

Media coverage

5:1) 17-MAY-2003 12:36 [John Searight \(searighj\)](#)

Here is the latest commentary from the press, one an article in the NYT and the other an editorial in the Asbury Park Press.

The DYFS crisis

Published in the Asbury Park Press 5/04/03

An Asbury Park Press editorial

The shocking revelations last week of children in foster care being beaten and sexually molested, even after the abuse became known to New Jersey's child welfare agency, leave the McGreevey administration no choice. The state must agree to independent, outside monitoring of the Division of Youth and Family Services. It must settle the lawsuit brought by a child advocacy agency by overhauling DYFS, far beyond what the \$20 million the governor has added to his budget will pay for.

When children are removed from abusive situations, only to end up in a worse kind of hell, DYFS has failed in its basic duty. There can be no more excuses. Too few foster homes and DYFS workers are chronic problems that have led to unconscionable abuse that can't be dismissed by the agency saying: "We didn't know." Too often, DYFS did know -- and did nothing.

Children's Rights Inc., the New York-based group suing DYFS, wants New Jersey to do a better job of recruiting foster parents and supervising foster homes. Those are tall orders, but clearly other states have done better at it than New Jersey.

To settle the suit, the state should agree to greater public scrutiny of -- and more accountability from -- DYFS. Previous efforts at "reform" could not be judged because the public had to take the word of DYFS officials that progress was being made.

The number of children in foster care has grown by 15 percent to 7,500 since 1999, but the number of foster homes has declined. As a short-term solution, New Jersey may have to consider establishing what years ago were called orphanages -- short-term residential centers. It's hard to imagine how that would be any worse than bouncing children from one inadequate foster home to another.

Gov. McGreevey recognizes that major changes are needed in the state's child welfare system. In addition to increasing the budget, he wants to create a monitor in the Department of Law and Public Safety. But without a total restructuring and commitment of resources, all that would do is produce more horrifying reports more often.

Thousands of foster parents are doing a good job of caring for the child assigned to them. So are the majority of overworked DYFS staffers.

Despite these heroic efforts, the system is failing to protect children. If New Jersey is willing to tolerate that, the state has lost its moral compass.

New York Times, May 4, 2003

Foster Care Secrecy Magnifies Suffering in New Jersey Cases

By RICHARD LEZIN JONES and LESLIE KAUFMAN

In New Jersey's poorest urban areas, one out of five children in foster homes winds up physically abused, according to state statistics. Child welfare records show that state social workers juggle a volume of caseloads that is twice the national standard. And in some instances, officials have conceded, children in the state's care have died after flawed investigations of abuse or neglect.

But for many, one of the most serious offenses committed by the state's troubled Division of Youth and Family Services over the years has been its ability to keep the full dimensions of its failings secret — from the parents of children in its care, from lawyers acting on behalf of children who have been raped or killed and from legislators seeking to reform the agency's practices.

Over the years, court records show, the agency has defied judicial orders to make case files available to families.

Family members say that the agency has repeatedly refused to inform parents of the simplest details of their children's stays in foster care. And the agency's records make clear that it has occasionally violated the state-mandated requirement that it make public its performance records in fatal cases.

Some officials of the Division of Youth and Family Services argue that many of their efforts to keep records secret result from their desire to protect the privacy of the children who have spent time in their care. In fact, they say, state law often expressly forbids them to make many details public.

But others — child welfare experts, lawyers who have fought the state for years and many families — say the agency's culture of secrecy has been at heart a cynical attempt to hide horrors and limit its legal exposure.

"The confidentiality laws were written with good intentions, but they prevent the division from being accountable," said Mary Coogan, a lawyer and the assistant director of the Association for the Children of New Jersey, an advocacy group based in Newark. "It has a negative effect. While not necessarily malicious, it allows inappropriate actions to go unquestioned."

It is not hard to find examples of families who say they have been frustrated, even betrayed, by what they regard as the agency's adamant and sometimes illegal insistence on keeping records secret.

In one instance, after a judge ordered a young girl returned to her father after six years in foster care, the father and daughter continued to be denied access to fundamental information like medical and school records.

Another family fought for four years to hold the agency accountable for the injuries of their 22-month-old granddaughter, who was severely scalded in foster care. Despite repeated court orders, the division never released her complete file.

Many state child welfare agencies are guilty of stretching state confidentiality laws so that they hide institutional defects, said Mark Hardin, head of the Children's Welfare Group at the American Bar Association Center on Children and the Law.

But through a combination of local law and habit, the division has developed a particularly insular and self-protective culture, according to legal experts, independent child welfare groups and even some veteran division workers who say that too much has been buried for too long.

A spokesman for the division, Joseph Delmar, acknowledged that there had been wide misuse of its confidentiality policy.

"The confidentiality laws were created to protect children and families and so that people could make referrals without fear of some kind of retribution," he said. "There is a problem of misinterpreting what confidentiality means. We need to share as much information as we can with our community partners and with our foster parents so we can serve children the best we can."

Mr. Delmar said that the division planned greater openness as part of a sweeping overhaul ordered by Gov. James E. McGreevey. "The issue of accountability is one of the main issues of the retransformation plan," he said.

Yet even within the confines of what is legal, there is much that the division has not, and does not, make available.

Simple policy manuals used by agency workers, detailed statistics on abuse patterns, and decision-making standards are not readily available to the public in New Jersey, children's advocates say.

"We just think case practice should be public," Ms. Coogan said. "How they do their work shouldn't be so secretive."

Federal law demands a public accounting of deaths or near fatalities of children in the state's care. But Mr. Delmar said that since 1998 the agency has not prepared about 60 reports on child fatalities. He said that the division and the state attorney general's office were working together to bring the agency into compliance.

Mr. Delmar attributed the lapses to a high turnover rate among those who prepared the reports and wide misunderstandings about what information must be included in the reports.

Children's advocates in New Jersey say there are other ways the state undermines the ability of families and children to get information.

In New Jersey, nearly 50 percent of children have been placed in foster care voluntarily by their parents. According to an agency spokesman, that number may be high because it includes children of parents who later initiated court action to get them back.

Parents who voluntarily relinquish their children are not entitled to a lawyer, nor are their children. In addition, under such circumstances, the agency is required only to review the case annually. But if parents challenge division custody claims, they are entitled to court reviews, which may occur more frequently.

A Traumatized Child At age 22 months, R. W. (her lawyer requested confidentiality), scarred across large sections of her body, spent 49 days in the hospital recovering from burns she had suffered as a result of her foster mother's negligence. Her grandparents said they thought the state's child welfare agency had to be held accountable and perhaps compensate their permanently disfigured granddaughter.

So they went to court, and the judge agreed that the agency had to answer for itself. Still, it took four years for the agency, despite repeated orders from the judge, to produce the child's case file. And even then it never produced all of the information, asserting that it could not find some of the material.

The fury felt by the grandparents was hardly isolated. Lawyers who have sued the division on behalf of children maimed or injured in its care say that it is a nearly impossible task to gain information, chiefly because the agency refuses to produce the case histories necessary to build a legal liability case.

Sometimes, the lawyers say, the agency argues that confidentiality laws cover almost any document requested. Other times, it simply defies

judicial orders to turn over the material. Or it delays doing so for so long that families exhaust their financial resources and give up.

"At every turn it's a battle," said Samuel A. Denburg, a lawyer in Fair Lawn, N.J., who has represented a handful of clients in lawsuits against the child welfare agency. "You have to file motion after motion with the court. Nothing is voluntarily released."

In June 1995, R. W. was first placed with a foster mother. There were numerous reasons that the division should not have put her in this home, records show, including the fact that the agency had approved the home only for children older than 3. Two months later, the child suffered a black eye. Although it found the injury suspicious, the agency left the child in the home.

On Nov. 3, 1995, R. W. was brought to the hospital with severe burns that had occurred four or five days earlier. According to hospital files, the foster mother claimed she had left R. W. alone in the kitchen strapped into a highchair, and a kettle on the gas range sprayed steam and boiling water on her. According to records, a doctor said she had "serious doubts" about that explanation.

The child spent nearly two months in the hospital and was left with large scars across her arms and legs and smaller scars on her torso.

Upon release from the hospital, R. W. went to live with her maternal grandparents. The agency quickly sent the grandparents a letter warning them that talking about their child's experience publicly would violate New Jersey law.

"I believe that letter is a gross mischaracterization of the law," said Charles R. Cohen, "meant to create a chilling effect upon the exercise of free speech by family members related to children who were injured while in foster care."

Mr. Cohen, the lawyer for the child's family, filed a lawsuit against the division in April 1996. The court records show that the division fought even the most mundane requests for information, including copies of its policy manuals and contact information for former employees who were familiar with the case. The discovery process stretched out nearly four years.

The agency "refused to provide virtually anything without a court order," Mr. Cohen said. Even then such orders were often not enough to get prompt action. As late as November 1998, the court records abound with letters from Mr. Cohen pleading with New Jersey's attorney general to get a response from the division.

Even when the agency produced documents, they were often incomplete or edited. Mr. Cohen said that sections of R. W.'s file were provided to him but that pages were missing and that it appeared that records had been modified with entries made after the fact. When he protested, and the court ordered that he be allowed to see originals, the agency's representative testified she could no longer find the documents.

"I spoke with the casework supervisor," the representative wrote in a letter to the court. "She advised me that she searched that office but was unable to locate the file."

Mr. Cohen then added a violation of civil rights charge to his complaint. Such a charge, which falls under federal law, would have exempted him from the state confidentiality law. At that point, the agency settled.

Agency officials said they could not comment extensively on the child's case, in part because they could not easily find her file. But in court papers, the agency argued that it could not be held liable for her injuries, chiefly because "the accident was caused by the negligence of persons and entities over whom" the state "had no control."

Mr. Delmar said that R. W.'s misplaced file could be attributed to the outdated record-keeping system at the agency.

"One of the problems is the antiquated computer system," Mr. Delmar said. "In the past, case files have been lost, which makes it difficult to paint an accurate picture of our involvement with a child."

Hitting a Stone Wall When a Family Court judge allowed David Kwiatkowski to be reunited with his daughter in 2001 after six years and what court papers say were more than two dozen placements in foster care homes and other institutions, Mr. Kwiatkowski asked what to him seemed a simple question: Where exactly had his daughter been all that time?

Mr. Kwiatkowski had known about some placements: the agency's records show that they had been with his own family members. He said that he had occasionally gone to visit her when she had been placed in juvenile treatment centers.

But he said the agency refused to account for long stretches of her journey through the child welfare system.

And that inability to get basic information is what infuriates any number of parents whose children have spent time in the state's care. For instance, Mr. Kwiatkowski, who has moved from New Jersey, said he has had trouble enrolling his daughter in school because he said the agency will not release any records of her schooling while in its care.

"It's like they're hiding something," said Mr. Kwiatkowski, who has now sued the agency.

Some details of his daughter's experience have emerged — cobbled together from court papers and her own recollections. Mr. Kwiatkowski's daughter, in addition to being moved through more than a dozen homes, spent time in a half dozen juvenile centers. During one stay, she said, she was sexually assaulted.

But despite a judge's order that the agency surrender all documents related to Mr. Kwiatkowski's daughter, who wished to be identified by her initials — A. J. K. — for the purposes of his lawsuit, the agency has refused to do so. Mr. Kwiatkowski's lawyers are submitting legal papers this month further urging the release of the documents.

In the suit, Mr. Kwiatkowski accuses the agency of, among other things, taking custody of his daughter without a hearing and improperly placing her in a mental hospital.

Mr. Delmar, the state spokesman, would not comment on the Kwiatkowski case, citing state confidentiality laws and the pending litigation.

Mr. Kwiatkowski conceded that the turbulence of a divorce from his wife might have proved volatile for his daughter. "I'm not perfect," he said.

The agency initially took custody of Mr. Kwiatkowski's daughter in 1995, when she was 8, court records show. Those familiar with the girl's file said that it contained several allegations of abuse and neglect against her parents. Among the allegations contained in court papers were that the girl's mother kicked her and pulled her hair.

Child welfare officials also challenged Mr. Kwiatkowski's custody of his daughter because its background checks turned up an extensive criminal record, according to those familiar with the file.

He rejects the claims of abuse and neglect made against him, and contends that the criminal record the agency found is all a big mistake. He said the list of arrests that the agency found involved his brother, Robert C. Kwiatkowski, who used his identity. David Kwiatkowski had his lawyer prepare an affidavit, which his brother signed, corroborating his claim. Records with the New Jersey Department of Corrections show that Robert Kwiatkowski had used his brother's name as an alias.

Whatever the situation, Judge Ellen L. Koblitz of Family Court dismissed the agency's custody claim.

