7-year-old Faheem Williams' death to force change. But the state no longer could turn away after it was revealed that the DYFS case file on Faheem, whose starved body was found last January in the basement of a Newark home, had been closed without a caseworker ever having seen him or his two brothers. His brothers were found emaciated but alive that same week.

The avalanche of reforms and proposals is a good thing. It highlights just how great an opportunity there is to fix DYFS. Consider what's under way:

Gov. McGreevey has announced a children's cabinet; a state Child Advocate Office has been established; Department of Human Services Commissioner Gwendolyn L. Harris has launched administrative and policy changes in DYFS, including cross-review of cases by supervisors; a reorganization will create a Division of Child Protection and Permanence; and a new panel, called for in the settlement and featuring the prestigious Annie E. Casey Foundation, will help reimagine the child welfare systems.

None of that even begins to address the agency's incredibly antiquated system of record-keeping, still done largely on paper. Funding (part of \$30

million for DYFS in the budget) has been set aside to buy a sophisticated computer system to track cases statewide. But that could be years away.

Until then, the Department of Human Services, which oversees DYFS, will gin up a Web-based monitoring system aimed at red-flagging instances of a child not being regularly visited by a caseworker.

Cecilia Zalkind is executive director of an advocacy group, the Association for Children of New Jersey, and a member of the governor's children's cabinet. She said the cabinet has met twice, yet its role remains unclear.

"What we're doing remains to be seen," she said.

She fears that state officials are clueless about how all of these many efforts will come together. Any harsh judgment on that concern would be premature - the ink on the settlement is barely dry and Cotton has been on the job a week. The consequences that would result from failure, though, are too great to sit back and wait.

A recent state analysis of deaths of children under 5 caused by abuse and neglect - most of the cases having had some involvement with DYFS - found that the percentage of those victims under a year old rocketed from 40 percent in 1998 to 67 percent in 2002. The main causes? Increases in prenatal drug abuse, shaken baby syndrome and male adults physically abusing children.

Cotton has some good ideas, chief among them establishing a safety assessment system that could reduce the number of repeat abuse cases of children under state care. He got good results with that system when he was at the Illinois Division of Child Protection.

But he will need all sorts of support, much of which is required by the legal settlement. Still, McGreevey, Harris or Maguire will have to keep track of all these groups and reforms to make sure efforts are complementing each other, not duplicating or working at cross purposes. Someone at the top will have to make sure reports and recommendations aren't set aside. Unions will have to be more flexible.

And the state will have to scrape together more money to hire more experienced staff, to pay for more training to review decisions made about cases, and for all of the cars, phones, computers and other equipment that help workers keep children safe.

The troubles at DYFS are as deep as the troubles that threaten so many of New Jersey's suffering children. Even a perfect state agency couldn't protect every child from harm.

But as Eric Thompson, senior staff attorney with Children's Rights Inc., said of DYFS:

"Certainly we can do better than this."

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5:55) 23-AUG-2003 07:28 [John Searight \(searighj\)](#)

The pressure just bumped up another notch. Our work is indeed cut out for us, and our responsibility is considerable.

DYFS report uncovers laxity in boy's death

BY SUSAN K. LIVIO August 22, 2003 Star-Ledger Staff

The Bergen County mother accused of beating her teenage son to death earlier this week did not receive proper scrutiny from the state child welfare agency, which failed to see how chronic turmoil in the home was threatening the child's safety.

Human Services officials shared these conclusions with Gov. James E. McGreevey yesterday following Monday's death of 14-year-old Matthew Calbi. Bergen County authorities have charged his mother, 47-year-old Linda Calbi, with murder. They allege that she battered her son during an hour-long confrontation Sunday morning at their home in Old Tappan.

McGreevey, in the midst of overseeing an overhaul of DYFS since January, demanded an accounting of DYFS' role in the case. The answers came yesterday and they left him "very concerned," said Micah Rasmussen, McGreevey's spokesman.

"It was clear to him the family did not receive all of the attention they warranted," Rasmussen added. "The supervisor should have recognized the escalating physical conflicts and repeated substance abuse issues."

The Calbi family had a 2 1/2-year history with the state Division of Youth and Family Services, and an active file at the time of the boy's death.

The mother also had a history of alcohol and drug abuse, according to authorities, who believe the Sunday fight began over Linda Calbi's drinking the previous evening.

The internal report to the Governor also says:

Linda Calbi was accused of physically abusing her son on Dec. 28, 2002, but DYFS workers did not substantiate the claim. Human Services Commissioner Gwendolyn Harris' report said the boy had physical injuries, yet caseworkers never took him to a doctor.

There was a lack of supervisory oversight in the case and a failure to investigate all of the allegations. Part of the problem may have been that workers downplayed the urgency because Matthew was older, a teenager.

There were several missteps in the case. When DYFS first opened a case against Calbi after a traffic accident in March 2001, Matthew's father was never interviewed. Then after the mother took an overdose of prescription drugs and alcohol in May 2003, DYFS workers interviewed Matthew and his brother, Dean, 9, six days later, instead of within 24 hours as state policy requires.

McGreevey told Harris and Deputy Commissioner Colleen Maguire to provide specific remedies to fix the problems within the next two weeks, Rasmussen said.

Human Services spokesman Ed Rogan said the analysis will continue.

"Both Commissioner Harris and Colleen Maguire were very concerned and upset about this case," Rogan said. "What it raised for them were some basic concerns about the way the case was supervised and the judgments that were made. In some respects, this family was not really supervised."

Maguire will detail more of the findings at a news conference Tuesday, Rogan said.

Linda Calbi was arrested Monday and is being held at Bergen Regional Medical Center in Paramus under psychiatric observation. She has not entered a plea in the case.

River Vale Superintendent Frank Alvarez said he is doing an internal investigation into how the school district handled the Calbi case. He said two of Matthew's teachers reported suspected abuse to DYFS on two separate occasions when he attended the Holdrum Middle School in River Vale in 2000 and 2001.

He said in both cases the boy had bruises, but that DYFS did not substantiate neglect.

"We want to look at our procedures and look at what we have done," Alvarez said. "I think in both cases, the guidance counselor was aware of the calls to DYFS and I'd like to say the principal did also. I don't think there was negligence on the part of the school, but I would like to see what we did."

Staff Writer Ana Alaya contributed to this report. Susan K. Livio covers health and welfare issues. She can be reached at slivio@starledger.com or (609) 989-0802.

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5:56) 24-AUG-2003 21:03 [John Searight \(searighj\)](#)

From a Newark Star Ledger Editorial

Still no reason for trust Friday, August 22, 2003

This time it was a teenager, not a toddler. The setting was not an inner-city basement but a \$500,000 townhouse in upscale Old Tappan.

But once again a child under the supervision of the state Division of Youth and Family Services has died.

Linda J. Calbi, a divorced mother of two, is charged with kicking and beating her older son, 14-year-old Matthew, to death. The family came to DYFS's attention more than two years ago, after Calbi had a drunken driving accident with her sons in the car. There were also charges of abuse, but DYFS said they were never substantiated.

It is too early to say whether DYFS was in any way at fault. Even if the agency does its very best, it cannot provide absolute protection against dangerous parents.

However, DYFS has not earned the right to the benefit of the doubt.

DYFS must take a hard look at itself to see if Matthew's age or the family's zip code in any way influenced decisions about how much protection he needed.

The sad truth is that DYFS has yet to show that it can or does handle any of these cases well. The Calbi file is loaded with the kind of optimistic information we have every reason to distrust.

Linda Calbi was referred for an alcoholism evaluation, then for drug counseling after a prescription overdose. DYFS said everything was fine and labeled the family low-risk. But it said the same in the case of 21-month-old Daniel Soto, who died earlier this year.

Abuse was suspected, and the parents were referred for counseling. With no clear indication of what DYFS expected or whether anything had changed, the agency then said everything was fine. The child's mother was subsequently charged with the fatal beating of her child.

Allegations of abuse were dismissed in the Calbi case. A lawsuit by Children's Rights Inc. against DYFS opened a truckload of files that said the same thing in case after case in which children were in fact being horribly abused or neglected.

Abuse was not substantiated in the case of Faheem Williams and his siblings because DYFS never saw the children. Yet the family's file was closed. It blew open when 7-year-old Faheem was found dead in a locked basement near two starving siblings.

Because of Faheem and the Children's Rights lawsuit, DYFS has been in full reform mode. The division says that just before the Calbi tragedy, the agency decided to require monthly visits with no exceptions in all child abuse cases.

Great. That is what DYFS was supposed to be doing anyway. But from what the Children's Rights suit revealed, DYFS cannot be trusted to tell itself which children should be on the required monthly visit list. Matthew Calbi, last visited in May, would not be. His was not a substantiated child abuse case. His family was labeled low risk.

The reformers must work in two directions. They must make certain that every new case gets the attention, review and followup that all too often were lacking in the past.

The reformers must also make certain to find the tragedies still incubating in the mess they inherited. Whatever was wrong most likely still is. No child should have to suffer or die to make that point. Again.

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5:58) 27-AUG-2003 07:12 [John Searight \(searighj\)](#)

New Jersey Removes 10 From Foster Homes

By RICHARD LEZIN JONES NYT August 27, 2003

TRENTON, Aug. 26 — Ten children have been removed from New Jersey foster homes that officials have determined are unsafe as part of a statewide review of all foster care placements, child welfare officials said today.

The review, required as part of a June settlement of a lawsuit against the state's child welfare agency, has so far covered about half of the more than 12,000 foster children in the agency's care, officials said.

Officials said that during the last two months, a look at about 5,800 foster homes disclosed safety concerns in the homes of 10 children, who were at such risk that caseworkers decided to remove them immediately and place them with other foster families. The risks included child abuse and inadequate care.

The findings were included in a report about efforts by the agency, the State Division of Youth and Family Services, to meet the terms of a sweeping settlement agreement that ended a lawsuit filed against the state by Children's Rights Inc., a Manhattan-based advocacy group.

Colleen Maguire, the special deputy human services commissioner charged with helping to overhaul the agency, said at a news conference here that the review of foster child safety was part of a larger effort to change the culture of the agency, which has been criticized as insular and reluctant to change. Some of those changes, Ms. Maguire said, were initiated before the settlement agreement was reached.

"We believe so strongly that safety and the focus on safety has been so lacking here," she said, "that we've tried to structure this project so that it

becomes institutionalized, that it becomes part of the day-to-day operations."

Eric Thompson, a lawyer with Children's Rights, said the 20-page report seemed to indicate that the measures agreed upon at the settlement table were being put in place. However, he said, quality control teams and others will continue to work to ensure that the terms of the settlement are being met.

"It's gratifying to know that one child who is in a dangerous placement is removed from harm's way because of these measures," Mr. Thompson said.

Ms. Maguire said the 10 children were removed for reasons including abuse, the foster families' unwillingness or inability to care for them, and threatening behavior by the foster child. She said safety concerns were identified for 45 children, but officials determined that removals were not warranted in those cases. Child welfare officials said some safety issues, like unsafe housing, could be changed to improve conditions for children.

"Those concerns were not escalated to the point where we felt removal was necessary," she said. Child welfare workers will continue to monitor the safety of those 45 children, Ms. Maguire said.

Officials also announced early findings in their review of how the agency handled the case of Matthew Calbi, a 14-year-old boy who the authorities said was beaten to death on Aug. 17 by his mother, Linda J. Calbi, just weeks after he was returned to her Old Tappan home. Ms. Calbi has been charged with murder and child endangerment and is being held in \$1 million bail.

Ms. Maguire said the agency had failed to "connect the dots" regarding information like police reports of neighborhood disputes involving Linda Calbi and her former husband, Christopher. Those details, Ms. Maguire said, might have suggested that problems in Matthew's home, including fights and alcohol abuse by Ms. Calbi, were escalating and that he was at serious risk.

The agency allowed Matthew and his 9-year-old brother, Dean, to live with their father in Teaneck after their mother overdosed on prescription medication in May. Matthew and his brother were returned to their mother in the weeks before his death.

In all, the agency has conducted four investigations of the family since 2001, including two instances in which it found that abuse allegations against the Calbis were not substantiated. "There were some missteps," Ms. Maguire said.

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Failing to connect the dots before teen died

Review of Old Tappan case finds warning signs were not shared between agencies

BY ANA M. ALAYA Star-Ledger Staff August 27, 2003

Police, child welfare workers, therapists and others involved in the care of a 14-year-old boy beaten to death last week worked in fatal isolation from each other, like "silos," a state official said yesterday.

Deputy Human Services Commissioner Colleen Maguire said the state's own review of the case shows there was a community-wide breakdown between the various agencies that had contact with Matthew Calbi of Old Tappan, whose mother was charged last week with beating the boy to death.

"No one had all the facts," Maguire said. "Clearly, had we connected the dots and we had a team approach, we would have acted differently."

Bergen County authorities say 47-year-old Linda Calbi battered her son during an hour-long confrontation on the morning of Aug. 18 at their home.

The case, and the Division of Youth and Family Services' role with the family for the past two years, has drawn the attention of Gov. James E. McGreevey, who demanded an accounting from the beleaguered agency. Maguire briefed the media yesterday on her agency's review of how the case was handled.

Calling the boy's death "senseless," Maguire said the various agencies that knew about the family may have downplayed the urgency of their

problems because the Calbis were well-off financially and because Matthew was older, a teenager.

A memo will go out to all caseworkers at DYFS "reminding the staff that children of all ages and socio-economic backgrounds are subject to potential abuse and neglect," Maguire said.

The caseworker who investigated an allegation of abuse in the months before Matthew died "didn't exercise best judgment" when she investigated allegations that indicated the boy might be in danger, Maguire said.

The Calbi family had a 2 1/2-year history with the state Division of Youth and Family Services and an active file at the time of the boy's death. The mother also had a history of alcohol and drug abuse, according to authorities, who believe the fight began over her drinking the previous evening.

Linda Calbi is being held in the Bergen County Jail in lieu of \$1 million. She has applied for a public defender to represent her.

According to DYFS records, Matthew was taking medication for a behavioral problem following the breakup of his parents, Linda and Christopher Calbi, two years ago. Linda Calbi was going to therapy for an alcohol problem.

Four referrals made to DYFS, including two of suspected abuse made by school staff in River Vale, where the family lived up until a year ago, were not substantiated. The school is conducting its own inquiry into how it responded.

Maguire said DYFS workers were unaware that police had charged Linda Calbi in September 2001 with driving under the influence. They were also unaware that the River Vale police had received 21 complaints about her, most involving neighborhood disputes.

"Had we known about those reports, we probably could have pursued that," Maguire said. "We have a mom who clearly couldn't handle Matthew's behavior. Matthew couldn't handle the divorce and the mom had issues," Maguire said. "Had we worked together as a team we could have possibly prevented this death."

Maguire said she also wondered if there should have been more communication between DYFS and therapists who treated the boy and the mother.

"Everybody didn't have all the facts," she said. "I'm not sure if we all sat at the table at the same time. We had 'silos,' if you will."

There were other missteps in the case, she said. When DYFS first opened a case against Calbi after a traffic accident in March 2001, Matthew's father was never interviewed.

Then after the mother took an overdose of prescription drugs and alcohol in May 2003, DYFS workers interviewed Matthew and his brother, Dean, 9, six days later instead of within 24 hours as state policy requires.

Maguire said she will meet with case supervisors in September to talk about evaluating abuse allegations and recognizing "escalating" risks.

The agency is also going to "get very prescriptive," DYFS Director Edward Cotton said. To help guide the staff, he said, he is working on rewriting "nebulous" definitions of the 35 recognized types of abuse and neglect.

Maguire also spoke yesterday of continuing changes within DYFS, which has been under intense pressure to reform after the scandals involving the agency's failure to safeguard children it was monitoring.

Maguire said 10 children have been removed recently from foster care homes and other facilities as part of a statewide review of the safety of the more than 12,000 children in the foster care system. So far, safety assessments have been done for about half of the children.

The safety assessments are being performed as part of the state's settlement of a lawsuit brought by Children's Rights Inc. of Manhattan on behalf of abused New Jersey children.

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5:59) 23-SEP-2003 20:40 [John Searight \(searighj\)](#)

How Years of Budget Cuts Put New Jersey's Children at Risk

By LESLIE KAUFMAN and RICHARD LEZIN JONES The New York Times September 23, 2003

The admission of government failure could not have been more sweeping. On June 24, New Jersey, under legal attack and amid a storm of public outcry, agreed to grant broad powers over its child welfare system to outside experts.

By almost every measure, the system was in collapse, often at the brutal cost of children's lives. As many as one in five children in foster care was being abused, and it took years to have imperiled children adopted. New Jersey ranked among the worst in the country, according to child welfare groups, with fully one-quarter of the state's foster children stuck in institutions that national experts have regarded for years as the worst environment.

"We recognized that the system is broken in many places," said Kevin Ryan, an aide to Gov. James E. McGreevey who led the negotiations on turning over control of the system, "and it took a long time to make it as broken as it was."

In explaining how New Jersey's care for its most vulnerable children came to be broken so badly and for so long, experts and government officials consistently point to several critical failures: money, staffing and repeated delays in embracing child welfare practices that had succeeded elsewhere in the country.

Across more than a decade — involving both Democratic and Republican administrations — the state engaged in what many claim was a financial retreat involving the kinds of programs deemed by experts to be most essential for protecting children: drug treatment programs for troubled parents, day care for abused children, and a modern computer tracking system that might make it easier for state workers to monitor and manage a growing number of abuse and neglect cases.

At the same time, the state's efforts to keep caseloads down, and to effectively train and support child welfare workers with equipment and expertise, were sporadic and always short-lived.

One administration in Trenton closed the training academy at the Division of Youth and Family Services for six years; another administration cut the number of workers devoted to monitoring the quality of caseworker performance. The State Legislature failed to set limits on the number of cases a worker could be assigned, so that today the average is 41 per worker, as it was a decade ago. Veteran caseworkers say that over the years, the number of staff members assigned to desk jobs has risen, while those assigned to work in the streets and homes where children are at risk are increasingly overwhelmed.

Finally, New Jersey took years to adopt and use what for other states had become obvious answers for handling the growing crisis in child welfare. Among them were requiring that foster homes be formally licensed, and placing foster children with relatives rather than strangers — a tactic known as kinship care that many experts believed made for safer and more reliable settings for endangered children.

Indeed, the state's track record of programmatic negligence — in the face of one bad newspaper headline after another and despite multiple expert panel reports — has been so pronounced that the federal judge who approved the takeover by outside experts in June pledged that he himself would not allow it to happen again.

"What I want to assure the parties on both sides is that for better or for worse, while the political administrations may or may not change, I will be living with this case until it's closed," Judge Stanley R. Chesler said. "I will be going nowhere, and I hope and will do the best I can to make sure that the political will continues to exist to make this settlement become reality, that this is not simply a response to the latest crisis which vanishes when the next crisis appears on the horizon."

Looking back on the failure of New Jersey's foster care, one explanation jumps off the pages of the state's budgets. In the last decade, the number of children under the state's care rose alarmingly, to 58,000 from 40,000. Yet for fiscal year 2003, the state's spending on the child welfare agency had barely budged over the 10 years, up only to \$312 million from \$275 million.

But that modest rise in spending captures only part of the story. The state, in the fiscal years 1995 through 1999, actually cut spending by \$67 million despite some of the most robust economic conditions ever.

And to this day, numerous legislators involved in the budget fights cannot explain the repeated collapse of political will.

State Senator Diane B. Allen, a Republican who pushed unsuccessfully to spend money to reduce social workers' caseloads, said, "I can't exactly say why we weren't able to do it, except that those constituencies that don't vote have less influence than those that do."

The most marked of the cuts occurred during the administration of Christie Whitman, a Republican who served as governor from 1994 through late January 2001, although Democratic administrations also displayed a disinclination to invest in the child welfare system.

While the agency handles nearly 9,000 more cases annually than it did in 1989, the state has only about 300 more workers to manage them, a result of years of layoffs and what union officials and outside experts say has been inadequate hiring.

From 1989 to 1995, the agency lost one out of every six of its caseload-carrying workers, largely because of layoffs initiated by Ms. Whitman and her predecessor, Jim Florio, a Democrat. The move left the agency ill prepared for a four-year period in the mid-1990's when the caseload for most workers rose by more than 13 percent.

The Child Welfare League of America suggests that workers be responsible for no more than 17 cases at one time, a figure that is widely accepted as the national standard. The lower the number of caseloads, experts say, the more time workers can spend with individual children and, in theory, better identify whether they are at risk.

According to state figures, the average caseload for workers in New Jersey is about 41, or more than twice the recommended standard. And, even with Governor McGreevey's promised changes to child welfare under way, officials acknowledge that the number of cases handled by each worker has risen since the beginning of the year.

The cuts, as well, took tools from the hands of the dwindling number of workers, including their cars and cellphones. Even children's car seats were allowed to become scarce.

To those who worked both for and with the agency, the late 1990's, with flush general budgets, were particularly demoralizing because, to them, the cuts seemed entirely without rationale.

"You would hear someone like the governor saying she wanted to help kids," said Bernice L. Manshel, who was the agency's director until 1982 and then watched as DYFS was dismantled in the subsequent decades.

But, she said, "there was no depth of knowledge or real understanding of the needs."

Perhaps the most searing example of a failure to invest in the system concerned what many current and former government officials regard as the tragedy of the agency's computer system.

In the mid-1990's, the federal government passed a series of sweeping foster care reporting requirements that demanded, among other things, that each state have a centralized database to track foster children or risk losing federal matching funds.

With an ancient computer system, and with many agency offices using half-complete paper files to document cases, New Jersey knew it had to allocate money for the new system as early as 1997, when it actually put up \$7 million to buy computers.

In fiscal years 1999, 2000 and 2001, new money to pay for the software and networking for the system was dutifully allocated in the budget. Then, like a slow-motion train wreck, the money was removed at the 11th hour in compromises. The state now says the computers bought in 1997 are out of date anyway.

But for many child welfare workers, and the judges and lawyers who worked with them, almost no budget cut was more counterproductive than the failure to provide the services that might have improved the family conditions for vulnerable children.

The number of residential substance abuse treatment slots specifically for mothers with their children — drug abuse is one of the most frequent factors in child abuse cases — has not increased in the last four years, even as the foster care population took off. Parents struggling with substance abuse often wait months to gain admittance to such treatment programs, advocates for the parents say.

Children, then, were frequently removed and placed in an already overtaxed foster care system.

"The situation is quite desperate," said Nancy Goldhill, vice president and assistant general counsel for Legal Services of New Jersey, which represents parents in cases against the state.

Money alone, of course, does not explain the dizzying decline in the quality of the state's services. Mismanagement and neglect also took their toll.

To run an effective child welfare system, said Ms. Manshel, the former agency director, "it takes sustained interest."

"And at the highest levels of policy making," she said, "there was no real interest."

As a result, experts say, New Jersey was often late — too late — in adopting some of the most basic case practice innovations in child welfare even as they became common in most other states.

It was only in 2001 that New Jersey agreed, for example, to offer foster care stipends to relatives of foster care children who took them in — a step long known to be crucial in poor communities.

"New Jersey was late to recognize kinship care," said Rob Geen, a senior research associate at the Urban Institute, a social policy research group based in Washington. "It really tried to divert kin from any kind of foster care payment, which is discriminatory against relatives. Changes have made for the better, but there are still policies that could be better."

At an even more basic level, officials said, New Jersey went for years without even requiring that foster homes be formally licensed. It was only in 1999, after an astounding amount of abuse was found to be occurring in foster homes, that the state began to do formal certification of homes (it started full licensing in 2002).

To this day, residential facilities are not required to do criminal background checks on their employees. A law mandating such checks is awaiting Governor McGreevey's signature.

In a similar sense, New Jersey's failure to abandon some discredited practices, particularly one known as voluntary placement, also set it apart as a distinctly troubled system. Voluntary placement occurs when parents agree to sign their children over to the foster care system — in many cases, parental advocates say, because they believe the child will ultimately be taken away anyway. But those children who are turned over to the state under those circumstances are not afforded the lawyers and other safeguards meant to ensure that the state responsibly handles its case and protects them from harm.

A 1992 report by Legal Services found that 75 percent of children in New Jersey's foster care system were there via voluntary placements, a rate far in excess of any other state.

In the ensuing years, the agency passed regulations limiting the length of time children could remain in such placements without judicial review. Still, the practice continues. As of 2001, the last year for which records were available, there were 2,217 voluntary placements into foster care, or close to half the entire population taken in that year.

Gwendolyn L. Harris, the state's Department of Human Services commissioner, has seen the agency's ills as both a social worker in Newark in the mid-1980's and as the cabinet officer charged by Governor McGreevey with oversight of the agency.

Looking back at what went wrong, she said that the politicians and the public never really understood how dire a situation the agency was in.

"I think there was a lack of political understanding of how severe the problem is," she said. "They'd say, 'We've got to be O.K.' People wanted to believe that we fit somewhere in the middle. That we can't be too bad."

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5:61) 27-SEP-2003 20:49 [John Searight \(searighj\)](#)

State creates Child Advocate post

Covenant House former executive heads agency

BY RUSSELL BEN-ALI Star-Ledger Staff September 27, 2003

In a move to help fix a child welfare system he called failed and broken, Gov. James E. McGreevey signed legislation yesterday creating an independent Child Advocate with sweeping investigative and administrative powers.

The governor also announced the appointment of Kevin M. Ryan, his deputy chief of management and operations, to the \$126,500-a-year-post before a group of more than 100 child welfare officials and politicians.

"The Child Advocate will have among the broadest powers of state government, including the power to subpoena records, the power to demand corrective action, the power to initiate litigation and the power to publicly report," McGreevey said.

Ryan, 36, an attorney and father of five, spent nine years as counsel and associate executive director of Covenant House, the Newark youth shelter that hosted yesterday's ceremony.

The new law sets up the Child Advocate as an independent agency that may inspect juvenile detention centers, foster homes, youth shelters or any other private or public facilities or programs that serve children.

The office will have a budget of \$2 million and a staff of about two dozen social workers and attorneys. They will work out of the Attorney General's Office in Trenton and two small satellite offices in Newark and South Jersey.

Staff will run a 24-hour toll-free complaint hotline and possess broad powers to subpoena records, investigate complaints and even sue the state on behalf of children's rights -- something Ryan said he would not hesitate to do.

"Frankly, the streets of heaven are too crowded with the children of New Jersey," Ryan said.

Ryan told the group he would begin work by monitoring foster care homes for abuse and neglect and investigating overcrowded juvenile facilities.

The governor has touted the Child Advocate as one of the main reforms needed to rebuild credibility in the Division of Youth and Family Services following a string of high-profile child abuse deaths in the past nine months.

In January the agency was rocked by news of the death of Faheem Williams, a 7-year-old boy whose body was found in a Newark basement. DYFS acknowledged it had closed its case file on the Williams family without investigating an allegation of abuse.

In June, Ryan and Deputy Attorney General Stefanie Brand brokered a settlement with Children's Rights Inc., a national advocacy group that sued the state for violating the civil rights of the 11,600 children DYFS supervises in foster homes, group homes or institutions.