Although he and his daughter have been reunited, Mr. Kwiatkowski acknowledges that there is still much work to be done.

There are still some parts of her stay with the division that his child has trouble discussing. There is still a father-daughter relationship, splintered by years of separation, that has to be repaired.

"It's like they stole all those years from us," he said. "We lost so much. You can't buy back what we lost."

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5:2) 17-MAY-2003 12:41 [John Searight \(searighj\)](#)

There has been more media coverage of DYFS. Below are two items from the Star Ledger, one an editorial from last week, the other an article from yesterday.

The Star Ledger

DYFS can't stay in denial

Friday, May 02, 2003

The most recent set of horror stories from the state Division of Youth and Family Services graphically highlights what a mess this agency is in.

Pried from its files by court order, these cases include some of the specialized foster homes for kids with medical problems that were supposed to be a showpiece part of DYFS's reform.

Some foster parents left their children dangerously unsupervised. One woman left an 18-month-old toddler with medical and emotional problems in the care of an 8-year-old child. Sick and disabled children were regularly beaten with belt buckles and kicked.

We believe that most foster parents are caring and that many DYFS caseworkers struggle to carry out the agency's mission of rescuing and

protecting children. But DYFS can stop pretending it only needs to deal with a few bad drops in an otherwise tranquil sea of social work.

Most of these horrors could not have happened if caseworkers had made the visits and assessments they were supposed to make. Not unless they made them intent on not seeing, hearing or doing anything to upset foster home placements, not unless their supervisors consistently ignored their reports.

DYFS is woefully short of good foster homes. Yet a church group that helped recruit 200 new foster homes for nearly 300 DYFS kids was told in October that it should stop working. DYFS's current reform administration says it has found nothing wrong with the church group and much in its program for DYFS to emulate.

We do not know why DYFS would reject a group that succeeded where its own people had failed. All we know is that DYFS can use all the help it can get.

The most recent flurry of DYFS reform was sparked when the body of a child, Faheem Williams, was discovered in a filthy basement where his two brothers were found locked up, abused and near starvation. DYFS had been warned that the children were in danger, yet the agency shoved their family's file into the closed-case drawer.

It is frightening to realize that the Williams case and other tragedies we have learned of since happened in the midst of what was supposed to be a DYFS reform movement. Under pressure of a suit brought four years ago by Children's Rights, a national advocacy group, the state claimed it was adding caseworkers, creating specialized foster care homes and reshaping the agency. DYFS begged for the right to continue making progress, unfettered by lawsuits and lawyers.

Yet while that progress was said to be happening, Faheem Williams and other children perished or suffered abuse to rival anything delivered in the homes from which they were removed.

Under the McGreevey administration, the state has finally come to its senses and stopped fighting the Children's Rights suit. The state is in mediation, working toward a settlement based on agency reform. Good.

Although the suit was about foster care, the settlement must address DYFS more broadly. It cannot be a mere stipulation to set up bureaucratic rules that concentrate on whether the files are all in order or an agreement to do things that somehow do not get done. This settlement must create a working system that makes what happens to the kids the only test of success or failure and continuously monitors whether the test is being met.

The DYFS reform team McGreevey has installed seems sincere about its intentions to make fundamental changes in this agency. But it pretends that \$20 million in extra funding earmarked for DYFS will do the job. It will not.

With \$20 million, it would be hard to accomplish the state's own to-do list: hire more staff; beef up training and supervision; replace an outdated computer system so the agency can track and monitor cases; create a new public advocate for children, one with the staff and resources to be aggressive and independent. Good luck.

DYFS must recruit more foster homes and keep good ones in the program. It cannot do that unless it provides much more support than it does now. For instance, in several recently released cases, foster parents were cited for leaving foster kids unsupervised. The rules say that cannot happen, not for a moment. Most foster kids require closer supervision than the average family would consider for its own children. It is a necessary rule. It is also an impossible one unless someone provides respite care and baby-sitters trained and licensed just as foster parents are to give foster parents a break when they need one.

Finally, DYFS will never succeed unless the state addresses the drug problems that affect 80 percent or more of the families it deals with. We need more drug rehabilitation and counseling specifically directed toward parents with young children.

You cannot do all that on \$20 million. The DYFS reformers are loath to admit that fact because the state is facing a huge budget deficit. But the deficit and our inability to fund the state's necessary work are not just artifacts of a cool economy. They are the long-lived legacy of Whitman-era tax cuts and the tax phobia that prevents this state from seeking new ways to get the revenue it desperately needs.

Enacting a minimal tax increase on our wealthiest residents would make sense and would make it easier to do right by our most vulnerable citizens, such as the kids who need DYFS protection.

New boss finds DYFS 'appalling'

Thursday, May 08, 2003

Overhaul of child welfare agency to include civil service challenge

BY SUSAN K. LIVIO
Star-Ledger Staff

The new boss in charge of repairing the state's fractured child welfare system says she is appalled by its lack of accountability and admits the problems go much deeper than she had imagined.

"I find the situation far sadder than I anticipated it would be," Deputy Human Services Commissioner Colleen Maguire said in her first interview since she was hired in February to overhaul the Division of Youth and Family Services. "As you peel back the onion, there are far greater issues than I anticipated I would find."

The former nun and schoolteacher wants to seek a repeal of civil service laws so she can hire, fire and promote managers as needed, or hire managers from outside government or from other states. She also intends to use an annual "report card" to grade the 37 DYFS office managers around the state by measuring their success at protecting the children they supervise.

Those who make the grade will get merit raises and promotions; those who do not will not have guaranteed job security, she said. Other managers will face similar scrutiny, she added.

"I am firm believer -- and I am controversial for this -- that you have to start at the top and work your way down. I don't believe you go right to the front-line worker."

Changing the civil service laws would require legislation and could face strong opposition from state worker unions. Under the current rules, DYFS cannot hire people with outside experience to become supervisors; it must start them in entry-level jobs.

In the short term, Maguire said she is just weeks away from announcing a new DYFS director, a position vacated by Charles Venti last summer. She is reviving DYFS' defunct quality assurance unit. She also has gathered a group of social work experts from numerous state colleges and universities to develop a management training curriculum.

"We do not, as we speak, have management training," said Maguire. That was just one of the surprises that struck her on her return to DYFS, where she was a caseworker and then a manager before leaving a dozen years ago.

"It's appalling to me there is such a lack of accountability that is coming out of the division. Absolutely appalling to me," Maguire said. "There aren't as many checks and balances in the system as there needs to be."

Human Services Commissioner Gwendolyn L. Harris lured Maguire from a consulting business back to DYFS with the mission of reorganizing it into a new Division of Child Protection and Permanency. The new agency, Harris has said, will focus exclusively on investigating child abuse and finding foster and adoptive homes. Other DYFS functions, such as providing children's mental health services, are expected to be organized under a new division.

Harris has announced a \$20 million plan to replace DYFS' antiquated computer tracking system, beginning this summer, and create roughly 271 new jobs, a process that has already begun. Additionally, the state has purchased or intends to purchase 2,200 cell phones, 250 digital cameras, 160 cars and 2,635 personal computers, among other items, to help caseworkers do their jobs, state spokeswoman Laurie Facciarossa said.

Still, Harris and Maguire have come under criticism from child advocates who say that despite a series of jolting revelations -- triggered by the death of 7-year-old Faheem Williams of Newark -- they have done little to bring about immediate improvements in the beleaguered agency.

Police found Williams' beaten and emaciated body and rescued his two surviving brothers in January, 11 months after DYFS closed the family's case without investigating an allegation of abuse and without having seen the children for more than a year.

Harris suspended the caseworker, who has since resigned, and demoted her immediate supervisor for prematurely closing the Williams case in February 2002. No one else has or will be disciplined in the case, Maguire said.

DYFS' rank and file have long complained that upper management is seldom held responsible when mistakes are made in a case.

That's why Maguire's promise to focus her attention on holding managers accountable came as a pleasant surprise to one prominent labor leader, Hetty Rosenstein, president of Communications Workers of America Local 1037, which represents DYFS workers in northern New Jersey.

"It's true that there is no leadership at DYFS coming from the management ranks. It is one of the reasons that it is difficult to make change at DYFS," Rosenstein said. "So to the extent that (Maguire) finds this appalling and inexcusable, that is pretty good."

But Maguire is inviting trouble if she tries to take on the civil service system and use incentives like merit pay, Rosenstein said.

"Merit pay has nothing to do with doing a good job for children. Give them rewarding work and make it possible to promote them," Rosenstein said. Otherwise, "workers who have worked for DYFS for years and years will be unable to promoted."

Cecilia Zalkind, executive director of the Association for Children of New Jersey, applauded Maguire's plans to challenge civil service laws.

"I think it's going to be very hard to do. She needs support from above her," Zalkind said. But the challenge is worthwhile, she said, if it means ousting incompetent people, or being able to draw from a larger pool of management applicants.

"Her goal is to build more accountability into the system. That is a positive direction in which to go," Zalkind said, particularly since the federal Department of Health and Human Services will evaluate the state's foster care system in March 2004.

Maguire also promised this summer she would move the unit that investigates child abuse in foster care out of DYFS and into the department's Office of Program Integrity and Accountability. Harris created the office last year to oversee all cases involving Human Services clients, including people with mental or developmental disabilities as well as abused children.

Zalkind's agency has urged this move because, she said, history has shown DYFS has trouble policing itself. The Institutional Abuse Investigative Unit investigates abused and neglect in foster homes and state institutions.

"I think it's very difficult to conduct a thorough and independent investigation if you are still connected to the agency responsible for placing the children," she said.

5:4) 18-MAY-2003 22:00 [John Searight \(searigh\)](#)

From today's Star-Ledger

Touted as a solution, DYFS home for boys has been fraught with problems

Allegations of abuse and irregularities plagued treatment center

Sunday, May 18, 2003

BY SUSAN K. LIVIO AND MARY JO PATTERSON
Star-Ledger Staff

Two years ago, in a bleak industrial section of Newark, state officials presided over the opening of a 40,000-square foot remodeled warehouse, the New Jersey Division of Youth and Family Services' newest, and supposedly finest, residential treatment center.

It was the most ambitious project DYFS had undertaken in years, an attempt to house dozens of severely disturbed boys 12 and older under one roof. They had dozens of labels but one common problem: a debilitating, sometimes dangerous, inability to get along in the world.

They were sex offenders, firesetters, chronic runaways, drug addicts, schizophrenics, depressives, the mentally retarded, and others who had landed in the deep end of the child welfare system. Many were former abuse or neglect cases.

The facility, called the Wynona M. Lipman Training & Education Center, was a for-profit enterprise headed by John J. Clancy, 54, a former Essex County youth services director who had built a solid reputation as a contractor for the N.J. Department of Corrections. Clancy, who was also a well-known political patron, promised "state of the art" care.

But in less than two months, Lipman Hall was hit by allegations of child abuse and shockingly substandard care, and the allegations continued for much of its first year.

A review of government documents and interviews with former and current state officials show that DYFS gave Clancy a \$12.5 million contract without putting it up for bid. The agency then bent over backwards to keep the place going, paying dearly all the while: \$28,000 a day to care for 80 boys, no matter how many were actually there.

Treatment, meanwhile, was hardly state of the art. Some boys did not receive medication or therapy. Others were hurt by residents or staff. Staffers misused "behavior management rooms," making boys take meals or even stay overnight in the windowless rooms. For eight months

after Lipman Hall opened, there was no psychiatrist -- only a specialist in adult infectious diseases. One DYFS inspector was so incensed by conditions that he wrote a whistle-blower letter, alleging that the state was risking residents' lives.

Last June, with DYFS inspectors constantly at Lipman Hall to probe new abuse allegations, Human Services Commissioner Gwendolyn Harris halted admissions. She lifted the moratorium in September but capped Lipman Hall at half its licensed capacity. She is still closely monitoring the program and has rebuffed Clancy's offer to open a twin facility for girls.

"Lipman Hall is where we want it to be. Now we want to evaluate this program to see if it is, in fact, good for these kids," Laurie Facciarossa, Harris' spokeswoman, said recently. "We are not going to authorize any sort of expansion until it is stable."

Human Services did learn a few lessons from the experience. One is that it needed to reform its contracting process, something it is now doing. Another is that big institutions may not be the answer for such children.

Lipman Hall was named for the state's first black female senator, who was a leading advocate for women and children. Wynona Lipman represented the 29th District in Essex and Union counties from 1971 until her death in 1999.

In hindsight, the facility appears to be the product of a child welfare agency driven by crisis, with little internal oversight. What is still hard to fathom is how a contract for \$12.5 million for the care of some of New Jersey's most disturbed children sailed so easily through state government.