The class-action suit accused DYFS of putting foster children at risk of abuse and neglect, and trapping them indefinitely in a cash-strapped, mismanaged system.

"He played a pivotal role in the negotiations and in the parties being able to reach a settlement," Eric Thompson, Children's Rights senior staff attorney, said of Ryan. "We have enormous respect for him as a lifelong child advocate and we welcome his appointment."

Ryan holds law degrees from Georgetown University and New York University and is a former adjunct professor at Seton Hall and Fordham law schools. He was staff counsel to the Democratic State Committee in 2001 and to McGreevey's unsuccessful 1997 election campaign. Ryan, his wife, Clare, and their five children live in Monmouth County.

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5:62) 26-OCT-2003 20:59 [John Searight \(searighj\)](#)

DYFS fails 4 starving children

Sunday, October 26, 2003

Camden County couple arrested, 5 state workers suspended in case

BY SUSAN K. LIVIO AND MARK MUELLER Star-Ledger Staff

In what a prosecutor called the most horrific case of child neglect he's ever seen, a Camden County couple has been charged with starving four of their adopted children over several years, leaving them so emaciated and stunted that authorities initially mistook a 19-year-old for a boy of 10.

The discovery of the alleged abuse in Collingswood, a middle-class community bordering Camden, marks a stunning new blow to the state's troubled Division of Youth and Family Services, which approved the boys' adoptions and which has been in close contact with the family. A caseworker had visited the home 38 times in the past two years.

At least five DYFS employees, among them supervisors and managers, have been suspended, and more suspensions are expected, said Micah Rasmussen, a spokesman for Gov. James E. McGreevey. An "angry and shocked" McGreevey has directed the state's newly appointed Child Advocate to investigate the case, Rasmussen said.

Vanessa Jackson, 48, and Raymond Jackson, 50, were arrested Friday, two weeks after police discovered one of the couple's adopted sons rummaging through a neighbor's trash can for food.

The subsequent investigation found that the Jacksons locked up the kitchen of their Victorian home, allowing the boys only small servings of oatmeal and pancake batter, Camden County Prosecutor Vincent P. Sarubbi said.

Two of the boys told investigators they sometimes sated their hunger by eating pieces of wallboard and insulation. One boy gnawed on a window sill for sustenance.

Ranging in age from 9 to 19, none of the four weighed more than 45 pounds. All are likely to face long-term developmental problems, Sarubbi said.

"The children were extremely emaciated," the prosecutor said. "You could see their ribs. They had distended bellies. Their shoulder blades were sticking out from their bodies. They actually looked like children you'd see from third-world countries on television commercials. What happened was an absolute disgrace."

DYFS, in the midst of an overhaul following a series of high-profile failures to protect children in the agency's care, most recently dispatched a caseworker to the Jackson home in early October. The worker was there to assess the well-being of a 10-year-old female foster child the Jacksons were seeking to adopt.

Two other girls, ages 5 and 11, also lived in the home. One of them, state officials said, was the Jacksons' biological child. The other had been adopted through DYFS.

The three girls showed no signs of abuse or malnutrition, indicating a home of haves and have-nots. The girls were well-fed and taken on vacations to Williamsburg, Va., while the boys were denied food and rarely permitted off the property, Sarubbi said. Vanessa Jackson told anyone who asked that the boys suffered from eating disorders, the prosecutor said.

State officials were at a loss to explain why the caseworker did not report the boys' severe malnutrition, which the prosecutor said was obvious. The caseworker has since resigned.

"You can't even fathom how somebody wouldn't notice this," Special Deputy Human Services Commissioner Colleen Maguire said. "I don't know if we are dealing with negligence, indifference or gross incompetence or a combination therein."

DYFS Director Edward Cotton, terming the lapse "totally intolerable," said the investigation suggests the caseworker saw some or all of the boys on her monthly visits to the home on White Horse Pike.

The Jacksons made their first adoption through DYFS in 1995. Other adoptions followed in 1996, 1997 and 2000. Because of the adoptions, the Jacksons received an annual state stipend, which peaked at \$28,000 before the oldest child turned 18 last year.

The 10-year-old foster child the Jacksons were waiting to adopt has been with the family since 1999. Before every placement, DYFS found the Jacksons to be capable, caring parents.

"They had cleared every background check every time they adopted another child," state Human Services spokeswoman Laurie Facciarossa said. "The court reports and adoption studies had lots and lots of positive things said about them, about being loving parents. The kids are described as very bright, friendly."

What police found when they were called to the area earlier this month conflicted with the DYFS reports. On Oct. 10, a neighbor of the Jacksons dialed 911 to report someone rooting through her trash at about 2 a.m.

When Collingswood police arrived, they found what they believed to be a child, probably 10, hunting for food, Sarubbi said. The youth, at 4 feet tall and 45 pounds, turned out to be the 19-year-old, Sarubbi said.

The teen led police to his house, where authorities were stunned to find three other severely malnourished boys. A 14-year-old boy weighed 38 pounds. That child's biological brother, age 9, stood 3 feet 1 inch and weighed 23 pounds. The fourth child, age 10, weighed only 28 pounds.

Police immediately notified DYFS, which removed all seven children from the Jacksons' home. The four boys were hospitalized, while the girls were placed with foster families. Just one of the boys, the oldest, remained in an undisclosed hospital yesterday with a heart irregularity, Sarubbi said.

"They've gained more weight in their time in the hospital than they did in seven years with the family," the prosecutor said.

In addition to the malnutrition, the boys had not seen a doctor or a dentist in more than five years. Most of their teeth were rotting, Sarubbi said. All four had head lice. And they had been living without electricity for five months and without gas service for a month, an indication of the family's poor financial condition.

Sarubbi said the couple owed more than \$8,000 in rent on their home and had defaulted on their purchase of two vacation timeshares, in the Poconos and Virginia.

The Jacksons are charged with four counts of aggravated assault and 14 counts of endangering the welfare of a child. While the boys did not

appear to have been beaten, the aggravated assault counts were warranted because of the "extreme indifference to the value of human life," Sarubbi said.

The couple were held in lieu of \$100,000 bond in the Camden County jail. A court appearance had not been scheduled. The prosecutor said the investigation was continuing, and he would not discount the possibility of additional charges, either against the Jacksons or others involved with the boys.

Two adult children of the Jacksons, a man and woman in their 20s, also lived in the home.

With the exception of the foster child, the children were home-schooled, eliminating an additional safety net, and authorities said the boys rarely ventured from the property.

Outside the home yesterday, the brother of Raymond Jackson defended the couple, saying the boys' size was not a function of malnutrition but of fetal alcohol syndrome and the drug addictions of their biological mothers.

"It has nothing to do with being neglected," William Jackson said. "They were born with drug addiction and eating disorders. As long as I've known these kids, they've never grown."

William Jackson said his brother works for a financial company, though he would not provide the firm's name. Vanessa Jackson is a stay-at-home mother.

"They've provided everything for them," William Jackson said.

Sarubbi dismissed that idea, saying physicians, including geneticists and abuse experts, extensively examined the children and found prolonged malnutrition to be the culprit in their failure to physically mature.

"These parents were literally starving their children," the prosecutor said.

Neighbors said they noticed the boys were painfully thin but did not suspect criminal negligence.

"The two boys who were so skinny, I thought they had AIDS," said Caroline DiMattia, who lives next door.

DiMattia and other neighbors said they frequently saw the children performing chores in the yard. At least two people said they saw the boys cutting the lawn with a pair of scissors.

"They were always out here working their butts off," DiMattia said.

The home, beige with red trim, had an American flag at the doorway and yellow ribbons scattered about. A psalm was posted on a window pane in three places.

"As for me and my house, we serve the Lord," it said, a Bible notation beneath.

The case comes at a particularly critical time for DYFS, which is undergoing a thorough overhaul in the wake of several high-profile failures. The process was ordered after the death of Faheem Williams, a 7-year-old Newark boy whose case had been closed by DYFS prematurely.

On Thursday, the agency announced it had completed an innovative new safety assessment in which 14,393 children in foster homes, group homes, and institutions had been visited and deemed safe.

The state was required to perform the unprecedented check under the terms of a lawsuit settlement DYFS reached with a national advocacy group, Children's Rights Inc., on June 23. Children's Rights had sued the state for violating the rights of foster children by putting them at risk of harm.

Yesterday, the State Child Advocate, Kevin Ryan, questioned the veracity of the safety assessments and vowed to launch his own investigation into what went wrong.

"Considering the department's recent determination that a child in this house was safe, despite the fact that the utilities have been turned off for six months, the kitchen was locked and four of the children were starved is just inconceivable," Ryan said.

Boys found severely malnourished

October 26, 2003

Collingswood couple held on endangerment, assault charges

By JASON LAUGHLIN

Courier-Post Staff

A local couple starved their four adopted sons for years, feeding them only oatmeal and pancake batter - a nightmarish regimen that continued despite monthly visits by a state social worker, authorities said Sunday.

Raymond and Vanessa Jackson, who are charged with aggravated assault and endangering, were preparing to adopt another child when the emaciated youths, ages 9 to 19, were discovered, officials added.

A state social worker who regularly visited the Jacksons reported no problems at a house where neighbors said home-schooled youngsters washed laundry outdoors in buckets and cut the grass with hand clippers.

That social worker has resigned, and eight to 10 managers at the state's Division of Youth and Family Services have been suspended with pay pending an investigation, a state official said.

"What happened to these children is simply unspeakable," said Colleen Maguire of the state Department of Human Services.

Raymond Jackson, 50, and his wife, Vanessa, 48, were being held Saturday in Camden County Jail in lieu of \$100,000 bail each.

Six of their seven children were placed in new foster homes. The oldest child, a 19-year-old who weighed 45 pounds when found by authorities, is being treated at an area hospital for medical complications.

Neighbors in the 300 block of the White Horse Pike reacted with shock and anger.

"All this time I thought the little kids had a medical condition," said Peter DiMattia, 39, who lives next to the Jacksons. "I could choke this guy knowing this, that he did this."

Authorities said a neighbor alerted them to the suspected abuse on Oct. 10, calling police to report a child rummaging through their trash about 2 a.m.

Officers arrived to find Bruce Jackson, 19, who was so slight that they initially thought he was 10. The young man is only 4 feet tall, his growth apparently stunted by malnutrition, officials said.

Police later went to the Jackson house, a nondescript three-story building on one of the borough's busiest streets, and found three other boys described as "extremely small and underweight."

They were identified only as M.J., 9; T.J., 10; and K.J., 14. The 10-year-old and the 14-year-old are biological brothers, officials said.

The four boys had a combined weight of 136 pounds when they were found, said Camden County Prosecutor Vincent P. Sarubbi. Some of the boys have physical or mental disabilities that predate their adoption by the Jacksons, he said.

Sarubbi said the Jacksons contend the boys were underweight due to eating disorders. But the prosecutor said doctors dismissed that claim.

All of the boys were hospitalized after being found by authorities. The three youngest, who have all added several pounds, were released to foster homes on Friday.

Sarubbi said the youngsters had received no medical attention and were malnourished for a five-year period. He called it the worst case of child abuse and neglect that his office has encountered.

"They really, truly didn't understand how horrible their life was," said Sarubbi, who described the boys as friendly and well-mannered. "They didn't know you could go to Friendly's and get an ice cream."

Three girls living in the Jackson house, ages 5, 10 and 12, were not malnourished, he said.

Authorities said the Jacksons received \$28,000 a year from the state to help care for some of the children. And neighbors said the couple enjoyed relative luxuries - like silk suits for Raymond Jackson, who was identified as a financial planner - and time-share vacation homes in Williamsburg,

Va., and the Poconos.

But officials and neighbors described primitive conditions at the Jackson home, which lacked electricity from June 18 to Oct. 6 and had no gas service from Sept. 8 to Oct. 6 due to unpaid bills. The Jacksons owe \$8,000 in back rent on their home and have defaulted on both time-share properties, officials said.

An investigation of the home revealed bite marks on window sills. Pieces of wall and insulation were missing, Sarubbi said.

One boy had a wadded mass in his stomach and investigators suspect the youths gnawed on parts of the house out of hunger.

The boys were so skinny their ribs and shoulder blades protruded beneath skin that was chalky, almost gray, neighbors said. All of the boys were unnaturally short.

In the quiet neighborhood near the imposing Scottish Rite Consistory, residents said they wondered about the frail children they sometimes saw doing chores in their front yard.

"I thought maybe they were just ill," said Kristine Kordacki, 57, whose apartment overlooks the Jacksons' home. "I just feel horrible that maybe I should have called somebody."

A state official said some blame must fall on DYFS, an agency already reeling from reports of neglect and mismanagement. The agency two days ago completed a court-ordered safety review of the 14,000 children under its care.

A DYFS employee visited the Jackson home each month for the past two years as the couple sought to adopt a 10-year-old girl already in their care, said Maguire of Human Services. She said other cases handled by the social worker are being reviewed.

"There is serious incompetence, indifference or negligence associated with this case," she said, weeping. "There are no words."

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5:64) 27-OCT-2003 08:16 [John Searight \(searighj\)](#)

State bans three more in child abuse inquiry

DYFS vows to check on 1,000 other kids

Monday, October 27, 2003

BY SUSAN K. LIVIO AND JUDITH LUCAS Star-Ledger Staff

State child welfare officials suspended three more employees yesterday as they scrambled to find out why four severely undernourished boys adopted into a Camden County family escaped the scrutiny of caseworkers who had visited the home dozens of times.

The Division of Youth and Family Services also promised to assemble teams of outside experts to check on 1,000 other children placed by the same office responsible for monitoring the Collingswood home of Vanessa and Raymond Jackson.