Some people say Lipman Hall was poorly conceived from the start, a throwback to an era of big institutions. These days, smaller is regarded as better.

"Generally speaking, the larger the facility, the harder is it to maintain the quasi-homelike environment," said Richard O'Grady, a former DYFS deputy director who retired in June 2000 after 40 years at the agency.

Clancy believes his institution has "very successfully managed" a difficult mission and has replaced its original "custodial" atmosphere with a climate "more like a psychiatric hospital."

"I think Lipman Hall is doing very well," he said. "Like any other institution, it isn't perfect. Have there been incidents? Yes, a couple. There will be more in the future. (But) this is a clean facility that has bettered the neighborhood and made the lives of the parents of these children easier."

GROWING PAINS

No one was saying that, however, when Lipman Hall opened its doors on Oct. 23, 2001, with a catered party for hundreds, including Newark Mayor Sharpe James and then-acting Gov. Donald DiFrancesco. The facility began to admit children in November 2001. The DYFS Bureau of Licensing received its first complaint on Jan. 2, 2002, from an anonymous staffer.

"I am very sad to have to write to you, but I feel that in the interests of the children being served in this facility, you must be informed of the unacceptable and potentially dangerous level of care occurring here at Lipman Hall," the letter said.

The writer went on to describe the atmosphere as "unhealthy and abusive" and asked for an investigation.

DYFS sent out an inspection team. It found that Lipman Hall did not have a board-certified child psychiatrist as planned, and that residents had inadequate treatment plans. But, the team reported, "there was no evidence that residents were harmed or placed at risk."

That came in March, when inspectors cited Lipman Hall for restraining children in an "unapproved and dangerous" manner. Then a boy was injured.

One licensing inspector for DYFS, Gary Sefchik, grew very concerned. He had received two more grim letters about Lipman Hall -- one from a lawyer complaining about lack of treatment given a client, and another from a Morris County official.

Sefchik complained to his boss, Richard Crane. Why, he asked, had DYFS Director Charles Venti requested that the bureau put off the February inspection until July?

Two weeks later, Sefchik wrote again, invoking the state whistle-blower statute for his own protection.

"The youth in this facility are not receiving appropriate treatment services and are at risk," he wrote.

"Since the bureau is being prevented from carrying out its mandated responsibilities, in spite of Division and Bureau administration having knowledge that there are serious problems at Lipman Hall, I am preparing to disclose this information to others outside of the Division of Youth and Family Services."

Crane wrote back that Lipman Hall was just having "growing pains." Also, DYFS Director Venti had advised that Lipman Hall planned "a substantial reorganization," Crane stated.

More injuries were documented in April, May, June, July and August of 2002, DYFS records show.

One staffer punched a child in the stomach; another broke a child's arm while restraining him. A third verbally and physically abused a boy by calling him a derogatory name, punching him in the face and kicking him in the head with a steel-toed boot. A fourth staffer hit a child in the face with a phone and choked him. All were fired.

Many other assaults were reported to DYFS but not substantiated. One Lipman Hall boy, who had witnessed a particularly vicious beating, complained that investigators had been to Lipman Hall more than 15 times but had "not made any changes that he could see," according to a document filed in a lawsuit against DYFS by Children's Rights Inc., a New York City advocacy group.

"R.W. entered the room angry ... He stated that he was tired of giving statements to investigators. He advised that he reported to other investigators that there is staff abusing residents, homosexuality, shanking and gang violence in this facility," the document stated.

On July 15, 2002, residents of Lipman Hall got a scare when one of the known firesetters started a blaze in his room. The wing was evacuated, but no one was hurt.

DYFS inspectors later determined that Lipman Hall, with 15 resident firesetters, did not yet have an approved anti-firesetting curriculum. By then it had been open eight months.

VERY DISTURBED

To understand why Lipman Hall exists, one must first remember Sam Manzie.

Manzie, a mentally unstable 15-year-old from Jackson Township, made headlines in 1997 when he sexually assaulted and murdered Eddie Werner, a slight 11-year-old selling candy and wrapping paper for a school fund-raiser.

Only days before, Manzie's parents had gone to Family Court and begged a judge to commit their son. Sam had recently broken off a sexual relationship with an adult predator, they said, and was out of control, defiant and destructive.

The judge declined and sent Sam home.

After Eddie Werner was killed, Manzie's lawyer went public with the story. People were outraged.

New Jersey has never had enough long-term facilities to treat children with serious emotional problems. After Eddie's death, "You (had) more kids coming into the system with mental health issues (because) judges were more willing to order it," Joe Delmar, a spokesman for DYFS, said.

This put DYFS under pressure -- from parents, advocacy groups, detention center directors, and judges -- to develop more treatment options for disturbed youngsters. And their numbers seemed to be going up.

For DYFS, an agency often under fire, it was one more headache.

The year after Eddie Werner's murder, New Jersey sent 175 children out-of-state to facilities in Florida, South Carolina, Virginia, New York and Pennsylvania. This ran counter to a 1992 mandate from the Legislature to treat kids at home when possible.

Around this time, John Clancy wrote DYFS to inquire about its "most critical" residential placement needs.

The former drug counselor was a major player in the private corrections field, running treatment-oriented halfway houses for adult drug offenders in New Jersey and other states.

Clancy was also well-known in political circles. Since 1981 he has contributed \$406,400 to Democrats and Republicans. He considers courting politicians part of his business.

"I think it's important to be noticed and be known," he said. "If you're trying to advertise for a particular type of population and trying to provide services for them, you need to be involved in that world. I have friends who are in political positions."

DYFS Director Venti wrote Clancy back and said New Jersey needed local placements for very disturbed youths. DYFS was about to issue interested bidders an "RFP," or request for proposals, and Clancy should stay tuned, he wrote.

To move his project forward, Clancy hired a consultant, Nicholas Scalera, a retired DYFS director.

Venti, meanwhile, decided DYFS would do business with Clancy without putting the project out for bid.

"I want to assure you that our discussions and potential contractual agreement have and will continue to be properly conducted outside of an 'RFP' process, based on our crisis in meeting the needs of a difficult to place population," he wrote Clancy on Jan. 31, 2000.

Under state rules, New Jersey agencies are required to use the RFP process to purchase services over \$25,000. The only exceptions are for "life, safety and health emergencies," or if the service is unavailable from more than one source. In such situations, agencies must file a waiver.

Venti did not file a waiver.

According to Tom Vincz, a spokesman for the state Treasury Department, the project should have been competitively bid. His department is now inquiring into how the Lipman Hall deal was done. "We will do an audit on the case," he said.

Four days later, DYFS did publish an RFP for residential treatment centers serving the same population as Lipman Hall. It solicited proposals for programs of 30 or fewer beds. Clancy did not bid.

In an interview, Venti said it may have been "a mistake" not to put Lipman Hall out for bid.

But, he added, people above him in Human Services and in former Gov. Christie Whitman's office supported the project. They approved of the "handshake and a verbal commitment" to use Lipman Hall, when appropriate, he said.

The RFP process took many months, and DYFS needed to act at once, Venti said.

"You could sit on your rear end and do nothing. You could say, 'These kids are not our responsibility because they have psychiatric or juvenile justice problems and should be locked up.'

"Or, you could do what we did and try to normalize them and treat them," he said. "Because eventually they will leave the system, and you will find them dead, homeless or in prison."

Venti retired from DYFS last summer. Soon thereafter he went to work for Clancy, on what he called "a little short-term" research project." The topic was adult corrections.

On Jan. 18, 2001, Robert Sabreen, a regional DYFS chief in Newark under Venti's supervision, signed a \$12.5 million contract, for up to 200 children, with Clancy's Roseland-based nonprofit agency, Educational and Health Centers of America. He also runs the for-profit Community Education Centers of America Inc., which offer alternatives to the punitive corrections system.

Clancy planned on a July 1 opening for Lipman Hall.

But a new commissioner of Human Services, Jim Smith, applied brakes to the project after taking an inventory of the department's contracts.

The Clancy contract "did not appear to have the standard inclusions ... staffing qualifications (or) curriculum," recalled Smith, now director of the department's Division of Developmental Disabilities.

It was also inconsistent "with the direction we were taking in residential services," Smith said. And it was not clear, he said, where the money would come to pay for it.

Smith renegotiated the contract.

His predecessor, Michele Guhl, has since said she had no inkling DYFS signed a contract with Clancy.

"I never authorized (signing a contract)," Guhl, now executive director of the New Jersey Association of Health Plans, a trade group for HMOs, said in an interview last month.

Guhl's former assistant, Maddy Keogh, said she, however, was directly involved. "I probably should have said something, but I had 900 contracts, 2,700 employees, 52,000 kids. It wasn't done to keep anything from anybody," she said.

While Smith renegotiated the contract, Lipman Hall was put on hold. John Clancy, who had sunk millions of dollars into renovations at the warehouse, was losing money.

He went to the governor's office to complain. Specifically, he went to see Ciro Scalera, DiFrancesco's chief of management and policy, and a first cousin of Nick Scalera, his consultant.

Ciro Scalera met with Clancy. But, he said recently, "I informed my superiors that I couldn't be involved in any matters related to Lipman Hall. Then I assigned my deputy to it. I never took a meeting with Mr. Clancy, or my cousin, or anyone related to Lipman Hall. The only other thing I know is that it was ultimately resolved." Scalera, a former director of the Association for Children of New Jersey, is now a Verizon executive.

When Lipman Hall opened, Clancy's administrators handed out programs thanking seven individuals "for their support and assistance in making Lipman Hall a reality."

They were: DiFrancesco, Human Services Commissioner Jim Smith, DYFS Director Venti, Mayor James, State Sen. Richard Codey (D-Essex), State Sen. Joseph M. Kyrillos Jr. (R-Monmouth) and Scalera.

A few days later on Nov. 1, 2001, Venti signed the new Clancy contract. It was for \$8.8 million, covering eight months, and limited the number of children to 80.

Smith managed to find a way to pay for Lipman Hall funds through the Children's System of Care Initiative, a \$137 million community-based network of children's mental health services that had been launched earlier that year.

That stunned Kathy Wright, a founding member of the Children's Initiative.

Tapping that money for Lipman Hall goes "against the fundamental philosophy" of the program, she said. The Children's Initiative was designed to treat mentally ill children on an out-patient basis and keep them at home whenever possible, according to Wright.

New Jersey's state auditor, Richard L. Fair, was critical of the contract for another reason.

Under its terms, Lipman Hall was held to 80 beds, at a rate of \$350 day. Clancy would receive a set monthly payment of \$847,000, whether all 80 were occupied or not.

Thus, although there were only 28 boys at Lipman Hall in December 2001, the state still cut a check for \$847,000. Four months later, there were 65.

Fair recommended that the department "seek reimbursement for the overpayments," which amounted to hundreds of thousands of dollars.

The state is evaluating the contract and how the money was spent before deciding whether to seek repayment, Delmar says.

Clancy's spokesman, William Palatucci, a lawyer, lobbyist and Republican Party strategist, said the arrangement was nothing unusual.

"This helps needed projects like Lipman Hall get off the ground and makes budgeting easier for any department," he said.

In January 2003, DYFS renewed Clancy's contract.

Now he gets paid only for beds that are filled.

WHAT WORKS

Today there are 110 boys at Lipman Hall. Caring for them costs \$395 a day per child, a rate comparable to other treatment centers for severely disturbed youths.

"Verbal de-escalation," as opposed to physical restraints and time spent in the behavior management room, has become the main tool for managing boys' behavior. Good behavior is rewarded with points; the more points a boy accumulates, the more privileges he receives.

Lipman Hall's original director, a woman recruited from the Ohio Department of Corrections, is gone.

Clancy replaced her with Nick Scalera, who hired Pat Byrne, a former DYFS chief of staff.

On April 28, 2003, Gary Sefchik -- last year's whistle-blower -- notified Scalera that there were no outstanding violations and the facility was fully in compliance.

Scalera and his staff say the program is succeeding.

"We know what works, and we have very, very high standards," said Lee Underwood, a psychologist who is director of clinical programs for Community Education and Health Centers.

Deputy Human Services Commissioner Colleen Maguire said the state will keep a sharp eye on Lipman Hall. She was appointed to oversee DYFS in February.

"It's a viable functioning program now," she said.

Its size and hard-to-treat population make it a particularly challenging institution, Maguire said, "But we have to make sure all those challenges are attended to."

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D

McGreevey naming panel to oversee DYFS reform

Group includes experts in education, health and social services

Monday, May 19, 2003

BY SUSAN K. LIVIO
Star-Ledger Staff

Gov. James E. McGreevey today will appoint a panel of experts in education, health, social services and juvenile justice to guide and critique the ongoing reform of the state's failing child welfare system.

The panel, dubbed the "Governor's Cabinet for Children," will make recommendations for improving the Division of Youth and Family Services and then evaluate the agency's progress in bimonthly public reports.

In a speech to be delivered at the Rutgers School of Social Work's graduation awards ceremony in New Brunswick tonight, McGreevey will also announce for the first time his support of a bill that would create the Office of the Child Advocate within the Department of Law and Public Safety. The independent body would be able to sue DYFS, according to an advance copy of McGreevey's speech obtained by The Star-Ledger.

"Clearly the advocate will not fix DYFS in and of itself, but it is a key ingredient to ensure more accountability in the way the state investigates child abuse and cares for its victims," according to the speech.

DYFS has undergone unprecedented scrutiny and criticism since January, when state officials confirmed the agency had botched a child abuse investigation involving 7-year-old Faheem Williams of Newark. The boy was found dead on Jan. 5 -- 11 months after DYFS closed his case without investigating abuse allegations.

Since then a litany of child deaths and other missteps has been revealed in court records made available through a lawsuit against DYFS brought by the national advocacy group, Children's Rights, Inc.

"We face a season of great reckoning in New Jersey," the governor's speech says. "The revelations about DYFS have shaken us deeply, and brought to public attention dark secrets of a world most of New Jersey has ignored for too long."

The panel's job also will entail coordinating the efforts of different governmental offices and community agencies to identify children at risk of abuse.

"One of the central lessons of Faheem's death is that government is too fragmented," McGreevey's speech says, noting the courts, the welfare system and the school system should have recognized the Williams family's troubles and shared that information with DYFS.

Other highlights of the speech include:

A pledge to support a controversial DYFS proposal to dismantle civil service rules so the agency can recruit experienced social workers from outside DYFS and pay them more competitively. "Reforming civil service practices will not be easy," McGreevey's speech says. "It will require the approval of the Legislature and there will be entrenched interests who will oppose it. But job security and promotion opportunities can't be the number one focus of an agency dedicated to child protection."

A promise to back legislation that would require criminal background checks for people who work at privately run group homes and residential treatment centers.

McGreevey's promise to sign a bill that would provide free college tuition to children who are leaving foster care. The bill passed the Assembly Thursday.

A directive to Human Services Commissioner Gwendolyn L. Harris and Health and Senior Services Commissioner Clifton R. Lacy to identify by the fall more drug treatment programs for addicted parents involved with DYFS.

Association for Children of New Jersey Executive Director Cecilia Zalkind, who will join the "Governor's Cabinet for Children," said a broad base of leadership must address these critical issues. "The Department (of Human Services) and DYFS cannot do this alone."

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Governor's choice 18

Monday, May 19, 2003

Gov. James E. McGreevey today will appoint a "Governor's Cabinet for Children," an ad hoc panel of experts that will guide the reform efforts of the Division of Youth and Family Services. Its 18 members are:

Human Services Commissioner Gwendolyn L. Harris -- chairwoman

Deputy Commissioner Colleen Maguire

Rev. Darrell Armstrong, pastor of Shiloh Baptist Church, Trenton

Juvenile Justice Commission Executive Director Howard Beyer

Human services consultant and former DYFS director Thomas Blatner

Lisa Eisenbud and Kevin Ryan, McGreevey's deputy chiefs of management and operations

Retired Sen. Jack Fay

Acting Attorney General Peter Harvey

Health and Senior Services Commissioner Clifton R. Lacy

Community Affairs Commissioner Susan Bass Levin

Education Commissioner William Librera

Treasurer John McCormac

Retired Superior Court Judge Alex Menza

State Police Capt. Ralph Rivera

Richard Roper, expert on nonprofits and urban issues, Rockefeller Institute

Maria Vizcarrondo-DeSoto, president and CEO of the United Way of Essex and West Hudson

Association for Children of New Jersey Executive Director Cecilia Zalkind

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5:8) 23-MAY-2003 15:53 [John Searight \(searighj\)](#)

Colleagues:

Here is the NYT article I emailed earlier and a later AP summary of same. I suspect it's getting uncomfortable in Trenton.

john

May 23, 2003

Report Finds Flaws in Inquiries on Foster Abuse in New Jersey

By LESLIE KAUFMAN and RICHARD LEZIN JONES

New Jersey's child welfare agency has shown a "routine failure" to adequately investigate allegations of abuse and neglect in foster homes and state-run institutions, leaving thousands of children under its care at risk of harm, a study has found.

In a withering report that examined 129 investigations conducted in recent years, researchers from the University of Maryland found that one-quarter of the state's inquiries had been seriously mishandled.

In more than half the cases, the investigations were not completed within the required two months. In only two cases did investigators bother to check whether the foster parents accused of abuse had criminal records.

In about 20 percent of the cases, the researchers found, investigators for the state agency, the Division of Youth and Family Services, failed to determine that children had been abused and were at risk, despite ample evidence that anyone with "reasonable professional judgment" would have seen.

As a result, the researchers concluded, "no assurances can be given" that any child in the state-monitored foster homes or institutions is actually safe.

The review of abuse investigations, released publicly yesterday, was commissioned by Children's Rights Inc., a nonprofit children's advocacy group based in Manhattan, which has sued the State of New Jersey over the quality of its foster care system. The state and Children's Rights are

trying to negotiate a settlement.

Gov. James E. McGreevey has already acknowledged that the state's child welfare system is deeply troubled, and he has initiated what he has called major reforms. The changes follow the death of Faheem Williams, 7, whose body was found in a Newark basement in January after child welfare investigators had closed his case file.

This week, Mr. McGreevey announced that he would move the abuse investigations unit out of the Division of Youth and Family Services and fold it into the new Office of Program Integrity and Accountability. That office will report directly to the commissioner of human services, Gwendolyn L. Harris, who oversees the child welfare agency.

But Marcia Robinson Lowry, the executive director of Children's Rights, said the report revealed a level of dysfunction so deep that simply moving investigations out of the division would not solve the problem.

"Even assuming they are more independent," she said, "this is a system so dangerous at its core that doing better investigations on how children are being abused will not keep them from being abused."

Colleen Maguire, the special deputy commissioner who has been appointed to help overhaul DYFS, said she could argue with aspects of the report, but accepted that the agency had not done an acceptable job investigating complaints over the years.

"We could dispute this line by line, but the picture that is painted is not a good one," she said. Ms. Maguire cited changes in licensing standards that the agency carried out in April 2002 that allowed it to close 100 foster homes it had found substandard.

The analysis of the state's abuse investigations, which was conducted by professors and others at the University of Maryland School of Social Work, was released on the same day that the state's own child welfare officials made public their stark findings about what was needed to reform the system.

In a report prepared by the child welfare agency's Staffing and Outcomes Review Panel, officials said the state would have to spend \$105 million during the next three years to hire enough caseworkers to meet the standards set by the Child Welfare League of America, a nonprofit advocacy group in Washington that recommends standards. The panel estimated that more than 1,000 new staff members would be needed.

The panel also suggested that \$81 million more be spent to add drug treatment programs and other services for troubled families.

"It is fairly clear that this is a system that is failing and needs substantial resources," said Cecilia Zalkind, the executive director of the Association for Children of New Jersey, who sat on the panel.

A spokesman for Mr. McGreevey, Micah Rasmussen, said the panel's recommendations would be part of the governor's budget discussions with the Legislature. The agency "has been neglected for too long, but we are getting this house in order," Mr. Rasmussen said.

He said that before yesterday's announcement, the governor had allocated an additional \$20 million in his proposed budget for other changes at the child welfare agency. "The governor is irrevocably dedicated to greater accountability," Mr. Rasmussen said.

The University of Maryland study examined 129 cases handled by the investigations unit from 1999 to 2002. A nine-member research team at the social work school and the Institute for Human Services Policy reviewed the case files, which involved 195 children from both rural and urban settings around New Jersey.

The researchers said they had used a random sampling method that reduced errors and made it likely that their findings would represent the same results if they had examined every investigation by the unit during the four-year period that they reviewed.

The 42-page study dissects the agency's investigation unit, commonly known by its initials, I.A.I.U. That unit performs what is widely regarded to be the most critical work in child protection: quickly and accurately assessing complaints of abuse and levels of risk.

The Maryland researchers found a pattern of often shoddy, incomplete investigations, in which officials failed to interview crucial witnesses or to thoroughly check the personal histories of those accused of abuse and neglect. Nearly a quarter of those foster parents whom the agency did check on turned out to have prior allegations of abuse and neglect, and roughly half of those allegations had been substantiated, and yet even those parents were often allowed to keep the children in their homes.

"I.A.I.U. was routinely noted to conduct overly legalistic and narrow investigations, frequently failing to collect, integrate and critically analyze the available information with anything approaching reasonable professional judgment," wrote the researchers, who were led by Diane DePanfilis.

Even when presented with what seemed to be clear-cut examples of abuse, the unit often fell short, researchers found. In one case, the they

found, an allegation of abuse was unsubstantiated even though a foster mother with two previous substantiated allegations of abuse had admitted to investigators that she had struck a child with a belt, leaving a four-inch mark on the child's face.

In more than a handful of instances, the researchers discovered that there was no indication that an investigation of any kind had been done after allegations of abuse or neglect were received.

"Based on the results of this review," the report said, "immediate action must be taken to protect these children."

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May 23, 2003

Report Blasts N.J. Child Welfare Agency

By THE ASSOCIATED PRESS

Filed at 4:22 a.m. ET

TRENTON, N.J. (AP) -- New Jersey's child welfare agency routinely put children at risk by placing them with abusive foster parents and botching investigations, according to a study by a children's advocacy group.

A review by the New York-based Children's Rights Inc. found that probes by the welfare agency's investigations unit between 1999 and 2002 were constantly delayed, incomplete and inconclusive despite clear signs of child abuse.

"It is now a documented fact that no child is safe today in New Jersey foster care," said Marcia Robinson Lowry, executive director of Children's Rights.

A separate report released Thursday by a state-appointed panel also criticized the Division of Youth and Family Services, saying it must increase its staff, provide more services and increase accountability to solve "deep-seated problems that prevent the agency from protecting children."

That report said the state should spend more than \$187 million over the next three years to hire 1,027 additional workers to meet national staffing standards.

"The picture that is painted is not a pretty picture," said Colleen Maguire, the special deputy commissioner at DYFS. "However, there are many systems and policies that have been put into place. The challenge is to make sure we are monitoring them."

The division has been criticized for years and came under intense pressure for reform in January, when the decomposed body of 7-year-old Faheem Williams was discovered in a storage bin in a home in Newark. His twin brother, Raheem, and their 4-year-old half brother, Tyrone Hill, were found alive but emaciated in an adjoining basement room.

Children's Rights filed a class-action lawsuit against the state in 1999 in an effort to force reforms. The findings in the group's report released Thursday were based on information from documents turned over due to the pending litigation.

Earlier this week, Gov. James E. McGreevey announced a series of changes at the agency, including moving its abuse investigation unit and placing it under the Department of Human Services. McGreevey's proposed state budget includes \$20 million for DYFS reforms.

Children's Rights said a look at 129 cases involving 195 children in foster care found that unit investigators repeatedly made bad decisions.

The group cited one reported case of abuse that was listed as unsubstantiated even though a foster mother admitted hitting a child with a belt that left a 4-inch mark on the child's face. The foster mother also had two prior substantiated cases of abuse or neglect.

The group said 58 percent of the abuse or neglect cases it looked at were incorrectly listed by DYFS as unsubstantiated. Another 17 percent of cases where abuse or neglect took place were listed as "unfounded," the report said.

It said DYFS also continued to place children in homes of abusive adults, including one foster parent who had five prior substantiated cases of abuse and neglect.

The report said investigators failed to contact children within the designated time in 30 percent of the cases.

5:9) 26-MAY-2003 09:26 [John Searight \(searighj\)](#)

I don't mean to be overloading us with news articles, but I think it best to get the information in one location in case we need it for future reference.

McGreevey Announces Bold New Initiatives to Reform DYFS

Cabinet for Children will make recommendations for improvement and evaluate implementation

(NEW BRUNSWICK) – Speaking at the graduation awards ceremony for the Rutgers School of Social Work, Governor James E. McGreevey today outlined some of the steps the administration is taking to transform DYFS.

“DYFS must be transformed into an accountable agency that gets the job done,” said Governor McGreevey. “As Governor, it is my job to ensure that New Jersey’s child welfare system protects children from harm, strengthens families and promotes child well-being.”