The Jacksons were charged Friday with assault and endangerment for allegedly starving the four boys, who ranged in age from 9 to 19 but weighed less than 50 pounds each. Police discovered the conditions two weeks ago after an officer found the oldest teen -- who was so small they thought he was 10 -- scrounging for food in a neighbor's trash can around 2 a.m.

The Jacksons remained jailed in Camden County yesterday, unable to post their \$100,000 bail, as separate investigations emerged to untangle the latest in a string of horrifying cases involving neglected New Jersey children.

Gov. James E. McGreevey said he had ordered the office of the state Child Advocate to undertake its own review of DYFS' performance and submit a report within two weeks. Advocate Kevin Ryan said he would subpoena records if the agency or its personnel refuse to cooperate.

"I don't yet know how this happened, but I will," Ryan said.

Meanwhile, neighbors around the Jacksons' three-story Victorian home struggled to make sense of the allegations. And some friends defended the couple, insisting the accusations are misguided.

"We've gone out with them to feed the homeless," said Mary Romaska, a fellow congregant at Come Alive New Testament Church in Medford, where the Jackson family worshipped. "Why wouldn't they feed their kids?"

Camden County Prosecutor Vincent Sarubbi said the boys' malnutrition was painfully obvious. The boys had distended bellies, with shoulder blades and ribs ready to poke through their skin. They told investigators they were sometimes fed small servings of pancake batter or oatmeal, and other times survived by eating pieces of insulation, wallboard or the window sill.

Three girls, two of whom were also adopted, lived in the house but none showed the same signs of neglect. All the children have since been placed in foster care. The oldest boy remained hospitalized yesterday at an undisclosed location.

Lynne Jackson, who is married to Raymond Jackson's brother, said the couple has five biological children. She said they began accepting foster children about 15 years ago, and decided about eight years ago to adopt the children "who had nowhere else to go."

Jackson blamed the boys' appearance on Fetal Alcohol Syndrome, and she said the 19-year-old suffered from an eating disorder she said was similar to bulimia.

"He binges and purges to an extreme condition," she said in an e-mail to The Star-Ledger. "They were told to lock the food away at night because his continual bingeing and forced vomiting was endangering his health. So they did."

Bill Shralow, spokesman for the Camden County Prosecutor's Office, said investigators spent nearly two weeks examining the boys and their medical histories before bringing the charges.

"That is not a viable explanation for their condition," he said. "We didn't rush to judgment."

Authorities were weighing whether to file more charges against the couple or others -- including the caseworker who had visited the house 38 times in two years to monitor a female foster child there.

"That hasn't been ruled out," said one source close to the investigation.

That caseworker resigned, and the three suspended yesterday bring to eight the total number of workers disciplined in the case. Special Deputy Human Services Commissioner Colleen Maguire would not identify the employees or their roles, but said they include managers and caseworkers.

Maguire spent much of yesterday behind closed doors as state officials prepared their response to the latest crisis. She said the agency will enlist private-sector advocates, and perhaps investigators from prosecutors' offices, to review the status of 1,000 foster children under the care of Southern Adoption Resource Center, which seeks placements for children in South Jersey.

Maguire also said the Jackson family case speaks to the core of what is broken in DYFS: "its culture."

She said that when questioned, the Jackson parents routinely told agency workers that the boys had eating disorders. The DYFS workers never attempted to verify it.

"That can't be the end of story," she said. "They didn't go further."

One state official said that Human Services Commissioner Gwendolyn Harris, whose department includes DYFS, was expected this week to send out 7,000 letters to child welfare employees and foster and adoptive parents conveying "how serious it is for us to be sure that kids are safe."

The disclosure of the Jackson case came just two days after DYFS announced it had visited more than 14,300 children in foster homes, group homes and other institutions under its care. The agency deemed all but 31 of the children to be safe, and relocated those it considered in jeopardy. The foster child in the Jackson household was not among the 31.

The visits were required under a legal settlement with Children's Rights Inc., a national watchdog that has sued New Jersey over its child welfare system. Eric Thompson, senior attorney for the group, said yesterday the association will review whether the Jackson case represented a violation of the settlement.

"We're going to need some quick answers on this because it calls into question the continued safety of every other child in foster care," Thompson said.

Gov. James E. McGreevey expressed outrage.

"What happened in Collingswood is simply unforgivable , and we're taking the necessary actions," the governor said after a bill-signing ceremony at Carteret Public Library.

McGreevey's comments were hauntingly similar to ones he made nearly 10 months ago after the death of Faheem Williams, a neglected 7-year-old Newark boy whose case had been closed prematurely by DYFS. When reporters noted the parallels, McGreevey replied: "This is a system that's been broken for 25 years -- 25 years. It's not going to get fixed in 25 hours."

At the Come Alive New Testament Church in Medford, the congregation at the 10:30 a.m. service gasped in disbelief when Associate Pastor John McGaw announced that the Jacksons had been arrested.

"We need to be in prayer for Vanessa and Ray and the children," said McGaw. "We weep with that family. The truth will be revealed."

The Jacksons -- and their children -- were regular worshippers at the Burlington County church. On some Sundays, the four boys and three girls performed dance renditions or Raymond Jackson sang.

"They are just a wonderful family," McGaw said. "We recognized that the children looked emaciated but we believed they had some kind of disease, some kind of physical disability."

Romaska said she invited the Jackson family to her Cherry Hill home for a barbecue in August. The children, she said, "were not running for the food like they were hungry."

But some in the Jacksons' neighborhood weren't so sure.

Kris Kordacki, whose condominium overlooks the Jacksons' house, noticed the boys looked thin and peaked. She said she didn't know the family, and didn't want to wrongfully accuse them.

"I had a funny feeling," said Kordacki, whose eyes grew teary as she spoke. I feel bad now. I should have called someone."

Staff writers Jeff Diamant, John P. Martin and Katie Wang contributed to this report.

Friends stand by couple Pair charged in starving of four adopted sons

By STEVE LEVINE and JASON LAUGHLIN
Courier-Post Staff October 27, 2003

COLLINGSWOOD

By most accounts, Raymond and Vanessa Jackson were polite, community-minded people.

They attended church just about every Sunday, served food to the homeless during the holidays and rescued six foster children from troubled backgrounds in hopes of providing them a better life.

That's why their friends still can't fathom why anyone would accuse them of willfully starving their four adopted boys.

"In my heart of hearts, I don't believe this happened," said Mary Romaska, 52, of Cherry Hill.

Romaska and her husband, John, knew the Jacksons for 21 years. Their families dined together, socialized and volunteered to help the needy in Philadelphia.

They never saw any sign of mistreatment, said John Romaska, who sang in a gospel choir with Raymond Jackson.

"Until we're proved otherwise, we're supporting them," John Romaska said.
Authorities say they have a case that indeed proves otherwise.

The Jacksons, arrested on Friday, failed to provide adequate nutrition and medical care for the boys. That resulted in "dramatic growth retardation and other serious health problems," Camden County Prosecutor Vincent P. Sarubbi said.

The Jacksons each were charged with four counts of aggravated assault and 14 counts of child endangerment. They remained in Camden County Jail on Sunday on \$100,000 bail.

The boys - 19, 14, 10 and 9 - were locked out of the family's kitchen and fed a diet of uncooked pancake batter, cereal, and peanut butter and jelly, authorities said.

The boys, who told investigators they gnawed on wallboard and insulation for more nutrition, had a combined body weight of 136 pounds when authorities removed them from the home on Oct. 10.

The children were in such bad shape because of problems with their mothers' pregnancies, said William Jackson, Raymond Jackson's brother.

"It has nothing to do with being neglected," William Jackson said. "They were born with drug addiction and eating disorders. As long as I've known these kids, they've never grown."

That isn't true, authorities reiterated Sunday.

"We were looking at all aspects of this for two weeks," said Bill Shralow, spokesman for the Camden County Prosecutor's Office. "Their medical histories and genetic makeup were part of the investigation."

The Jacksons' biological son and daughter, both in their 20s, also lived in the home, authorities said. Three other girls in the home - two adopted and the third a foster daughter the couple were trying to adopt - all seemed to be in good shape, authorities said.

The alleged malnourishment of the adopted boys occurred even as a caseworker from the state Division of Youth and Family Services conducted monthly visits with the family. Those visits stemmed from the family's desire to adopt the 10-year-old girl already in their care.

The caseworker has resigned and eight to 10 other DYFS workers have been suspended with pay, state officials said. The agency has launched an internal investigation. Investigators have not ruled out the possibility of charges against DYFS employees.

A DYFS spokeswoman did not return calls seeking comment Sunday.

The boys always seemed small for their ages, Mary Romaska said, but their size never alarmed her.

One of the kids - Bruce Jackson, 19 - showed signs of an eating disorder and would eat to throw up, Mary Romaska said. The others were just "tiny kids," she added.

"When Raymond and Vanessa took them in, they were already victims of abuse," she said. "All they wanted to do was take care of them."

Raymond Jackson, a 50-year-old financial consultant, and Vanessa, a 48-year-old stay-at-home mom, moved from Pennsauken about six years ago, friends said. They adopted the boys between December 1995 and July 1997.

The Rev. Harry Thomas of Come Alive! New Testament Church in Medford said he joked with the couple about their growing family.

"I'd say, 'You got another one,' and they'd say, 'Well, we just loved them and didn't want to let them go, so we adopted them,'" Thomas said.

The Jacksons have attended the church for nearly 15 years, Thomas said. He described the kids as happy and joyful, always wanting to sit in the front row and willing to give anybody a hug.

Nothing about the family seemed amiss until Sunday, when Thomas returned from a trip to Nashville and learned Bruce Jackson - who was 4 feet tall and 45 pounds less than three weeks ago - was 19 years old.

"I think his real age shocked all of us," Thomas said. "He looked like he's 9 or 10."

Still, Thomas and others from the church insist there were no other warning signs, adding the kids would come to church cookouts and eat normally like every other child.

"We were told their growth was stunted" because of prior medical conditions, Thomas said. "Beyond that, they were very loving little children.

"Ray is the kind of guy who goes out on Sunday afternoons and sings in a nursing home to encourage older people," Thomas added. "He's not a monster, believe me. We want to know the truth as much as anyone."

Nobody answered the door Sunday at the Jacksons' home in the 300 block of the White Horse Pike.

A white Chrysler minivan and a passenger car sat in their driveway. Power Ranger action figure stickers clung to glass on the front door, while placards in windows at the sides of the door read, "As for me and my house, we will serve the Lord."

Pete DiMattia, who lives next door, said he saw a DYFS caseworker at the Jacksons' home at least once a month. He blames DYFS and the family for what happened.

"The kids never said anything about being mistreated," DiMattia recalled. "I'd say, 'Is everything all right?' and they'd say, 'Yeah, Mr. Pete.' I knew they were skinny, but I had no idea."

Authorities had been investigating the Jacksons for about two weeks before their arrests. They got involved when a neighbor called police and told them a small boy was rummaging through their trash.

That boy was Bruce Jackson, authorities said.

Raymond Jackson dismissed the police activity, DiMattia said.

"He walked over and said, 'Everything's all right, Pete. It's just a misunderstanding,'" DiMattia said.

Pete D'Amico, who lives a few blocks from the Jacksons, said if more neighbors had known what was happening, they would have gotten involved.

"So help me, God," D'Amico said, "I did not see the physical facts, or I would've been there."

The Associated Press and Staff Writer Mark Leiser contributed to this report. Reach Steve Levine at (856) 251-3346
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5:65) 27-OCT-2003 08:58 [John Searight \(searighj\)](#)

Here is more on this very distressing case. First, an article in the Star-Ledger from this past Friday, when things were looking up for DYFS, and then the New York Times reporting from this morning (Monday) on the events of the weekend. I wonder how much DYFS can withstand at this point. We need to await the results of the internal investigation, but obviously something went terribly wrong in how the agency worked with this family. Will transformation be enough, and is it even possible at this point? And where does training come in and is it ever going to happen?

Extensive review of foster kids is complete

DYFS finds only 31 of 14,393 are at risk

BY SUSAN K. LIVIO Star-Ledger Staff October 24, 2003

After meeting a court-ordered deadline to visit all 14,300 of New Jersey's foster children, state child welfare officials announced yesterday that nearly all appeared safe, while 31 were found to be at risk and were relocated.

The Division of Youth and Family Services conducted the unprecedented review as part of its settlement of a class-action lawsuit brought on behalf of foster children by the national advocacy group Children's Rights Inc. The settlement was reached in June as the state was taking heavy criticism over a series of high-profile child abuse deaths.

After meeting a 120-day deadline to visit all 14,393 foster children -- including 786 living in 17 other states -- DYFS seized the moment yesterday to congratulate its beleaguered workforce.

"I want to emphasize the monumental task this was," Human Services Deputy Commissioner Colleen Maguire said at a news conference in Trenton yesterday. "This is the first full assessment of all the children ever conducted in New Jersey. It's a landmark effort."

Using a new process that no other state has tried before, child welfare workers used extensive interviews and a questionnaire to evaluate the immediate safety of children placed in foster care after being removed from their troubled families.

The workers determined 87 of the 14,393 children to be in harm's way, but elected to keep 56 children where they were while helping their foster parents improve conditions in the home.

DYFS Director Edward Cotton said in one case, DYFS allowed a 12-year-old boy to stay with his foster parent-grandmother after helping her obtain a restraining order against the child's abusive grandfather.

But DYFS workers found 31 children to be living in unacceptable situations they could not readily improve. Cotton said one example involved a 7-year-old whom the foster parent said she "could not control without hitting."

Maguire said these "safety assessments" would become routine.

"So much work remains to be done. We have a huge mountain to climb in New Jersey," Maguire said.

The chairman of the court-appointed Child Welfare Panel, monitoring the state's compliance with the settlement, agreed.

"They did a ton of work and they deserve credit," said Steven Cohen from the Annie E. Casey Foundation, a child and family philanthropy based in Baltimore. "But nobody should think this has come to an end.

"Should the public feel better after 14,000 safety reviews? Sure. But should the public feel good? No," Cohen added. "There are thousands of things that need to be done to make this child welfare system better."

The state must turn in a long-term plan for reform on Jan. 18 to comply with the settlement. The panel will then judge the state's effort and report to a federal judge whether the state has kept its side of the agreement.

The state also evaluated the safety of the 146 licensed group facilities that house foster children, as well as the state's child psychiatric hospital, the Arthur Brisbane Child Treatment Center in Wall Township. The state found most of them safe but required 10 to make improvements, such as hiring additional staff, retraining staff and beefing up supervision.

Child advocates questioned aspects of yesterday's report, particularly why the state relocated so few children. A Children's Rights' expert report had concluded at least one in 10 foster children were at risk.

"I think I was surprised at the relatively low number of children removed, especially in light of cases highlighted in Children's Rights' discovery," said Cecilia Zalkind, executive director of the statewide advocacy group, the Association for Children of New Jersey.

Kevin Ryan, the state's newly appointed Child Advocate, agreed.

"I think 31 kids is really not that many children, given the fact the state undertook 14,300 assessments," Ryan said. "But the assessments are a snap shot -- a point in time. While I think an enormous amount of work went into that, the safety assessments are not as important as the risk assessment" -- a planned program to look at factors that will affect the child's long-term stability and well-being.

But Maguire noted that the state started weeding out bad foster homes about 18 months ago, when it began licensing foster parents. By April DYFS had closed nearly 300 homes for failing inspections or for abusing or neglecting children.

"A lot of these problems were attended to before. I am pleased with the steps DYFS has taken over the past year and a half," Maguire said.

Children's Rights senior attorney Eric Thompson credited DYFS for a good start. "We're gratified there are fewer children in dangerous situations," Thompson said. "Clearly the division, itself, acknowledges there are still numerous systemic problems that will need to be addressed in order to protect children."

The settlement also required the state to review and revamp its hiring practices. The state's budget for DYFS this year provided funds to add 331 jobs. DYFS said only 59 of those positions are currently filled because there were many existing vacancies, and turnover remains extremely high.

Maguire and Cotton admitted progress is frustratingly slow in hiring and keeping employees.

The workforce is even more frustrated, said Hetty Rosenstein, president of Communication Workers of America Local 1038, which represents about 2,000 DYFS workers. "Even if they hired everybody they said they were going to hire, it's not enough people -- not enough direct field staff," she said.

New York Times October 27, 2003

New Jersey Couple Held in Abuse; One Son, 19, Weighed 45 Pounds

By LYDIA POLGREEN and ROBERT F. WORTH

COLLINGSWOOD, N.J., Oct. 26 — The parents of four boys adopted from New Jersey's troubled foster care system were arrested Friday, two weeks after the police found that the children, ages 9 to 19, had been starved to the point that none of them weighed more than 50 pounds,

according to the Camden County prosecutor.

The boys were so badly malnourished that their shriveled bodies gave no hint of their ages, investigators said. At 19, the oldest was 4 feet tall and weighed 45 pounds. The police initially thought he was just 10 years old. The boys' condition was discovered when a neighbor called the police because the 19-year-old, Bruce, was looking for food in the neighbor's trash at 2:30 a.m. on Oct. 10, according to the county prosecutor, Vincent P. Sarubbi. The boys were removed from the home later that day.

The boys had been locked out of the kitchen of the house in this blue-collar Philadelphia suburb and were fed a diet of pancake batter, peanut butter and breakfast cereal. They ate wallboard and insulation to sate their hunger, investigators said.

A caseworker from the Division of Youth and Family Services, the state agency that oversees the foster care system, had visited the house at 318 White Horse Pike 38 times in the past 2 years, investigators said. The parents, Raymond Jackson, 50, and his wife, Vanessa, 48, rented the house, which passed a safety assessment by the caseworker and her supervisor in June.

"This is the most horrible case we have ever encountered in our child abuse unit," said Mr. Sarubbi, who charged the parents with aggravated assault and endangering the welfare of their children. "It has been impossible for me to rationalize how parents could treat children this way." Mr. Sarubbi announced the arrests at a news conference on Saturday.

The case is the latest in a series of discoveries revealing the collapse of New Jersey's child welfare system, which left the youngsters it was charged with protecting vulnerable to abuse and neglect in troubled homes with little oversight.

To settle a lawsuit over the failures of its foster care system, the state agreed in June to hand oversight of the agency to a five-member panel of child welfare experts. Last month, Gov. James E. McGreevey appointed an independent child advocate to protect the rights of children.

The advocate, Kevin M. Ryan, said Sunday that this latest case revealed the magnitude of the agency's problems. "The question that has to be penetrated is, how did 38 visits over 2 years not rescue these children from slow torture and starvation?" Mr. Ryan said in an interview. "I am completely baffled at this point at how a failure of this magnitude could happen."

He contrasted this case with the one that ultimately led to the call for major reform of the social service agency, the death of a 7-year-old boy in Newark named Faheem Williams, who was found hidden in the basement of a duplex where his cousin was supposed to be taking care of him. An investigation later revealed that Faheem's case had been closed prematurely despite serious allegations of abuse.

Of the Jackson case, Mr. Ryan said, "Here we had a caseworker who was going into this house and seeing these children," adding "It was not a failure of interaction."

The caseworker, whom officials would not identify, resigned from the agency as the conditions at the Jackson home came to light, said Gwendolyn L. Harris, the commissioner of the state Department of Human Services, which oversees the Division of Youth and Family Services. Agency officials described her as experienced, and Ms. Harris said the agency would review other cases she handled.

At least 8 and as many as 10 employees of the Division of Youth and Family Services, including managers and supervisors, face suspension and some could be fired depending on the outcome of the department's investigation into the Jackson case, she said.

Also living in the Jackson house were two girls, ages 5 and 12, whom the couple had also adopted from the foster care system; a foster daughter, 10, whom they were planning to adopt; and two of the couple's adult biological children — a son and a daughter, Mr. Sarubbi said. None of the children other than the four boys appeared to be malnourished, Mr. Sarubbi said. The family had received a total of as much as \$28,000 a year from the state to take care of the adopted children and their foster daughter, investigators said. That stipend was reduced when the oldest boy turned 18.

The caseworker, with her supervisor, had completed an inspection of the home in early June, an investigator said. The inspection was one of more than 14,000 completed in the last six months in response to repeated problems in the foster care system. The assessments were intended to root out problems similar to the Faheem Williams case and others that troubled the agency in recent years, and were preceded by training courses for all the employees sent to perform them, officials at the Division of Youth and Family Services said.

Mr. Ryan said he had begun an investigation of the operations of the division's office that dealt with the family, the Southern Adoption Resource Center. The center handles foster children who are likely to be candidates for adoption. Each child who came into the Jackson home through the foster care system was overseen by the Southern Adoption Resource Center, investigators said, adding that the caseworker was assigned to the family to look after the 10-year-old girl whom the Jacksons were planning to adopt.

Once a child is adopted, officials said, the child is no longer assigned a caseworker.

Mr. Sarubbi said the adopted boys lived in a state of constant want. They had lice, and their teeth were rotting because they had not seen a dentist or doctor for at least five years, investigators said. They were home-schooled by the adults and were not permitted to leave home often, investigators said.

In marked contrast to the four boys, the three girls were well fed, went to medical appointments and took vacations with their parents to Williamsburg, Va., where the family had a time-share apartment. The girls were permitted to order Chinese takeout while their brothers starved, Mr. Sarubbi said.

Yet the boys seemed unaware of their plight, he said.

"The parents had essentially brainwashed the children into believing they had eating disorders," the prosecutor said, adding, "The saddest part is I don't think the children even knew how bad off they were."

The family had financial trouble, Mr. Sarubbi said. They were \$8,000 behind on their rent and had defaulted on loans on their vacation time shares in Virginia and the Poconos, he said. Neighbors said Mr. Jackson worked as a mortgage broker and wore tailored suits, but investigators said he was now unemployed. The electricity had been turned off recently for four months, Mr. Sarubbi said, and the gas was off for a month.

Neighbors said that they noticed that the boys were small and thin, but that Mr. and Mrs. Jackson had told them they had medical conditions that kept them from growing properly.

Pete DiMattia, who lives next door to the family, said he never thought to call the police or a child welfare agency because he often saw a state car parked outside the house and assumed that the family was being supervised.

"I thought the kids had medical problems," Mr. DiMattia said. He said the boys were polite and respectful, referring to him as "Mr. Pete."

The evangelical church attended by the Jacksons, who are born-again Christians, is in Medford, about 20 miles away. Congregation members said they could not imagine that the Jacksons had starved their sons.

"There is no way on God's green earth that this happened," said Frank Jacobs, 50, a member of the Medford congregation, the Come Alive New Testament Church, who said he has known the family for 15 years. He said the children were lively and active members of the church, attending Sunday school, acting in pageants and singing.

Medical examinations of the boys ruled out any natural cause for their small stature, Mr. Sarubbi said. One boy, a 14-year-old identified only by his initials, K. J., weighed 38 pounds when the Jacksons adopted him in 1996. When he was removed from their home on Oct. 10, he was 4 feet tall and weighed just 40 pounds, Mr. Sarubbi said. After 13 days in a hospital, K. J. had gained seven pounds, he said.

"To look at the children, it was just gut-wrenching," Mr. Sarubbi said. "They had distended stomachs. You could see their ribs. Their shoulder blades protruded from the skin. The boys' faces were gaunt."

He said it seemed impossible that anyone, particularly someone charged with looking out for the welfare of children, would fail to notice the boys' condition. He said he would examine how the Division of Youth and Family Services handled the Jackson case, but he would not say if anyone from the agency would face criminal charges.

The three younger boys have been released from hospitals and are in foster homes, Mr. Sarubbi said. Bruce, the oldest, remains hospitalized; doctors are monitoring a possible heart problem. The girls living in the house have also been placed in foster homes.

Marcia Robinson Lowry, executive director of Children's Rights, a Manhattan-based child advocacy group that sued New Jersey over its foster care system, said the Jackson case was a stunning reminder of just how difficult it will be to right the troubled system. It was particularly distressing, she said, that the very process that was intended to find problem homes — the inspection of all homes with foster children — failed to help the Jackson children.

"I think we have got to immediately start talking about redoing a large number of these assessments because I don't know how many of them have been done and how many of them done appropriately," Ms. Lowry said. "It is clear that this system can't be fixed quickly."

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5:66) 27-OCT-2003 18:40 [John Searight \(searighj\)](#)

Press Release, Department of Human Services
222 South Warren Street

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Trenton, NJ 08625

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Nine DYFS workers terminated after foster parents' arrest for starving four adopted boys

More than 6,000 foster-child safety assessments to be independently reviewed

Commissioner Gwendolyn L. Harris announced today that nine Division of Youth and Family Services (DYFS) employees will be fired and thousands of foster-child safety assessments will be redone in response to the recent arrests of two foster and adoptive parents who allegedly starved four boys in their care.

"We had no less than five people in that home over the past two years, and none of them apparently voiced any concern or took any action to follow up on the condition of the boys in that house," Commissioner Harris said. "This is unacceptable, and we are holding people accountable for this. Our mission is to protect children, and we clearly failed that here."

The nine workers who will be terminated include the managers of two offices – the DYFS Adoption Resource Center for South Jersey and the Camden Central District Office – two supervisors, three caseworkers, a foster home evaluator, and a licensing inspector. Colleen Maguire, the DHS Special Deputy Commissioner in charge of DYFS, said the nine employees were suspended over the weekend and would be served termination papers by tonight.

The arrests of foster parents Vanessa and Raymond Jackson of Collingswood came just a day after DYFS announced that it had completed safety assessments on more than 14,300 children in foster homes, institutions, group homes and other out-of-home placements. As a result of the assessments, only 31 children were deemed unsafe and had to be removed from their placements.

The Jacksons' arrest has called into question the validity of the safety assessments, Commissioner Harris said, so DYFS is arranging an outside independent review of nearly half of those assessments. The department has contacted professional social workers' associations, child advocacy centers and various social service agencies to handle the re-assessments.

The review will encompass all 1,400 children supervised by the southern Adoption Resource Center and about 5,000 additional children statewide. The adoption resource center is currently being managed by a four-person team dispatched by Commissioner Harris.

The commissioner also has sent letters about the case to foster parents and every DYFS employee. The letter to DYFS staff urges anyone with doubts about any of their safety assessments to immediately visit the home and redo the assessment.

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New York Times October 28, 2003 By IVER PETERSON

In Home That Looked Loving, 4 Boys' Suffering Was Unseen

COLLINGSWOOD, N.J., Oct. 27 — Bruce Jackson was found rooting through his neighbors' garbage, so weak from starvation that he could not open the Tastykake that the shocked couple had given him out of pity.

Two weeks later, investigators and neighbors are still trying to make sense of two sharply contrasting realities: four adopted youngsters starving in plain sight and a family that was widely seen as loving and deeply religious.

That apparent contradiction may be one reason why state caseworkers made 38 visits in 4 years to the house at 318 White Horse Pike in this town near Philadelphia without reporting what the Camden County prosecutor, Vincent P. Sarubbi, has called "the most horrible case we have ever encountered in our child abuse unit."

Officials with the New Jersey Division of Youth and Family Services said on Monday that they were dismissing nine workers responsible for investigating the household headed by Raymond and Vanessa Jackson.

The Jacksons are in jail in Camden County, charged with starving and neglecting the 4-foot, 19-year-old Bruce and three other boys adopted from the New Jersey foster care system — Michael, 9, Tyrone, 10, and Keith, 14 — so seriously that none of them weighed more than 50 pounds when they were found by the police.