Every eleven seconds, a child is reported abused or neglected in the United States. Nearly 40,000 reports of child abuse and neglect came into DYFS last year. Many of the 50,000 children DYFS sees each year endure pain, hostility and disinterest at every turn.

“Clearly the death of Faheem Williams showed us that DYFS was badly broken and needed to be totally transformed into a new agency that focused on child protection and permanency,” said Human Services Commissioner Gwendolyn L. Harris. “That is exactly what we are doing. We are addressing major problems in decision making, accountability, community resources, staffing, infrastructure, and equipment at DYFS that have existed for far too long. We are working to improve services, such as foster care, and child protection, from top to bottom.”

“For far too long, government has been satisfied with its own fragmented responses to children and families in crisis,” said Governor McGreevey. “The road to greater accountability will be long and difficult. But - working together - we will win the battle for the safety of our children.”

DYFS is undergoing a structural overhaul to provide more accountability and a renewed focus on its core mission of child protection. Despite a \$5 billion budget deficit, DYFS is one of the few areas of State government to receive a funding increase in the Governor’s proposed budget.

Governor McGreevey signed an executive order today establishing the Governor’s Cabinet for Children, which will bring together senior members of his administration with New Jersey child advocates. The Cabinet will coordinate and marshal resources to ensure the highest level of care. They will develop a strategic plan for strengthening children and family services in New Jersey. This will constitute a comprehensive planning resource for all State agencies and programs, as well as non-governmental organizations. The Governor’s Cabinet for Children will monitor the implementation of the DYFS Transformation Plan. They will evaluate the effectiveness of the plan and report back to the Governor on a bi-monthly basis to ensure that it is comprehensive and stays on track.

“The real proof will be better outcomes for children, and I expect the Children’s Cabinet to track those outcomes,” said Governor McGreevey. “We must lock arms and work together to coordinate our efforts when it comes to the safety of our children. Creating linkages will be a central responsibility of this Cabinet.”

“What Governor McGreevey has proposed will help save the lives of children in New Jersey. It is that simple,” said Human Services Commissioner Gwendolyn L. Harris. “The Governor’s Cabinet for Children will coordinate and oversee children’s services at the highest level and report directly to the Governor.”

In all, Governor McGreevey outlined fourteen initiatives to reform DYFS, including the deployment of Case Practice Specialists, criminal background checks for employees of out-of-home placement facilities and moving the Institutional Abuse Unit from DYFS to the Department of Human Services, where it will become part of the Commissioner’s elite Office of Program Integrity and Accountability. The state will invest \$5.6 million so New Jersey can join the other 46 states that use the State Automated Child Welfare Information System, a state-of-the-art child tracking system.

“We will move to a system that judges the performance of each DYFS district office and manager by the only measure that counts: the outcomes for children,” said Governor McGreevey. “We plan to adopt a public report card for each of the District Offices within DYFS. A more transparent agency is essential to create the accountability that is much needed throughout DYFS. ”

“Tonight, Governor McGreevey has given us some important tools to begin the task of transforming how New Jersey serves children and

families," said Special Deputy Commissioner of Children's Service, Colleen Maguire. "The measures the Governor has outlined are vital to improving decision-making and accountability in our child welfare system. This will lead to an agency that provides quality and effective services to families, engages and partners with every community in the State - and most importantly -improves the lives of New Jersey's children."

"I commend the Governor on the profound and far reaching changes he is proposing to New Jersey child welfare policy and practice that I have no doubt will result in better life outcomes for the most vulnerable children and families in our State," said William Waldman, former Commissioner of the New Jersey Department of Human Services. "These changes will infuse accountability throughout the system, create a more clear and holistic focus on the needs of children and families and serve to unify all of our efforts in this regard. The safety and permanency of children and the preservation of families is everybody's business. And, the Governor is clearly doing his part."

GOVERNOR MCGREEVEY'S DYFS REFORM PROPOSALS

1. Accountability by Management

The Administration is moving to a system that judges the performance of each DYFS district office and manager by the only measure that counts: the outcomes for children. We will reward good managers and hold all managers responsible for the actions of the workers under their charge. We will publish an annual public report card for each of the District Offices within DYFS according to federal standards for child well-being. A more transparent agency is essential to create the accountability that is much needed throughout DYFS.

2. Hiring Experienced Workers and Supervisors

The administration is moving ahead with bold reforms that will give DYFS the staff it needs to keep children safe. Current law and regulations make it difficult for DYFS to hire experienced workers into any position other than entry-level trainee slots. The vast majority of DYFS caseworkers have less than 5 years experience. We must recruit experienced social workers into supervisory and managerial positions as we begin a new wave of hiring. The administration will advance bold changes in personnel policies to open the agency to experienced, talented social workers.

3. The Governor's Cabinet for Children

Lasting reform will require action and coordination from the very top of government. On Monday, May 19, 2003, Governor McGreevey established - by executive order - the Governor's Cabinet for Children, which brings together senior members of the administration with New Jersey child advocates to coordinate and marshal resources to ensure the delivery of the highest level of care for our children.

One of the central lessons of Faheem Williams' death is that government is too fragmented. The schools did not report Faheem missing. The courts did not communicate about his mother's incarceration. Welfare did not verify Faheem's whereabouts, and DYFS closed an open case of abuse without seeing him. These systems must lock arms and coordinate their work with children and families. Creating those linkages must be a central responsibility of this cabinet.

The Governor's Cabinet for Children will develop a strategic plan for strengthening New Jersey's services for children and families services. The strategic plan will be a comprehensive planning resource for all state agencies and programs, as well as non-governmental organizations.

The Governor's Cabinet for Children will monitor the implementation of the DYFS transformation plan. The cabinet will evaluate the effectiveness of the plan and its implementation, and report back to the governor on a bi-monthly basis to ensure that it is comprehensive and stays on track. The real proof will be better outcomes for children. The children's cabinet will track those outcomes.

The Governor's Cabinet for Children will be chaired by Human Services Commissioner Gwendolyn Harris and include:

- Reverend Darell Armstrong, Shiloh Baptist Church, Trenton
- Howard Beyer, Executive Director of the Juvenile Justice Commission
- Tom Blatner, President of Janus Solutions
- Lisa Eisenbud, Deputy Chief of Management and Operations, Office of the Governor
- Senator Jack Fay

- Peter Harvey, Esq., Acting Attorney General
- Dr. Clifton Lacy, DHSS Commissioner
- Susan Bass Levin, DCA Commissioner
- William Librera, DOE Commissioner
- Colleen Maguire, Special Deputy Commissioner of Children's Services at the Dept. of Human Services
- John McCormac, State Treasurer
- Judge Alex Menza
- Captain Ralph Rivera, NJ State Police
- Richard Roper, Rockefeller Institute and Roper Group
- Kevin Ryan, Esq., Deputy Chief of Management and Operations, Office of the Governor
- Yvonne Seegers, New Jersey Public Defender
- Maria Vizcarrondo-DeSoto President, United Way of Essex and West Hudson
- Cecilia Zalkind, Esq., Executive Director, ACNJ

4. The Child Advocate Bill of 2003

The Administration's Child Advocate Bill creates an independent watchdog in, but not of, the Department of Law and Public Safety to monitor child welfare programs, investigate failures and demand corrective action.

The Advocate will focus on children at risk of abuse and neglect with broad investigative powers, including subpoena power. The Advocate's mission is to ensure effective, appropriate and timely services for children who may have been abused or neglected or who are in State custody or under state supervision.

The Advocate will be an attorney - appointed by the Governor - serving a term of 5 years.

- The Advocate can investigate, monitor or call for corrective action on any single case.
- The Advocate can litigate or institute proceedings in the broad public interest of vulnerable children in the State.
- The Advocate can track the timeliness of investigations by the Dept. of Human Services' Institutional Abuse Unit, giving the public a direct monitor on the agency's performance. Clearly, the Advocate will not fix DYFS in and of itself, but it is a key ingredient to ensure more accountability in the way this State investigates child abuse and cares for its victims.

5. SACWIS

We have put the design and construction of Sacwis, (Statewide Automated Child Welfare Information System) - a state-of-the-art child tracking computer system - on a fast track for statewide implementation by December 2005. DYFS now relies on one of the nation's oldest and most antiquated child tracking systems. Caseworkers resort to flash cards and post-it notes to recall the status of the 48,000 children they now serve. The budget invests \$5.6 million, so New Jersey can join the other 46 states that use SACWIS.

6. Criminal Background Checks for Employees of all Out-of-Home Placement Facilities

The law does not presently require criminal background checks for the hundreds of adults who work with vulnerable children every day in private group homes and residential centers. This omission places children at-risk and accounts for some of the lapses we have uncovered in the care of children over the past several months. The deployment of livescan technology within state government has made the collection of fingerprints and the processing of background checks much easier and faster. It is time to require private agencies that care for DYFS children to submit their staffs to tough new criminal background checks. The governor calls upon the legislature to make this a requirement for all direct care workers in this system.

7. Immediate Child Tracking and Case Practice Upgrades

We cannot - and are not - simply waiting for SACWIS. This summer, we will roll out major improvements in our child welfare computer system, including web-based child tracking and case practice applications that will immediately help us to follow children and will guide decision making about their care.

8. Reduce the Child Welfare Caseloads and Improve Supervision

Although these are lean economic times, Governor McGreevey has asked the legislature for an additional \$14.3 million to hire 270 additional DYFS caseworkers, supervisors, and case practice specialists, and to provide them with the tools they need for safe and effective field work, including additional vehicles and cell phones. New Jersey must reduce the size of child welfare caseloads and ensure that it adequately cares for the 48,000 children served by DYFS every year.

9. Case Practice Specialists

Commissioner Harris intends to deploy case practice specialists into every district office. This will provide an essential eye on the casework of a relatively young generation of caseworkers. In the past, a case was sometimes sidelined in some DYFS offices simply when a parent refused to produce an at-risk child. Case practice specialists will ensure that DFYS does everything in its power, including going to court, to locate and meet with every child for whom there is an open allegation of abuse.

10. Expedite Adoptions

It is vital that we shorten the amount of time children spend in foster care prior to adoption. By and large, this means moving cases through the family courts more quickly. To assist in this effort, I have proposed investing \$1.4 million to create a new unit in the office of the attorney general that will focus exclusively on DYFS pre-adoption cases.

11. Remove Institutional Abuse Investigations from DYFS

Commissioner Harris has directed that the Institutional Abuse unit be removed from DYFS and placed within the Department of Human Services, where it will become part of the Commissioner's elite Office of Program Integrity and Accountability. The unit investigates abuse in state institutions, foster care and group homes and there is an inherent conflict in housing it within DYFS. The Institutional Abuse Unit must have the freedom to remove children quickly from abusive conditions. It is important that we maintain a team of investigators who can expeditiously ferret out abuse against children in the care of DYFS, a team that can make binding decisions when a child's safety is at risk.

12. Quality Assurance

Commissioner Harris will revitalize DYFS's long-dormant Quality Assurance team this year. Child advocates from throughout New Jersey remember a time - long ago - when DYFS included a top-notch group of QA inspectors who kept the system on its toes by monitoring casework and identifying systemic problems. It is essential that we bring quality back to the forefront of our child protection efforts. Quality assurance must once again become a safeguard within DYFS to promote the best interests of children.

13. Expanded Drug Treatment

Drug abuse is a major contributing factor to child abuse in New Jersey, but many DYFS caseworkers have no ready access to treatment programs. Governor McGreevey wants to break down the firewall between DYFS caseworkers and drug treatment services. He has directed Commissioners Harris and Lacy to develop and implement a plan by this fall that will prioritize drug treatment services for DYFS families and increase the access of DYFS front-line staff to treatment services for addicted parents and children.

14. Prevention: Education Initiatives for Aging Out Youth

We must commit ourselves to prevention strategies, including education for children who are aging out of foster care. Ensuring that they lead healthy, productive and independent lives is a paramount concern. We all know that one of the most critical ingredients to success is education. The governor's staff has worked very closely with Assemblywoman Mary Previte, the prime sponsor of A2428, the statewide tuition waiver act for foster children. The bill brings New Jersey to the forefront of national higher education initiatives by offering essential financial aid for foster care teenagers to get their college degree. The Assembly has already passed A2428. Governor McGreevey urges the Senate to follow suit quickly so that the children who have been left behind by their families can reach their fullest potential.

Experts peg tab for DYFS fix at \$188 million over 3 years

Friday, May 23, 2003

BY SUSAN K. LIVIO
Star-Ledger Staff

Real reform for the state's deeply troubled child welfare agency will cost far more than any politician has dared imagine: about \$188 million over the next three years.