Friends and relatives were grappling with their own sense of the case on Monday, their view complicated by the fact that the family had taken in numerous children from difficult backgrounds, including the four involved in the abuse case.

Bruce, who was adopted eight years ago, when he was 11, was taken from his biological family because they were also starving him, according to case files at the Division of Youth and Family Services. At the time, he suffered from medical ailments caused by the lack of food.

Mr. Sarubbi said that two of the boys had eating disorders when they arrived at the Jacksons' home and that the two others were born with fetal alcohol syndrome, which can retard growth. (He would not say which child suffered from what.)

Still, Mr. Sarubbi said, an extensive battery of tests by doctors had ruled out a disorder or illness as the primary cause of the children's emaciated state, and officials say that, whatever their history, there is no way to justify the near-starvation diet they lived on, nor the parents' failure to seek professional care for the children.

According to Mr. Sarubbi, the boys were fed uncooked pancake batter, peanut butter and breakfast cereal. The kitchen was kept locked to keep them out while the Jacksons gave their biological children — Ray Jr., Vernee, LaRae and Jene — a normal diet and care.

Still, though the children were homeschooled, they were not hidden away. The parents drove the 30 miles from their home here to the Come Alive New Testament Church in Medford every Sunday. Two daughters, Jacee and Breanna, liked to sing in services and dance in the youth ministry talent shows there.

Michael, the youngest, who was born a crack baby before being taken in by the Jacksons, was a favorite among the congregation, because of his smile.

The pastor, Harry Thomas, said he could not resist picking up the boy, hardly bigger than a 5-year-old, after service.

"He always liked to lead the prayers," said Bobbi Richardson, a Sunday school teacher for Michael and Tyrone, "He prayed better than I did."

To Pastor Thomas and the congregation, the abuse allegations are impossible to fit with the image of the struggling family that always had a small donation for the collection plate when it came around but needed help from the church to pay for its electricity and rent.

"They were the first kids to come up to me and hug me, say hello to me," the pastor said. "Not Bruce, he was more in the shadows. But Michael, he would sit you down and have a conversation," he said.

The minister said the house seemed well kept, and their landlord, John Andrews, agreed. "The only thing I noticed was they were all unbelievably well-behaved," Mr. Andrews said.

"I have told many people that I have never seen that many kids together be so good. I never saw them fighting, and I never saw them arguing, and I said, 'Wow, every family should be like that.' "

Mr. Andrews said he was told that Bruce, the eldest, stole food from the refrigerator and then threw it up, and that a lock had been put on the refrigerator for that reason. Mr. Andrews said his parents, who came along on visits, had urged the Jacksons to have Bruce put in an institution.

Ed Cotton, the director of the Division of Youth and Family Services, met with Bruce Jackson on Sunday at the hospital where he is being treated and was given a very different picture of his life than the pastor did.

Mr. Cotton said that it did not appear that Bruce Jackson had any friends. "I asked him whether he went to church or not. He said that he was not allowed to go because he was bad — because he liked TV earlier in life, one of his big punishments was that he was made to sit in front of the TV for hours with it off. Stuff that doesn't make sense."

Mr. Cotton said the children may not have understood that they were being mistreated.

"I think these kids were convinced by the foster parents that they had eating disorders," he said.

Mr. Cotton continued, "These are bright kids, they read well, they're smart, they're polite, and I think they're realizing what happened was not anywhere near the norm."

He said Bruce was eating well now. "I watched Bruce eat an entire bag of Doritos," he said. "He asked me if I would go get him another bag of barbecue. The nurse bailed me out on that by saying, 'That's not a good idea right now.' "

Michael Byrd, the neighbor who discovered Bruce in the trash about 2 a.m. on Friday, Oct. 10, said Bruce had managed to escape from the

Jacksons' house that night only because their dog had died. Bruce escaped by crawling out a basement window, Mr. Byrd said.

Chief Thomas J. Garrity Jr. of the Collingswood Police Department said Monday that Bruce emptied a box of cereal after he arrived at the station.

He was photographed holding the empty box, and clutching a stuffed tiger that is kept on hand to comfort young abused children.

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Uneven Care Not Unusual in Families, Experts Say

By LYDIA POLGREEN New York Times October 28, 2003

When the police went to Vanessa and Raymond Jackson's house in Collingswood, N.J., in the early morning of Oct. 10, they were stunned to find four boys ages 9 to 19 starved to the point that each weighed less than 50 pounds.

Investigators were also shocked to find that three girls, ages 5 to 12, lived in relative comfort in the rambling rented house. While the boys were locked out of the refrigerator and fed a diet of mashed potatoes and pancake batter, the girls ordered Chinese food, took vacations with their parents to a time-share apartment in Virginia and went to medical appointments.

Such disparities in the way abusive parents treat their children are not unusual, child welfare experts said. For a variety of reasons, parents or guardians often provide startlingly different care to different children.

"It is really not uncommon that we see kids that are singled out," said Barbara Wood, vice president of child advocacy and family support programs at Safe Horizon, a victim assistance organization based in Manhattan.

Often there is a cultural dimension. In cultures that prize sons over daughters, girls are more likely to be abused, Dr. Wood said. Or a stepfather might abuse a child who is not biologically his, she said.

But in the Jackson case, none of these factors seemed to be in play. All of the children were adopted or foster children. "It is very unusual for it to be boys who suffer this type of neglect," Dr. Wood said.

Richard J. Gelles, dean of the school of social work at the University of Pennsylvania, said the extreme level of abuse alleged in the Jackson case indicated that the boys were unwanted while the girls enjoyed a better relationship with their parents.

"Where there is extreme neglect or extreme abuse that borders on fatal, those children tend to be unwanted, unrelated or of ambiguous parenting," he said. "Caregivers treat kids more harshly who are not their own biological kids, or who are untimely, unwanted or have fairly significant developmental or physical disabilities."

Such disabilities can lead parents to abuse a child even though the other children in the home are relatively well cared for, Dr. Gelles said.

Sometimes a parent will abuse a child because of a perceived personality flaw — the child is too meek or too willful — or sometimes for no reason at all, said Gail B. Nayowith, executive director of Citizens' Committee for Children of New York.

"It is a very complicated thing," she said. "It is not necessarily a birth order thing, or necessarily a gender thing. It is usually about whether a child's temperament and a caregiver's temperament are in sync."

Other experts said the adopted Jackson boys could be victims of a parent with Munchausen syndrome by proxy, in which the parent, usually the mother, pretends that her children are sick to get attention. In the Jacksons' case, the couple told friends, neighbors and people who went to their church that the four boys had been born addicted to crack cocaine and had an eating disorder. They also told friends that they had adopted the boys because they felt that as born-again Christians, it was their duty to take in sick children. While the Jacksons made elaborate claims about their sons' health, neighbors and friends said, they had not taken the boys to the doctor in at least five years, investigators said.

Law enforcement officials said they suspected a simpler reason for the Jacksons' treatment of their sons: money. A senior law enforcement official said that it was unclear why the Jacksons had fed the boys so little, but that the investigation thus far pointed to financial considerations. The couple received as much as \$28,000 a year to raise the children.

"They looked at the boys as commodities," the law enforcement official said.

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Child Agency Tries to Grasp How Case Got Away

By LESLIE KAUFMAN and RICHARD LEZIN JONES New York Times October 28, 2003

In the eight months before the police found Bruce Jackson looking for food in his neighbor's garbage, three different state workers had visited his adoptive parents' home a total of 10 times.

Yet none reported that there was a lock on the refrigerator, or that Bruce, 19, and three other adopted boys, ages 9 to 14 and all under 50 pounds, were so malnourished that their bellies bulged and their teeth and gums had turned black.

The discovery, coming after a year of searing criticism, administrative reforms and intense news coverage of the New Jersey Division of Youth and Family Services, left agency and state officials demoralized and baffled as to how this one could have been missed. Nine workers who were responsible for investigating the household, either directly or as supervisors, will be terminated, agency officials said yesterday.

But critics of the system said it was incomprehensible that the state's child welfare system could have failed so completely, so soon. They said the case cast doubt on reform that had already taken place.

"The most shocking thing is that you are not talking about a child revealing abuse, but a child who was evidence of abuse," said Cecilia Zalkind, executive director of the Association for the Children of New Jersey. "How is it that no one commented on the condition? Where were the schools? Where was the health system? Adoptive parents who want to be foster parents have to get medicals on everyone in the family. Why didn't this happen? And the inexcusable part is there was a caseworker involved. Did she just assume they were not her responsibility?"

At a news conference yesterday, defeated and angry family services officials had to admit their staff had missed warning signs almost entirely at the Collingswood, N.J., home of the adoptive parents, Raymond and Vanessa Jackson. With the exception of one allegation that the family was hitting Bruce in 1992 — a claim investigators deemed unfounded — reports on the home from caseworkers over the years were also almost universally glowing.

As of this year, the Jacksons had adopted all four boys as well as two girls, so the state had closed those files and would have had no reason to monitor those children, except for the fact that the Jacksons were attempting to adopt a seventh child, a 10-year-old girl. As recently as last June, as part of a statewide safety assessment of all foster homes, the primary caseworker wrote that "the foster parents show a lot of love and affection to all the children and it is a very supportive environment."

It was only this weekend, when family-services officials were interviewing Bruce in the hospital, that they learned that he had been frequently punished by being told to sit for hours in front of a TV that was not on. He said that he had not been to school or a doctor or even a restaurant since being adopted in 1996.

As a result of the findings in the Jackson case, the agency said it was putting new policies in place for monitoring children who have been adopted, including mandating that they be seen by a doctor once a year. The family services agency will also engage an outside group to review the results of at least half of the statewide safety assessments, which were just completed last week. Out of 14,300 foster children visited, the state only removed 31.

The apparent lapses by the Jackson family's main caseworker, who has not been named by the state agency or the prosecutor, are particularly puzzling to many officials. Charged with following the case of the 10-year-old foster girl that the Jacksons wanted to adopt, she was not directly responsible for the boys. But she was in and out of the house on White Horse Pike eight times since February — more than anyone else.

In a few dispatches, the caseworker did note that the boys were "underweight." For the June report, she also wrote, Bruce suffers from "depression and never fully developed physically and mentally." But she did not see this as a problem, ascribing it to the parents' explanation that the boys had eating disorders.

To outsiders, the idea that four children all had eating disorders so severe that their growth was stunted at preschool levels seems so unlikely as to be laughable, but apparently the Jacksons convinced numerous state workers.

"From top to bottom, employees at the public agency believed the mother's claim that these children had eating disorders," said Kevin Ryan, the state's independent child advocate, who is currently reviewing a tangled web of multiagency interactions with the family going back more than a decade. "What we are looking at now is why no follow-up was done to verify this claim or get medical attention since these children were obviously starving."

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Panel discusses emergency measures to protect DYFS children

By TOM BELL The Associated Press 10/28/2003, 5:38 p.m. ET

TRENTON, N.J. (AP) — The panel backed by a federal court to oversee reform at the state's child welfare agency met Tuesday to discuss what emergency measures should be taken to protect children in New Jersey due to the discovery that four boys were being starved by their adoptive parents.

The New Jersey Child Welfare Panel was expected to meet with state Division of Youth and Family Services officials this week to order immediate changes at the agency rocked once again by a horrific case of child abuse.

"If they don't take the emergency steps we can go to federal court," said Eric Thompson, senior staff attorney at Children's Rights Inc., the advocacy group that filed the lawsuit against New Jersey that led to the formation of the welfare panel.

The latest crisis at DYFS centers on charges that four adopted Collingswood boys were being starved by their adoptive parents, and that agency caseworkers either did not make required checks on the family or failed to notice the condition of the emaciated children.

State officials fired nine child welfare employees connected to the case, including the caseworker and several of her managers and supervisors.

Officials from the union that represents the workers criticized the firings Tuesday following hearings during which four of the employees were officially notified of the action. They said some of the workers had not had contact with the Collingswood family for as long as three years.

"Some of the workers fired never saw the children at all," said Carla Katz, of Communications Workers of America Local 1034.

The union's lawyer called Tuesday's notifications "a sham" and said that under the law the matter has to be handled in arbitration.

Union officials said a caseworker the state claims visited the family 27 times in two years has retained her own lawyer due to the possibility of criminal charges. The union did not name her, but said she is 25 years old and worked for DYFS for two years in what was her first job.

Experts said the case once again shows that years of problems at DYFS have resulted in an underqualified, poorly trained work force with a high turnover rate.

"It's a systemic disaster area," said Richard Gelles, director of the University of Pennsylvania's Center for Children's Policy, Practice and Research and dean of the School of Social Work. "Their training is woeful. It's little better than the blind leading the blind."

Under federal regulations set by the Child Welfare League of America, caseworkers are supposed to make monthly visits and spend at least an hour in a home to spot medical, dental, psychological, emotional and educational needs of the children.

State officials said there was no way such evaluations took place in the case of the four boys adopted by Raymond and Vanessa Jackson. The Collingswood couple have been charged with starving the boys ages 19, 14, 10, and 9, who were so malnourished they weighed less than 50 pounds each.

Thompson said investigations by his group found that cursory visits by caseworkers are common in New Jersey if the children are seen at all.

"The concern persists in New Jersey of these sort of drive-by visits," he said. "We know that a lot of these monthly visits do not occur."

Thompson said the average child in New Jersey's foster care system was visited by a DYFS caseworker only four times a year.

He added that depositions taken in the Children's Rights lawsuit also revealed that managers and supervisors at the adoption level of DYFS did not believe that detecting abuse and neglect of children was part of their job.

Gelles, who conducted a study of DYFS' practices as a witness in the lawsuit, said detecting problems of children in the welfare system requires specialized training that the state does not provide.

"New Jersey fails to invest in a competent, qualified work force," he said. "The front lines are workers whose last jobs were at Wal Mart or a cashier at a casino in Atlantic City. They aren't going out and seeking master's degree-level people."

Hetty Rosenstein, president of CWA Local 1037, said DYFS employees want reform to work and they shouldn't be blamed for all its problems.

"This is a system and agency that has been collapsing for two decades," she said. "It has been deliberately underfunded, understaffed and under-resourced."

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5:68) 28-OCT-2003 19:32 [John Searight \(searighj\)](#)

Prosecutor weighs criminal charges

BY SUSAN K. LIVIO AND JUDITH LUCAS Star-Ledger Staff October 28, 2003

Nine child welfare workers were fired yesterday and criminal charges were being considered as state officials investigated how a social worker could visit a Camden County family's home 27 times in two years without noticing that four of their children were starving.

The discovery came by chance earlier this month, when 19-year-old Bruce Jackson, 4 feet high and weighing 45 pounds, was found scrounging for food in a neighbor's trash can. Police found three undersized, equally ravenous brothers at home, ages 14, 10 and 9, former foster children adopted by Vanessa and Raymond Jackson of Collingswood.

"Again, we have a situation where the New Jersey Division of Youth and Family Services has failed to protect children," New Jersey Human Services Commissioner Gwendolyn Harris said yesterday, recalling the case of 7-year-old DYFS ward Faheem Williams, found dead in a box earlier this year. His death touched off numerous attempts at reform.

"The situation is deplorable. It's unacceptable. I am faced with the understanding that I have staff that is either incompetent, uncaring or who have falsified records," she said.

Gov. James E. McGreevey said he gave the state's Child Advocate two weeks to deliver a full report on the new case. "How could any human being, from a rational perspective, not see the atrocity that was before them?" he said.

Human Services officials pledged to assemble an outside team of experts to help them re-evaluate the safety of 5,000 children randomly selected from the 14,400 children in foster care.

The caseworker, whom Harris did not identify, is a two-year DYFS employee who had been monitoring the case of another foster child in the home. The caseworker resigned after the boys were removed from the home, but state officials said they did not accept the resignation and fired the worker instead.

Also fired were two additional caseworkers, one foster home evaluator, a licensing inspector, two supervisors and two managers.

No one could remember when the Division of Youth and Family Services had fired so many social workers so fast at one time.

At a news conference in Trenton, Harris expressed bitterness toward the DYFS workers involved for failing to absorb the lessons of the Williams case.

"A year ago, I recognized that I faced a failing operation. But at that time it was not clear to me that staff had been trained on protocol, (or) that they had the tools to do what they needed to do," she said. "Today I am very clear they have been trained. I am very clear the protocol has been made crystal clear. And yet I have members of my department, of this division, who have failed children, almost to the cost of their very lives."

Since 1999, DYFS workers visited the Jacksons 38 times, state officials said. Social workers believed the parents when they said the boys had an "eating disorder," although there were no medical records in the family file supporting that, Special Deputy Human Services Commissioner Colleen Maguire said.

The caseworkers involved focused on the 10-year-old foster daughter and paid little attention to the other children, she said.

The Jacksons have five adult biological children. On Oct. 10, when police found Bruce Jackson rooting in the garbage, the couple was living with two of their biological children; six adoptive children; and the foster child.

Acquaintances have described them as caring people who home-schooled their children and were active in their church. Raymond Jackson, an insurance salesman, ran into financial difficulties this year, according to his minister, the Rev. Harry Thomas, pastor of Come Alive New Testament Church. The church recently gave him \$1,900 to restore electricity, which had been shut off for months, and \$500 toward \$9,500 he owed in back rent, Thomas said.

New Jersey's official Child Advocate, Kevin Ryan, said yesterday that the DYFS case file indicates the Jacksons were the target of at least one allegation of abuse. A school nurse in 1995 reported seeing bruises on Bruce's body and suspected foul play.

DYFS officials yesterday said the claim was determined to be unfounded.

Ryan said the file also makes reference to well-cared-for family pets. "It appears to me the family did a better job feeding its dog and guinea pig than its sons," he said.

The Jacksons have been jailed, and their minor children are in foster homes. Bruce remains in a hospital, where he is being treated for a heart problem related to malnutrition.

State officials were sanguine yesterday in his prognosis. Maguire said the physician who assessed the children "believes, with care and appropriate medical attention, these children will grow and will develop. They will need a lot of hand-holding and a lot of love, and there will be challenges, but there is optimism."

DYFS Director Ed Cotton depicted Bruce Jackson, whom he met in the hospital, as sociable, articulate and much improved from the pitiful state police described when he was found. Police said he could not provide any information other than his first name.

The boys were adopted, one at a time, between December 1995 and July 1997, Camden County Prosecutor Vincent P. Sarubbi said at a news conference in Camden yesterday.

Sarubbi acknowledged that all four had pre-existing conditions, which he termed "fetal alcohol syndrome" or "eating disorders." One boy suffered from "acid reflux," he said.

Yet it was neglect, and not those conditions, that accounted for the boys' emaciated state, Sarubbi said. Authorities made that determination after consulting with medical experts, including geneticists, he said.

"What was determined by this team of physicians was that, yes, they did have some pre-existing eating disorders, but nothing that would have stopped them from developing much more normally than they did," he said. "Children that are well-nourished and go to bed on a full stomach don't crawl out of the basement door in the middle of the night to rummage through a trash can."

Since Oct. 10, all four boys have gained weight, Sarubbi said. The oldest, Bruce, has gained eight pounds and now weighs 53 pounds. The others have gained between five and seven pounds.

Their parents remain at the Camden County Correctional Center in lieu of \$100,000 bail. Each has been charged with four counts of aggravated assault for causing "serious bodily injury" to their children, and 14 counts of child endangerment, the prosecutor said.

Collingswood Police Chief Thomas J. Garrity Jr. provided some poignant details yesterday about the night the boys' plight came to light.

A neighbor called police when he discovered Bruce scrounging for food in his trash cans around 2 a.m. By the time police arrived, the teenager was ravenously eating dry cereal provided by the neighbor, the chief said.

It was "pretty clear" that the boy had a "diminished mental capacity," Garrity said. "He was polite, he tried to help, but he couldn't answer any of their questions."

Police offered the frightened boy food and gave him a stuffed tiger, which he gripped tightly, he said.

The officers took the teenager to Our Lady of Lourdes Medical Center, but were unable to identify him until the next morning. At 8 a.m. that day Raymond Jackson called police to report that his son was missing. Police went to his home and, after looking around, removed Bruce's siblings.

The Rev. Thomas, the Jacksons' pastor, insisted yesterday that the Jacksons could not have harmed their children.

"The things I'm reading, I am aghast. I don't believe it," he said. "The Jacksons we know do not fit this at all. If I thought (the children) were being abused, I would be the first one on the phone."

Collingswood school Superintendent James Bathurst said Vanessa Jackson home-schooled her children, and that the district did not track them.

Staff writers Jonathan Schuppe, Jeff Whelan and Mary Jo Patterson contributed to this story. Copyright 2003 NJ.com. All Rights Reserved.

5:69) 29-OCT-2003 05:44 [John Searight \(searighj\)](#)

\$30,000, but four kids went without food

DYFS: Stipend for adoptive parents came with no strings or oversight attached

BY JOHN P. MARTIN Star-Ledger Staff October 29, 2003

For Raymond and Vanessa Jackson, New Jersey's child welfare system was both an adoption pipeline and a paycheck.

Officials said yesterday that the Collingswood couple collected more than \$30,000 from the state last year to help care for the four adopted boys they have since been accused of starving.

The stipend was the couple's sole source of income. The Jacksons were not required to explain how they spent it.

"There is no audit or review," said Joe Delmar, a spokesman for the Division of Youth and Family Services. "They get a check."

The disclosure came as state officials opened disciplinary hearings yesterday against workers who said they visited the home dozens of times but never noticed the starving boys.

Nine employees have been fired, and a 10th resigned since the agency's latest child-neglect scandal broke last weekend. Several had ties to a Voorhees-based DYFS office that has been cited more than a half-dozen times for violating state adoption regulations in the past two years.

Meanwhile last night, Camden County investigators searched the Jacksons' Victorian-style home in Collingswood, a working class suburb of Philadelphia.

The four Jackson boys, ages 9 to 19, each weighed less than 50 pounds and looked like famine victims when police found them there almost three weeks ago. An officer discovered the oldest, Bruce Jackson, scrounging for food in a neighbor's garbage can at 2 a.m.

The boys told investigators their parents locked the kitchen and limited them to sparse meals of oatmeal or pancake batter. They said they were so hungry sometimes that they ate pieces of the wall, insulation or windowsill.

Vanessa Jackson, 48, and Raymond Jackson, 50, remained in the Camden County jail on assault and endangerment charges yesterday, unable to post their \$100,000 bail.

Friends and supporters, including their pastor, have defended the couple as caring and conscientious parents. They say the boys suffered from eating disorders that left them severely underdeveloped, a claim state officials dispute.

The Jacksons also were parents to two adopted girls and a female foster child, but investigators say the girls showed no signs of neglect. Ana Williams, a family friend, said yesterday that one of the girls told her the siblings were never mistreated.

"You can't believe what they are saying," 12-year-old Keziah Jackson said in a phone conversation on Sunday, according to Williams. "My mom and dad would never hurt us."

The Jackson case is the latest in a recent parade of high-profile abuse and neglect cases under DYFS' watch and comes as the agency has pledged to reform. A day before the Jacksons were arrested, DYFS officials announced they had reviewed the safety of nearly 14,000 children under their care, found just 31 in jeopardy, and rescued them.

But this week, officials said they would re-evaluate as many as 5,000 of those safety assessments.

Unlike some of the other notorious cases, the Jacksons' is the first to call into question DYFS adoption services. The first Jackson boy was

adopted in 1995, with others following in 1996, 1997 and 2000. Two adopted girls also lived in the house, and the couple was finalizing its adoption of a third girl who had been their foster child.

Under state adoption law, caseworkers must interview every household member before approving a family for adoption. Each person must also have a medical exam.

DYFS officials acknowledged that neither occurred in the Jacksons' case.

"It raises serious concerns regarding the following of adoption regulations," Delmar said.

Special Deputy Human Services Commissioner Colleen Maguire also said her office is weighing a new policy that would require an annual medical exam of all children placed in adoptive homes.

It's also not clear to what extent the agency considered the Jacksons' financial ability to care for the children.

Raymond Jackson has been described by friends and officials as an insurance salesman and financial adviser who had trouble finding work. In recent months, the family fell behind on its electricity bill and owed more than \$9,000 in back rent.

The Rev. Harry Thomas of Come Alive New Testament Church in Medford said the church gave Jackson \$2,400 to help with costs.

That amount mirrored the amount the Jacksons received each month in state subsidies to cover basic needs such as food, housing and transportation for their children.

For each of their five adopted and foster children, the Jacksons collected an amount ranging from \$374 to \$473, based on the child's age. The family also received a separate clothing allowance that amounted to several thousand dollars, officials said. All told, the Jacksons collected more than \$30,810 in adoption and foster care aid for the fiscal year ending June 30.

But Delmar would not say if investigators believed the Jacksons were abusing the adoption system for financial reasons.

"It's always a major concern to us when their only source of income is for the care of the foster children," he said. "On the surface, it appears that some of these people do it specifically for the money."

His comments came as several of the fired DYFS workers were called to a closed-door hearing in Trenton to answer the negligence charges against them.

Most of the workers were employed by the Southern Adoption Resource Center in Voorhees, one of six similar centers run statewide by DYFS.

The centers place roughly 800 children each year into adoptive families and are required to conduct thorough examinations of the households both before and after the placement. Most of the clients are people who lack the tens of thousands of dollars required for private adoptions. The children they adopt often tend to be of school-age, or with disabilities or other health problems.

Pat Bennett, a DYFS advisory board member and director at Concerned Persons for Adoption, said the DYFS-run centers have earned a mixed reputation among those who follow the field. Some employ dedicated, talented caseworkers, she said.

In others, "the support that is really, really needed to make that work is not always there."

The Voorhees-based center, which supervises placements in six South Jersey counties, was faulted twice in the past two years in internal DYFS reports for improperly supervising children it had placed.

In February 2002, DYFS licensing officials cited six violations against the Voorhees adoption center but let it continue operating under a temporary certificate. The reports said the office failed to document that it had completed interviews with all household members in an adoptive family; failed to conduct mandated visits to an adopting family; and failed to document it had privately interviewed children considered for adoption.

The violations were corrected last fall, but the office was cited again this year for failing to document family interviews.

Delmar, the DYFS spokesman, said none of the infractions appeared to involve the Jackson family but that officials were still examining the records.

Margaret Rovner, who managed the office, was among those workers who were fired in the wake of the case, sources said. Rovner hung up

when called by a reporter yesterday.

Staff writers Susan K. Livio and Judith Lucas contributed to this report.

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DYFS firings fought. Union defends workers in Jackson case

By LILO H. STANTON Gannett News Service October 29, 2003

TRENTON. The state's efforts to fire nine DYFS employees for failing to tell anyone about four malnourished Collingswood boys are baseless and violate their constitutional rights, union leaders said Tuesday.

"There was not a single shred of evidence that we've been given . . . that would support a single charge against any worker," Steve Weissman, an attorney for the Communications Workers of America, said after four of the nine employees finished "pre-termination" hearings.

Some of the employees - all of whom have been suspended without pay pending termination - had never met Raymond and Vanessa Jackson or the four adopted sons they are charged of willfully starving, Weissman added.