That was the price tag a panel of experts appointed by the governor suggested yesterday after studying problems in the State's Division of Youth and Family Services. The estimated cost dwarfs the \$20 million package Gov. James E. McGreevey himself dedicated to improving the agency in the coming fiscal budget year.

After months of analysis, the panel of child welfare experts, lawmakers, state officials and union representatives concluded McGreevey's proposal was just "an immediate response to a crisis and a stop-gap measure until there was a closer look,"

"Reform is not cheap," said Cecilia Zalkind, the panel's vice chairwoman and the executive director of the advocacy group, the Association for Children of New Jersey. "It's impossible to fix the child welfare protection system without adequate funding."

The money would be used to dramatically decrease the number of children each caseworker may supervise, and to expand services like drug treatment programs for addicted parents.

McGreevey's administration reacted positively to the report, although it remained unclear where the state would find the money. Like most states, New Jersey is facing a sagging economy and a huge budget deficit.

"The governor supports the panel's recommendations," said Kevin Ryan, McGreevey's deputy chief of Management and Operations who was also a member of the panel. "We will work with the Legislature to implement them over the next three years."

The public's faith in the child welfare agency plummeted this year after Newark police on Jan. 5 found the body of 7-year-old Faheem Williams, a child who had been under the state's supervision from his birth to February 2002. The DYFS caseworker and her supervisor -- both juggling larger-than-average caseloads -- closed the Williams family file without investigating an abuse complaint.

That case, followed by other revelations about DYFS mismanagement, highlighted the decades-old problem of short-staffing and excessive caseloads.

McGreevey's \$20 million plan would hire an additional 273 workers.

The panel's plan earmarks \$105 million of the \$187.6 million to create 1,027 jobs: 365 casework trainees, 315 aides, 128 experienced caseworkers, 118 clerks and 101 supervisors.

The new positions would enable the state to meet worker-to-child ratios recommended by the Child Welfare League of America, a respected advocacy and research group based in Washington, D.C. The league suggests a caseworker supervise no more than 17 children who live at home, 15 children living in foster care, and 12 children who are waiting to be adopted.

DYFS front-line workers oversee an average of 33 cases, but in some district offices the actual numbers are twice that or higher.

The report also noted that "staffing improvements will be meaningless, unless services are expanded." To that end, the panel recommends spending another \$81.6 million over three years: \$58 million to expand the number of homemakers, therapists and other in-home services for troubled families; \$21 million in drug treatment programs to serve about 1,400 more families that have a drug problem; and \$1.6 million to boost the budget for the state's four regional diagnostic centers that treat child victims.

Panel Chairwoman Angela Estes said DYFS workers are often forced to perform "triage" by parsing out what few services that exist to families they think are in the most need.

"There must be an adequate number array of services available to caseworkers so they can truly help troubled families and prevent children from being hurt, said Estes, the executive director of the Robins Nest, a social service agency that serves abused children.

"If you had an infected finger, a doctor wouldn't tell you 'let's wait and see if it gets better' before he did anything to help," Estes said.

Sen. Joseph Vitale (D-Middlesex), co-chairman of the Senate Health and Human Services Committee, admitted he didn't know exactly how to fund the panel's suggestions. But he added: "This is a program that has to be fixed."

"If we need to re-prioritize our budget to find another \$30 million (next year), we will," Vitale said.

Deputy Human Services Commissioner Colleen Maguire said she said she didn't doubt the veracity of the dollar figures because the panel worked closely with DYFS on the plan.

"(The plan is) realistic, yes. Whether it's available and ready for use, is a very different story. We may have to do some reconfiguration" within the budget, Maguire said. "We're also in the process of trying to understand far better than we do now what are the true needs of children and families."

5:10) 28-MAY-2003 08:59 [John Searight \(searighj\)](#)

DYFS asking for help to reform Feds begin review of Jersey agency

BY SUSAN K. LIVIO Star-Ledger Staff Wednesday, May 28, 2003

State Human Services Commissioner Gwendolyn L. Harris called on federal child welfare experts yesterday to help reform the state's child welfare system, which has attracted national attention from a recent spate of foster child deaths and the disclosure of internal records revealing a system in disarray.

During a meeting in Trenton that formally kicked off a federal review of New Jersey's foster care system, Harris conceded the state is likely to fail in every category the federal Administration for Children Services measures when the study is completed next year.

"With all the awareness generated in the past few months about the problems in our child protection system, people like you hopefully are primed to come to the table and help assess our system," Harris told 100 state and federal child welfare officials. "We cannot squander this opportunity."

As part of its own introspection, DYFS will hold a public meeting Friday in Newark to discuss the 19 child abuse and neglect deaths in the city over the past five years. There have been 26 deaths of children known to the DYFS system from Essex County alone, and an additional 123 statewide in the same time span.

The event at the Robeson Campus Center at Rutgers University, dubbed "Save the Child Day," will analyze what DYFS and the nonprofit agencies that serve families could have done to prevent these tragedies, Deputy Human Services Commissioner Colleen Maguire said. Newark will be the first stop on DYFS' community tour that will take Maguire to every county to discuss child abuse deaths and what the state should be doing to intervene before families develop intractable problems.

The public's faith in the child welfare agency has been badly shaken since Jan. 5, when Newark police recovered the body of 7-year-old Faheem Williams, a child who had been under the state's supervision from his birth. The DYFS caseworker and her supervisor -- both juggling larger-than-average caseloads -- closed the family file without investigating an allegation of physical abuse.

That case, as well as others that have since been made public, exposed longtime deficiencies inside DYFS. Caseworkers supervise too many children, fostering a sense of failure that has led to high turnover. There are few services available, such as drug treatment, in-home counselors and aid to battered women, to help stabilize troubled families. Foster parents are scarce and largely unsupervised. Schools, the criminal courts and police departments don't work with DYFS to identify families in trouble.

But with the federal review and a pending class-action lawsuit brought by Children's Rights Inc., a national advocacy group, on behalf of New Jersey's 11,600 foster children, DYFS is under great pressure to face its failings. Proposals abound -- ranging from creating an independent Office of the Child Advocate to monitor DYFS, to hiring hundreds of workers and replacing an antiquated computer system, to appointing several panels to recommend change.

Monitors from the Administration for Children Services will visit New Jersey in March 2004 to evaluate 50 random DYFS files culled from 2000 to the present, DYFS Assistant Director Donna Younkin said. Half of the cases will involve children living at home and half will involve children living in foster homes or residential facilities.

In each case, federal monitors will examine how New Jersey fared compared with the rest of the country in answering the following questions: Were children repeatedly abused or neglected before the state intervened? Were children abused in foster care? Did children shuffle in and out of foster care over the course of a year? How many times did a child change foster homes? Did it take longer than a year to return a child home, or longer than 24 months to sever parental ties and complete an adoption?

Through this review, Harris said, "I truly believe that we are standing at the dawn of a new era for New Jersey's child protection system."

No state has passed the federal review, DYFS spokesman Joseph Delmar said. New Jersey is the last state to be evaluated, he said.

The review by the Administration of Children Services, part of the federal Department of Health and Human Services, was scheduled to take place even before the Faheem Williams case brought to light the problems within DYFS. It is required under the federal Adoption and Safe Families Act of 1997.

The same federal standards that are part of the review will be used by Maguire to judge the performance of DYFS district office managers starting in July. The evaluations will be compiled monthly and condensed into quarterly reports, portions of which will be available to the public, Maguire said. Eventually, each district office manager and other managers will be graded in an annual report card.

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5:12) 01-JUN-2003 15:59 [John Searight \(searigh\)](#)

RELEASE: May 27, 2003

Commissioner Harris receives 2003 Public Policy Leadership Award from Rutgers.

Helps Governor unveil Cabinet for Children

NEW BRUNSWICK, NEW JERSEY – In recognition of her record as a social worker, public policy leader, director and commissioner, as well as her record of excellence in caring for people, the Rutgers' School of Social Work honored Human Services Commissioner Gwendolyn L. Harris with the 2003 Public Policy Leadership Award at its 10th Annual Special Awards Dinner on Monday, May 19, 2003. She appeared with Governor Jim McGreevey, who unveiled his Cabinet for Children plan earlier in the evening.

"As Commissioner Harris embarks on her monumental task of transforming child protective services across the state, we wanted to recognize her life history of helping people," said the Dean of the School of Social Work, Mary Edna Davidson, who presented the award.

Davidson created the Public Policy Leadership Award in 2001, to recognize achievement in the area of public policy in the child welfare sector. Last year Davidson gave the first award to Senator Wayne Bryant (D-Camden), who authored the Family CAP Legislation, which established that welfare benefits cover only the current number of children in a family, and not children conceived after a parent has gone on welfare.

Upon receiving her award, Commissioner Harris addressed the graduating social workers about the plans for transforming child protective services across the state and called upon them to help her. She also introduced her new Special Deputy Commissioner for Child Protective Services, Colleen Maguire.

"It was an honor to have her speak to my graduates, who were extremely inspired by her challenges to them. Besides her record of excellent service to people, Commissioner Harris' public policy is so open and visionary, I think she will inspire many more professionals to go into the child welfare system," said Dean Davidson.

As one of many initiatives established by Dean Davidson for the School of Social Work, this ceremony was created to celebrate social workers in a more personal way than the huge Rutgers University graduation ceremony. This year's graduates, receiving bachelor's and master's degrees in social work, were from all of the University's campuses – Camden, Livingston/New Brunswick and Newark.

Most of the graduates majored in "direct practice," with the largest concentration of study having been on children and families. About 50 of the graduates concentrated on administration, policy and planning, with others majoring in health, mental health and aging.

The average age of the undergraduate completing studies in social work at Rutgers is 26; the average age of the graduate student is 35. The age range of the graduates is 22-62. Most of the graduates already are working and have experience in the human services field. Some work for the Division of Youth and Family Services (DYFS), others work for private, not-for-profit or for-profit agencies. Many have administrative or supervisory jobs.

Under Title 4E of the Social Security Act, if a state university has a Master of Social Work program and partners with its state government, it receives a 3 to 1 match in dollars to pay for its state social workers to earn their MSW degrees. This year about 165 have graduated Rutgers with an MSW, so many of those in the audience were Commissioner Harris' state employees under the 4E program. Others in the audience plan to spend at least two years working with DYFS.

"It was an historic evening, with me as the first African-American woman dean of the School of Social Work giving this leadership award to the first African-American female Commissioner of the Department of Human Services," said Dean Davidson.

5:13) 04-JUN-2003 08:03 [John Searight \(searighj\)](#)

June 4, 2003 New York Times
Study Shows More Failings of Child Safety in New Jersey
By RICHARD LEZIN JONES

Dozens of child welfare workers in South Jersey are responsible for the safety of 80 children each, more than three times the accepted national standard. In one case recently a single worker had to oversee the care of 156 children who had been abused or neglected or were deemed at risk of being harmed.

More than 1,100 children that the state's child welfare agency decided no longer needed foster care were nonetheless back in the state's care within months. Workers often simply failed to determine whether the birth parents were able, or even wanted, to care for their children again.

In more than 230 instances in the past two years, the state found that abuse had occurred in one of its foster homes or other foster care institutions, but workers neglected for weeks and months to put together any kind of plan to rescue or otherwise protect the children from more abuse.

Those were among the findings in a study released yesterday that further detailed the failings of New Jersey's Division of Youth and Family Services. The report, like several before it, was commissioned by Children's Rights Inc., a Manhattan-based advocacy group, as part of its lawsuit against New Jersey over the quality of its foster care system. The state is now discussing a settlement with Children's Rights.

The 80-page report, prepared by Ira Schwartz, the provost of Temple University in Philadelphia and an expert in child welfare issues, uses the state's statistics and the firsthand accounts of state workers and administrators to paint a damning portrait of what Mr. Schwartz concludes is a dysfunctional, mismanaged child welfare system.

The agency, the report found, does not meet any of the six child welfare standards set by the Child and Family Service Review, a federal panel that routinely evaluates states on such issues as incidence of child abuse and the time required to complete adoptions.

Rates of abuse and neglect among children in the state's custody are about three times the level that the federal panel says is cause for serious concern. For children awaiting adoption, the abuse rate is more than 12 times that threshold. In one child welfare office in the state, the report said, the abuse rate was 30 times the standard set by the federal panel.

Joe Delmar, a spokesman for the agency, said that the federal panel would review New Jersey's compliance with the standards next year, and added that so far, none of the roughly three dozen states reviewed had met all the criteria.

The report suggests that the state reduce the time required for adoptions, maintain closer contact with children placed in foster homes and other settings, and stop placing children in foster homes where workers have already found that neglect or abuse occurred.