But the state Department of Human Services and Division of Youth and Family Services defended the disciplinary measures.

"Obviously, we felt the actions were both necessary and appropriate in light of the facts of this case," said state Human Services Commissioner Gwendolyn L. Harris.

A notice served to one of the employees cites "neglect of duty, loafing, idleness or willful failure." The same notice quotes April Aaronson, deputy director of DYFS, as saying there is evidence in the case record to confirm workers did not take sufficient actions.

The state contends the nine DYFS employees - including two managers not represented by the CWA - failed to recognize or report signs of abuse or neglect at the Jackson home.

The boys - Bruce, 19; Keith, 14; Michael, 10; and Tyrone, 9 - weighed a combined 136 pounds when they were removed from their White Horse Pike house on Oct 10.

They had lived on a diet of pancake batter, cereal and peanut butter and jelly, authorities said.

Raymond and Vanessa Jackson, each charged with four counts of aggravated assault and 14 counts of child endangerment, remained Tuesday in the Camden County Jail on \$100,000 bail.

Seven investigators from the Camden County Prosecutor's Office investigators returned to the Jackson home about 7:30 p.m. Tuesday and entered through a side door. They were still inside the home at 11:15 p.m.

They would not say what they were doing or what they were looking for, but at least one detective did carry a bundle of items outside and drive away.

No court hearings have been scheduled, said Prosecutor Vincent P. Sarubbi, adding his office has received no word about who is handling the Jacksons' legal defense.

Bruce Jackson remained in the cardiac unit at Our Lady of Lourdes Medical Center in Camden as of Monday, where he was being treated for an irregular heartbeat stemming from malnutrition. Hospital officials, citing privacy rules, would not confirm his presence or discuss his condition Tuesday.

The other boys, two of whom are biological brothers, all were treated and released from area hospitals. They now are in separate foster homes.

They visited with each other last week, said DYFS spokesman Andy Williams, adding the agency gave them phone cards so they can keep in touch.

A fund established to benefit the boys collected about \$800 on Tuesday, said Gerard Banmiller, president of the 1st Colonial National Bank in Collingswood.

The bank also received about 100 phone calls from people who wanted directions to the bank, Banmiller said.

While the fund raising is beginning, so too could the legal wrangling over the fate of the nine DYFS workers.

The state held pre-termination hearings for all nine on Tuesday, said Laurie Facciarossa, a DYFS spokeswoman. The hearings are part of due process required when firing government employees.

All nine, suspended without pay, have 10 days to appeal before their cases go before an administrative law judge, the final step before termination.

"It runs the gamut, from weeks to months, to resolve these issues," Facciarossa said.

Weissman called the hearings "a sham" because of what the union contends is a lack of evidence.

DYFS workers, who evaluated the Jacksons as they prepared to adopt a 10-year-old girl already in their care, visited the home 38 times in the past four years and did not report any abuse, officials said.

But union officials disputed the picture the state has painted of DYFS.

It is not proven as the state suggests that one caseworker visited the home 27 times, union officials said.

Union representatives did not identify the 25-year-old caseworker, but they said she joined DYFS two years ago in what was her first job. She also retained a lawyer due to the possibility of criminal charges against her, union officials said.

The union also disputes the suggestion that the children's medical condition was obvious to all, noting many neighbors and family friends said the kids appeared small but otherwise healthy.

"We believe this is an incredibly horrible situation, and it deserves a response," said Carla Katz, president of CWA Local 1034, which represents DYFS workers in South Jersey. "We do believe there have been both systemic and individual failures, and there has been a failure of the community at large."

Those systemic issues include staffing, resources, and the lack of foster homes, supervision and training, said Hetty Rosenstein, who heads the CWA local that represents DYFS workers in North Jersey.

"This is a system and an agency that has been collapsing under the weight of its own burden for about two decades," Rosenstein said. "If we don't address these systemic problems and instead fire nine workers . . . it will in fact happen again."

DYFS officials say they are doing all they can to prevent that.

The agency on Tuesday announced it will re-examine its policy of allowing children under its supervision to be home-schooled. The four Jackson boys were home-schooled, a circumstance some say could have helped their condition go unnoticed.

"When a child is in public or private school, there are more people seeing the child, which may allow us to see abuse or neglect earlier," said Joe Delmar, a DYFS spokesman.

By law, school districts are required to report signs of child abuse.

New Jersey is one of eight states that does not require parents or guardians to notify school districts of their intention to homeschool their children, said Timothy Haas, co-founder of the Audubon-based New Jersey Homeschool Association.

The districts are not required to keep files on the children. Even if they were, little would have changed for the Jackson boys, Haas said.

"This is a social services issue, not a homeschool issue," Haas said. "If 38 visits from (DYFS) failed to reveal problems, then sending in paperwork would not have done it."

The New Jersey Child Welfare Panel, backed by a federal court to oversee DYFS reform, also plans to meet with DYFS officials this week to order immediate changes at the agency.

"If they don't take the emergency steps we can go to federal court," said Eric Thompson, senior staff attorney at Children's Rights Inc., the advocacy group that filed the lawsuit against New Jersey that led to the formation of the welfare panel.

Under federal regulations set by the Child Welfare League of America, caseworkers are supposed to make monthly visits and spend at least an hour in a home to spot medical, dental, psychological, emotional and educational needs of the children.

There was no way such evaluations took place in the case of the Jackson boys, state officials said.

Thompson said investigations by his group found that cursory visits by caseworkers are common in New Jersey - if the children are seen at all.

"The concern persists in New Jersey of these sort of drive-by visits," he said. "We know that a lot of these monthly visits do not occur."

Staff writers Karen Kennedy-Hall, Jason Laughlin and Eileen Sullivan, and the Associated Press, contributed to this report.

9 DYFS workers hear charges at closed sessions in Trenton

BY SUSAN K. LIVIO Star-Ledger Staff October 29, 2003

One by one, the nine child welfare employees removed from their jobs for allegedly mishandling a case that left four boys in Camden County starving appeared at closed-door hearings yesterday to face the disciplinary charges against them.

A lawyer representing some of the staff described the hearings as perfunctory, tense and combative, yet lacking one crucial element: proof of any wrongdoing.

A copy of the disciplinary notice from the Department of Human Services simply said each worker was suspended without pay with intent to fire them for "neglect of duty, loafing, idleness, or willful failure to devote attention to tasks which could result in danger to persons."

In a box reserved for more detail of the charges, the notice reads: "You neglected your responsibilities for clients," followed by the children's initials.

"They presented not a shred of evidence to support the charge, yet these workers are being fired without pay -- workers with families, with children to support," said attorney Steve Weissman, representing seven of the nine employees who are members of the Communication Workers of America.

"Two of the workers were last involved with the case in 2000," Weissman added, predicting the charges against them wouldn't hold up.

Special Deputy Human Services Commissioner Colleen Maguire contends the employees -- from front-line workers, to an inspector, supervisors and managers -- believed Raymond and Vanessa Jackson when they said their four adopted sons suffered from ongoing eating disorders. Yet there are no medical records in the family's file to support that claim, nor did DYFS demand such records.

The adoption caseworkers, in particular, didn't pay much attention to the other children in the family, Maguire said, focusing only on the latest foster child the couple intended to adopt, a healthy and well-fed 10-year-old girl.

Human Services Commissioner Gwendolyn L. Harris issued a brief response to the union's remarks last night: "The department and the Division of Youth and Family Services stand by the disciplinary actions taken against the nine staff involved in the Jackson case. Obviously we felt the actions were both necessary and appropriate in light of facts of this case."

The employees worked in the Southern Adoption Resource Center in Voorhees, the Camden County district office, a regional office in Hammonton, and the department's central office in Trenton.

According to sources familiar with the case who spoke on condition of anonymity, the disciplined workers included the family's last caseworker, Frances Ransome, a two-year employee whom officials say logged 27 visits to the home; veteran managers Margaret Rovner and Bettye Fowler; and supervisor Eladia Gonzalez, a 15-year veteran.

Efforts to obtain comment from the workers by telephone and at their homes were unsuccessful.

The labor leaders, holding a news conference in Trenton in between hearings, walked a delicate line yesterday. They agreed with the department's assertion that people must be held accountable for the state's part in the boys' suffering, yet demanded that DYFS management not trample the rights of their workers in the process.

"Everybody feels very desperate about DYFS," said Hetty Rosenstein, president of Local 1037 Communication Workers of America, which represents one of the employees. "The governor and the commissioner feel really strongly because they have to have the public's confidence that DYFS is going to do its job and protect children. We agree with that. We understand that level of desperation because we share it. We don't think this is quite the way to do it."

Typically civil service employees are entitled to a departmental proceeding at which they can challenge disciplinary action against them, but in this instance, the workers have opted to skip that process and seek arbitration, Rosenstein said.

CWA official Paul Alexander said in the state's rush to hold the employees accountable, it failed to build a solid case.

"If they can demonstrate they placed kids at risk or put blinders on, yeah, people need to be accountable for that," Alexander said. "Yet they are not putting out any information. They are just saying, trust us."

Staff writers John Martin and Mary Jo Patterson contributed to this report.

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Child-welfare workers under criminal probe

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By Robert Moran, Edward Colimore, and John Shiffman Inquirer Staff Writers

Law enforcement authorities are scrutinizing the conduct of state child-welfare workers to determine whether they broke criminal laws in the way they handled the case of four starving Collingswood brothers.

Camden County investigators were reviewing hundreds of documents, including medical and adoption records, as they examined both the conduct of the parents and the Division of Youth and Family Services workers involved.

"The investigation is now two-pronged," said a senior official involved in the case. "One is about the parents. The other is a secondary criminal investigation of the DYFS workers."

One possible avenue of inquiry is whether state rules were followed on the gathering of medical records on all children in a home before an adoption is approved. In the Collingswood case, the four malnourished children had not seen a doctor in four years.

Meanwhile, the union representing the workers sharply criticized state officials for attempting to fire them before the matter was fully investigated.

Last night, local police and the Camden County Prosecutor's Office executed a search warrant at the Jackson home on the White Horse Pike in Collingswood.

The parents, Raymond Jackson, 50, and Vanessa Jackson, 48, were arrested Friday and charged with four counts of aggravated assault and 14

counts of endangering the welfare of children.

The four brothers, ages 9 to 19, were found by police Oct. 10. The oldest weighed 45 pounds and was 4 feet tall.

The shocking details of the case, including reports that the brothers ate parts of a wall to stave off hunger, once again have drawn national attention to New Jersey's troubled child-welfare system.

On Monday, officials said they would reassess the safety of nearly half of more than 14,000 foster children in the system who had been visited in recent months as part of an overhaul.

Yesterday, union officials blasted top state officials for saying they would fire nine employees who handled the case.

"We have not been given any evidence whatsoever as to what was allegedly done by these workers," complained Carla Katz, president of Communications Workers of America, Local 1034, as she took a break between disciplinary hearings in Trenton.

The nine hearings were conducted yesterday, and in each case, the suspensions were upheld, with termination proceedings to follow, state officials said.

Steven Weissman, an attorney representing six of the suspended workers, said he was confident that the state's actions would be reversed in arbitration.

"Those workers had their constitutional rights violated," Weissman said. He called the hearings a "sham" because all that was presented was a one-paragraph written statement from an administrator confirming "that there is evidence in the case record that [the employee] did not take necessary, sufficient action to protect the safety, health and well-being of all children residing in the Jackson home."

Katz, who represents about 700 DYFS employees in South Jersey, said there had been "a failure of the community at large. There are many members of the community that surrounded these children that saw them repeatedly. Some of the workers that were fired never saw the children at all."

Two of the workers had no direct contact with the family since 2000, union officials said. Another worker had not seen the family since 2001.

Of the nine employees targeted for termination, two are district office managers and are retaining their own lawyers.

The caseworker who had the most visits in the Jackson home also has hired her own attorney.

The union is representing two caseworkers, one licensing inspector, one foster-care worker, and two front-line supervisors.

"They're either incompetent, uncaring, or they lied," Gwendolyn L. Harris, commissioner of the state Department of Human Services, said on Monday, adding that "any reasonable person" would have recognized something wrong with the brothers.

Paul Alexander, assistant to the president of Local 1034, which represents five of the nine, said the state terminated "anyone whose fingerprints were remotely on the case."

"The administration's position was: Shoot everybody and sort out the bodies later," said Alexander, who accompanied the workers to the termination hearings in Trenton. "You don't tar everyone with the same brush."

Alexander said hundreds of employees and union members who serve DYFS have been "profoundly saddened by the case - and outraged and angered" by the state's reaction.

"Our position is that people should be held accountable for this; anyone who is not doing their job should be held accountable," Alexander said. "But I would like to see people take a deep breath and step back."

"We have to have a reasonable rational discussion based on the facts, and then make the appropriate decision," he said. "We have only anecdotal information. I have no idea who did what to who."

Alexander said he met yesterday with about 100 DYFS workers in Camden and found them "outraged. They feel betrayed."

Nancy Parello, a spokeswoman for the Association for Children of New Jersey, a child-advocacy group, said yesterday that alleged starvation of the Collingswood brothers is "another case where the division [DYFS] failed to dig deep enough to learn whether the children were safe."

"You have to assess the whole family situation, not one child but all the people in the home and check other sources," Parello said. "If the adoptive mother says that the child has an eating disorder, you have to ask for medical records.

Cecilia Zalkind, executive director of the Association for Children of New Jersey, spent much of yesterday trying to fix the system. She is a member of a DYFS working group that is preparing a court-ordered child-welfare-reform plan.

She said the atmosphere created by the Collingswood case had emphasized the importance of the work.

"This case defies description," she said. "It's hard to believe someone could miss what was happening to these kids and not have some questions, some common sense."

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