Mr. Delmar said the state welcomed many of those suggestions, including reducing caseloads for workers and speeding up adoptions.

"The report offers many excellent recommendations," Mr. Delmar said. He said many had already been adopted as part of Gov. James E. McGreevey's plan to transform the agency.

"As we have said before, the transformation will not happen overnight," Mr. Delmar added.

The report's findings echo those uncovered by the state itself five years ago, when a special task force laid out the problems and possible solutions for the agency, which has more than 6,000 children in foster care and estimates that it serves more than 75,000 children and families each year.

The report presented a grim statistical appreciation of the depths of the problems plaguing the agency.

The report found that as late as last February, 40 caseworkers in South Jersey bore caseloads of 80 children or more. More than two-thirds of the children who were transferred from the agency's care to their homes were sent back to the state again. One agency official said their movement was like a Ping-Pong ball's.

The report also found that there were 234 "corrective action plans" for foster homes or other institutions where abuse or neglect had occurred that had not yet been filed. Nearly a fifth of those dated back to 2001.

"If those plans are not timely implemented, children will languish in unsafe placements," the report said.

In preparing the report, Mr. Schwartz also reviewed the depositions of several high-ranking staff members in the agency that have been filed in connection with the Children's Rights lawsuit.

The report notes, for instance, the deposition of Elizabeth McGinnis, an agency official who is charged with ensuring that the agency act on reports of abuse and neglect in foster homes and state-run institutions.

Yet, the report said, she indicated that she did not even know who within the agency had ultimate responsibility for the completion of those investigations or whether they were overseen at the state or local level.

Mr. Schwartz also called on the division to do a better job placing children in permanent homes. Children who have been frequently moved stay in state custody, on average, for three years.

The agency remains under a state of emergency declared by Gwendolyn L. Harris, the commissioner of the Department of Human Services, which oversees the agency. The declaration was issued in January after the body of 7-year-old Faheem Williams was found in the locked basement of a Newark home.

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5:15) 04-JUN-2003 11:55 [John Searight \(searighj\)](#)

A yahoo search turned up the following:

340:75-18-10. Child and Family Service Review

Issued 05-07-01

(a) Child and Family Services Review (CFSR) assesses the realization of outcomes related to safety, permanence, and well-being by children and families as well as the status of systemic factors essential to effective service provision.

(b) CFSRs evaluate achievement of the following outcomes by children and families:

- (1) Children are, first and foremost, protected from abuse and neglect.
- (2) Children are maintained in their own homes whenever possible and appropriate.
- (3) Children have permanency and stability in their living situations.
- (4) The continuity of family relationships and connections is preserved for children.
- (5) Families have enhanced capacity to provide for their children's needs.
- (6) Children receive appropriate services to meet their educational needs.
- (7) Children receive adequate services to meet their physical and mental health needs.

(c) CFSRs assess functioning of the following systemic factors:

- (1) Statewide Information System;
- (2) Case Review System;
- (3) Staff and Provider Training;
- (4) Services and Resources;
- (5) Agency Responsiveness to Community; and
- (6) Foster and Adoptive Home Approval and Recruitment.

(d) Additional outcomes and systemic factors may be identified by the administrator of Division of Children and Family Services (DCFS) and the associate director of Office of Field Operations (OFO).

(e) Each review is conducted by three to four teams. Each team typically focuses on service delivery within one county. A team consists of a Continuous Quality Improvement (CQI) staff who serves as the leader of a site review, a Child Welfare (CW) specialist or supervisor not affiliated with a site under review, and a third party identified by the area director. At least one volunteer stakeholder, not employed by DHS, participates as a member of one of the site teams involved in each CFSR review.

Below is a summary of some early findings.

<http://www.childrensrights.org/policy/web%20winter%202003%20chart%20by%20fotena.pdf>

5:16) 04-JUN-2003 12:07 [John Searight \(searighj\)](#)

Folks,

Here is the actual press release from the web page of Children's Rights Inc. Their url is: <http://www.childrensrights.org/>

MANAGEMENT EVALUATION OF NEW JERSEY FOSTER CARE SYSTEM REVEALS "INDIFFERENCE AT HIGHEST LEVELS" TO NEEDS OF CHILDREN AND CONTINUED FAILURE TO IMPLEMENT CLEAR CUT SOLUTIONS

Expert states "DYFS has ... turned its back on the children in its care time and again."

(June 3, 2003) An independent evaluation of the management of New Jersey's Division of Youth and Family Services (DYFS) released today reveals that "DYFS has egregiously failed the children in its care on a long-term, routine basis." The expert author of the report provides a comprehensive list of recommendations calculated to bring dramatic changes for children, almost none of which are currently planned by DYFS.

The evaluation--set up to determine if the child welfare system was meeting the basic needs of children in foster care, to identify systemic deficiencies, and to offer recommendations for reform--found that DYFS had known about all of the identified problems for years but "turned its back on the children in its care time and again." The evaluation was conducted as part of the class action lawsuit, Charlie and Nadine H. v. McGreevey, filed by Children's Rights and Lowenstein, Sandler in U.S. District Court for the District of New Jersey.

Ira Schwartz, a nationally and internationally recognized expert in child welfare, juvenile justice, and children's mental health examined recent DYFS data and reports turned over to Children's Rights in the lawsuit as well as transcripts from the depositions of various DYFS top managers taken by plaintiff children's attorneys. Schwartz, the Provost of Temple University and former Dean of the School of Social Work at the University of Pennsylvania, concludes that:

In order to ensure that meaningful reform occurs within DYFS, significant real changes have to occur, some immediately and some only after long-range planning and thoughtful implementation. These changes are essential to repairing this dysfunctional, mismanaged child welfare system. DYFS must implement bold, innovative reforms to bring about meaningful change. If these reforms are not implemented, another tragedy will befall this state, and once again people will clamor for an explanation as to why it happened.

Among the reforms that should take highest priority, according to Schwartz:

Launch an aggressive campaign to finalize the adoption of at least 60% to 75% of those children now awaiting adoption. This goal can be accomplished by significantly increasing the amount of money paid to prospective adoptive parents. Funds for this initiative could be generated through a partnership between the state and private entities, including private foundations;

Implement a risk assessment tool using contemporary technology that can assist in screening of prospective foster parents;

Ensure that children are not placed in foster homes where anyone has been convicted of a felony unless approval has been granted by the Director of DYFS after receiving advice from an independent screening committee comprised of professionals and lay persons competent to provide such advice;

Never place children in homes where there has been substantiated abuse or neglect;

Implement random on-site monitoring of all DYFS placements;

Swiftly investigate and take action on all allegations of abuse or neglect of children in foster care;

Reduce the number of children in residential treatment centers without sacrificing quality of services to these children;

Require full and complete assessments of parents before reunification, in order to ensure that children are not returned to parents who are unwilling or unable to care for them; and

Provide adequate supports and services for parents who wish to regain custody of their children, but are otherwise unable to do so without these supports and services. A monitoring group should be established, made up of professionals, foster parents and biological parents who have successfully had their children returned home, to review all returns home for the next three years to ensure that decisions to return children home are being carefully made.

"Children in New Jersey are suffering needlessly," stated Marcia Robinson Lowry, executive director of Children's Rights and a lead attorney in the lawsuit. "This expert's thorough and thoughtful evaluation offers specific solutions for this terrible situation, but state officials have never really tried to implement any of them. It's still an open question whether they will do that now, or just paper over the problems once again."

Schwartz notes that Kevin Ryan, Governor McGreevey's Deputy Chief of Operations conceded in a recent newspaper interview that, "The child welfare system in this state has not been a priority. There was an institutional decision year after year to neglect these children."

An examination of DYFS' own data demonstrates that DYFS has critical deficiencies in numerous areas. For example, Schwartz finds that:

In 2001, the last year for which DYFS data is available, the rate of abuse and neglect for children in DYFS custody was three times the national standard;

The rate of abuse and neglect for children in the Adoption Resource Centers ("ARCs"), the entities which oversee children whose plan is to be adopted, is over twelve times the national standard, and for one particular office, the rate is thirty times the national standard;

Children in DYFS custody who are shuffled through multiple placements remain in custody an average of 38.76 months, a staggering amount of time for any child to lack permanency;

Children in DYFS custody who do not achieve permanency in 18 months or less will languish there, and often times remain in care for more than four years;

Children ping-pong back and forth between biological families and DYFS custody. In 2002, 67.5% of those children who were returned to DYFS

custody after being sent home were returned because their parents were unwilling or unable to care for them. This demonstrates that DYFS is either sending children home prematurely, or failing to provide adequate supports to ensure that when children return home they do not have to re-enter care;

More than 63.75% of all children in DYFS custody are shuffled through multiple placements;

Caseloads for DYFS caseworkers are extraordinarily high, with none of the four DYFS regions and only one of the six ARCs meeting recommended national standards. According to DYFS' own data, in order to meet national caseload standards, DYFS would have to hire approximately 300 additional caseworkers. According to the Staffing and Outcome Review Panel ("SORP"), a legislatively-mandated panel created to review issues relating to the management of DYFS, DYFS should in fact hire 1,027 caseworkers, supervisors and aides over the next three years.

DYFS' computer system is so antiquated that it utterly fails to track such basic information as foster home vacancies, caseworker visits with children, what medical services are required and what services are received.

"It's an outrage that this system has been so bad for so long with so little done to fix it," said Susan Lambiase, associate director of Children's Rights. "Provost Schwartz uses the state's own data to document a system in a perpetual state of crisis but analyzes it to show how reform could happen. The state could have done that itself years ago, if they had not perpetually put foster children at the bottom of the list."

Background

Charlie and Nadine H. v. McGreevey is a federal civil rights lawsuit filed in 1999 in the U.S. District Court for the District of New Jersey by Children's Rights and the New Jersey law firm of Lowenstein, Sandler, charging that the state's child welfare system is poorly managed, overburdened, underfunded and is harming the health and safety of New Jersey's children. Documents obtained through the lawsuit, and ordered released to the media by Magistrate Judge John J. Hughes, show in individual cases how DYFS failed to respond appropriately to protect plaintiff children who were abused, and sometimes died, in foster care. The evaluation released today is the second in a series that reports on various aspects of the child welfare system to provide evidence of system-wide failures in practice and management. As the case proceeds toward an expected trial this fall, the parties are also discussing the possibility of settlement under the guidance of a mediator.

Children's Rights is a national non-profit organization working in partnership with advocates, experts, policy analysts and government officials to address the needs of children dependent on child welfare systems for protection and care. Children's Rights develops realistic solutions and, where necessary, uses the power of the courts to make sure the rights of these children are recognized and that reform takes place.

Lowenstein Sandler consistently ranks at the top among New Jersey's largest law firms in the New Jersey Law Journal's annual pro bono survey. The firm has played a visible role in cases involving educational equity, civil rights, and political asylum, and has a deep commitment to children's issues.

5:17) 06-JUN-2003 08:19 [John Searight \(searighj\)](#)

From this morning's New York Times and Newark Star-Ledger.

This case may well focus attention on the issue of DYFS not providing what we use to call "continuing services." DYFS, as I understand it, contracts out much of their direct provision of service after the investigation and the substantiation of neglect or abuse. My view, which may be outdated and/or rather out of fashion, is that the protective services agency should provide most of these ongoing services. They are the ones who (in theory) have the training, skills, expertise, and legal responsibility to work with resistant, abusive/neglectful families, know how to skillfully use authority, are able to assess, as the service continues, safety issues and insure protection for the child. This kind of shift to DYFS providing continuing services would require major change in function and a lot more staff, with training (social work degrees and structured decision making and a solution-focused approach), and would be a real transformation of DYFS as it currently defines itself. I really don't believe that the protective service agency is fulfilling its mandated responsibility if it views its major responsibility as investigating and substantiating, and then contracting out and relying on other agencies and their staffs, regardless of how well intended the efforts. It was certainly not what the better CPS agencies were doing in the 60's and early 70's.

john

Dead Toddler Had Suffered Past Abuse

June 6, 2003

By LESLIE KAUFMAN and RICHARD LEZIN JONES

Prosecutors and child welfare officials are investigating the death of a 21-month-old child who had previously been abused by his parents, but who had been returned to them in recent months by foster care workers.

The child, Daniel Soto, was found in his parents' apartment in East Windsor, N.J., barely breathing and with bruises across his body, and later declared dead at CentraState Medical Center in Freehold late Wednesday night.

Prosecutors in Mercer County have not filed charges against the parents, but the couple's two other children, who had also once been removed from the home because of abuse and neglect, were again taken into custody by the state. Child welfare officials said the dead child had been bruised around his genitals, as well.

Officials with the Division of Youth and Family Services, an agency that has been declared in crisis by state officials, yesterday defended their decision to return the children to the home, saying it had been done with the approval of a family court judge and with an array of support services provided to the troubled parents.

"Notwithstanding that we understand DYFS is broken, it appears that all the right things were done in this case," said Colleen Maguire, the special deputy commissioner of human services who was appointed earlier this year with the task of reforming the child welfare agency. "It is not out of the question to have social services wrapped around the family 24 hours and still have this kind of tragedy."

The parents, Maritza Soto and Astolfo Sanchez, were not detained yesterday by Mercer County authorities, who said an autopsy was being conducted to determine the exact cause of death.

The family came to the attention of the Division of Youth and Family Services in October 2001, six weeks after Daniel and a twin, Joel, were born. At that time the mother took the children to a hospital, saying they had injured themselves in a tub, according to a person who has seen the case file. Daniel, with a cracked skull and other fractures, was in particularly poor shape.

The child welfare agency conducted an investigation and found that the twins had been physically abused and neglected. Among other things, the parents had waited three days before seeking medical treatment for the children.

The twins and an older brother, now 6, were removed from the home and placed in foster care for a year, agency officials said. Starting last fall, the children were returned to the parents, one by one. There have been no additional complaints against the couple, according to agency officials, who said that their progress and cooperation with the many social service agencies involved with them was considered so great that child welfare officials were on the verge of recommending the end of official litigation.

Before the child's death, a hearing on the matter had been scheduled for yesterday.

Daniel Soto is the second young child from a family known to child welfare officials to die this week. Moreover, the agency has been under fire since 7-year-old Faheem Williams was found dead in a Newark basement in January, a month after the agency closed his file without investigating abuse allegations.

As a result of the problems that have surfaced this year, Gov. James E. McGreevey has ordered a significant overhaul of the agency.

But yesterday, agency officials emphasized that they had handled this case properly.

The agency and a minimum of three other not-for-profit social service agencies had been providing the parents with child care, house cleaning, counseling and anger-management therapy for months, Ms. Maguire said. The anger management was necessary, the officials said, because of a history of domestic abuse. Early on, during the family's involvement with the Division of Youth and Family Services, there was a restraining order in effect to keep Mr. Sanchez away from Ms. Soto, officials of the agency confirmed.

Ms. Maguire said that the last visit by child welfare workers to the home had been on May 6 and that the last visit by a worker from one of the social service agencies had been as recent as May 28. Social service workers had spoken with Ms. Soto by phone as recently as June 3, Ms. Maguire said.

"It appeared the parents had made such significant progress that there was a scheduled court hearing and all the key parties were prepared to recommend termination of the litigation," she said.

But other residents of the Windsor Regency Condominiums, where the family lives, painted a more disturbing picture. They said that Ms. Soto had kept to herself and that the twins, whom she frequently dressed in matching outfits, were never seen at the local playground. They also said they had often heard screaming and what sounded like hitting coming from the family's apartment.

The couple's downstairs neighbor, who spoke only on the condition of anonymity, added that she thought there had been more serious incidents that the child welfare agency did not know about. Within the last two months, one of the twins was taken away by an ambulance, she said.

The couple's oldest son, who officials said appeared to be unharmed, was being questioned yesterday. Daniel's twin, they said, had slight bruises, but nothing that would necessarily indicate abuse. Agency officials said they would try to place the children with the foster family with whom they previously lived.

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Toddler in DYFS case found dead

Friday, June 06, 2003

21-month-old E. Windsor boy was battered and bruised

BY SUSAN K. LIVIO AND MARY JO PATTERSON
Star-Ledger Staff

Six months after leaving foster care and returning to his formerly abusive home, a 21-month-old boy was found battered, bruised and in respiratory arrest at the East Windsor home of his birth parents.

Little Daniel Soto, who was under the supervision of the state Division of Youth and Family Services along with his twin and older brother, was pronounced dead at a local hospital about an hour after his mother dialed 911 at 8:19 p.m. Wednesday. Authorities say he may also have been sexually assaulted.

Charles Waldron, acting Mercer County prosecutor, issued a terse statement yesterday saying only that no charges had been filed and that an investigation into the toddler's death was continuing.

But a top state Department of Human Services official, Colleen Maguire, said the mother, Maritza Soto, was alone with her children at the time, and her husband was at work.

Soto, briefly interviewed at a sister's apartment in East Windsor yesterday, declined to talk about what happened.

"I'm not ready to talk about that," she said.

Meanwhile Daniel's twin, Joel, and 5-year-old brother, Carlos, were immediately returned to the physical custody of DYFS, which took all three boys from their home in October 2001 but later -- with the blessing of a Superior Court judge -- reunited them with their parents, Maritza Soto and Aselfo Sanchez.

Daniel and Joel, identical-looking, dark-haired toddlers whose mother often dressed them in matching clothes, came home on Christmas Eve 2002.

Yesterday morning their case was scheduled for a routine review. The court was scheduled to end its involvement, with DYFS still monitoring the family.

Instead, Judge Gerald J. Council ordered the Soto children back into state custody. Neighbors in the sprawling condominium complex where the children lived, said they had heard alarming sounds coming from the Soto apartment in recent weeks: the screams of children, and the sounds of beatings.

Detectives at the Soto home carted out paper bags of items, videotaped the interior and exterior, and took photographs.

The fact the homicide apparently played out in the presence of a twin and older brother invited comparisons to the death of Faheem Williams, a case that rocked the agency last January and prompted calls for its reform.

In that case, DYFS admitted failing to investigate an open allegation that the boys were being beaten and burned. Faheem later turned up dead in the basement of a Newark house; his twin and an older brother survived.

This time, however, DYFS accepted no blame.

"With Faheem it took three minutes to figure out what happened, that we had not behaved appropriately," Colleen Maguire, deputy commissioner of human services, said yesterday. "(Here) we seemingly did everything right, and we had the same outcome."

Maguire said DYFS had contracted with two community agencies, Catholic Charities and Home Society of Mercer County, to provide casework and counseling to the family during the last six months. Those agencies concurred with the DYFS assessment that the parents, who complied with a court order to get counseling and parent education classes, were doing well, she said.

The Soto case was also overseen by a special state-appointed lawyer who acted as guardian for the boys.

Neighbors of the family in East Windsor described a reclusive mother who rarely took her children outside, and who fought constantly with both them and her husband.

DYFS confirmed that the boys' mother took out a restraining order against the father in March 2001.

Also, late this March, the dead boy's twin, Joel Soto, was taken from his home to Robert Wood Johnson University Hospital in New Brunswick for treatment of cuts and bruises reportedly suffered in a fall down stairs.

The hospital determined that his injuries were accidental and did not notify DYFS, Joseph Delmar, a spokesman for the agency, said yesterday. Joel's mother, however, reported the injury herself to social service agencies involved in her case, and they were not concerned about possible abuse, he said.

"Someone from the agency was there at the home the next day. They reviewed the medical information and saw the child," Delmar said.

DYFS opened a file on the family on Oct. 18, 2001, after being notified by a hospital that the twins had been hurt in a freak accident. They were barely a month old.

Soto told doctors that, while holding the newborns, she "blacked out" and dropped them. She did not seek medical attention for them for days. At the hospital, Daniel was found to have a fractured skull; Joel had minor injuries.

DYFS obtained a court order to remove the twins and Carlos, and substantiated abuse and medical neglect allegations against the mother. The children, who remained together, were placed in a specialized foster home.

The parents received court-ordered services, including psychiatric evaluations, case management, therapy, parenting classes and vocational assistance. After the children returned home, they continued to receive services, as well as subsidized day care.

In October 2002, after a year in foster care, the oldest Soto boy came home. Two months later, on Dec. 24, the twins followed.

DYFS and the other agencies have since each visited the family at least once a month, Maguire said.

"Through the course of all the services, the home was clean and parents had actively participated in services," she said. "Everyone was very excited and pleased by the progress they were making."

DYFS made its last home visit on May 6, she said. On May 28, one of the other agencies also visited.

Last evening neighbors of the Soto-Sanchez family gathered on the grounds of Windsor Regency, a sprawling two-story condominium complex off Route 539.

Julia Granda said she saw medical personnel remove Daniel Soto on a stretcher Wednesday night, place the tiny limp body on the ground and frantically pump his chest.

When Granda learned that he had died, she started to cry.

"How sad, he was still a baby," she said through a translator.

Another neighbor, who refused to identify herself, said she heard terrible screams, from a child, coming from the Soto apartment on the Thursday before Memorial Day. The woman said she vowed to herself to take action, but relented when the cries stopped.

"I was going to tell her that she was hitting that child too hard, and I was going to call the cops, but it had stopped," the neighbor said.

At a ShopRite nearby, where the children's father worked, a co-worker expressed sadness at the news. Mario Delallana said Sanchez, a cashier, talked constantly about working hard "to get his kids back," although he never explained why they had been taken away.

"He was working hard to get his kid. The day he had them, he was so happy," Delallana said.

Child advocates said the Soto case underscores the need for DYFS reform.

"The division cannot live with a family 24 hours a day, seven days a week, but the case seems to highlight some issues that need to be added to the reform agenda," said Cecilia Zalkind, executive director of the Association for Children of New Jersey, a nonprofit advocacy group.

"Are community services relevant to the family's need? Are they provided with the goal of keeping children safe? Are we returning children too soon?" she asked.

Janet Farrand, president of the state's Association of Foster Parents, said hearing about Daniel left her "devastated."

"What can I say?" she said. "I don't have a soundbite. Of course we're saddened to hear of this death. No child should have to go through this."

DYFS said last night that the agency was attempting to return the two surviving boys to the foster home that originally took them in.

Staff writers Mary Ann Spoto, Sue Epstein, Angela Stewart, Joe Donohue and Dunstan McNichol contributed to this report. Copyright 2003 NJ.com. All Rights Reserved.

5:18) 07-JUN-2003 14:01 [John Searight \(searighj\)](#)

Boy's Death Highlights Child Welfare Agency's Problems in Preventing Potential Harm

By RICHARD LEZIN JONES and LESLIE KAUFMAN NEW YORK TIMES June 7, 2003

As New Jersey authorities continued to investigate the death of a 21-month-old boy whose parents had already been found to have abused their children, social work experts said yesterday that the case highlighted the difficulty of determining when it is safe to return children to a family with a record of child abuse.

New Jersey officials note, for instance, that the family of the child who died Wednesday night — there were bruises across his body and evidence of sexual abuse — had been provided with a small army of helpers, including housecleaners, counselors, child care providers and therapists.

"There are no guarantees," said Mary Edna Davidson, dean of the School of Social Work at Rutgers University. "You cannot predict this, even if you're doing all the right things."

The authorities have not charged the parents of the child, a couple who had once been found to have abused and neglected their children and whose problems with violence had once led to a court order against the husband. An autopsy was begun yesterday on the child, Daniel Soto, to continue on Monday. Prosecutors said they would await final results before deciding whether to take action against the parents, Maritza Soto and Astolfo Sanchez.

The Division of Youth and Family Services said it had removed Daniel Soto; his twin, Joel; and their older brother Carlos, 5, from their parents' custody in the fall of 2001 after workers found that Daniel, with a cracked skull and other fractures, had been neglected and abused.

Child welfare officials, while defending their handling of the case and the decision to return the three children to the couple last fall, said they were examining records and interviewing workers to see if anything more could have been done.

Child welfare officials said the children had spent a year in foster care and were returned to their parents after therapists and counselors said the family was ready to be reunited.

The agency said that since the family had been reunited, there were no further confirmed incidents of violence, and that the family had made so much progress that the agency was on the verge of recommending that court involvement be ended. But early Thursday, Daniel was pronounced dead a little more than an hour after the police discovered him barely breathing in the family's East Windsor, N.J., apartment.

The authorities said there were obvious signs of bruising and injury, including marks on his genitals, when he was discovered. The agency has placed his two brothers back into their old foster home.

Some experts yesterday said cases like Daniel Soto's illustrated a debate in child welfare circles about the best practices for removing children from their parents.

According to the authorities, there had been a history of violence in the home. But experts clash over when such factors become decisive in evaluating whether children can safely live in, or be returned to, such homes.

"There are so many variables," Dr. Davidson said, adding that research shows that factors like substance abuse and mental illness are often ingredients in such disasters, along with domestic violence.

Jill Zuccardy, a lawyer with the Sanctuary for Families in New York, a group that counsels battered women, said, "There is a correlation but not causation between domestic violence and child abuse."

One study done in New York in the 1990's showed that in 40 percent to 60 percent of child abuse cases, violence had occurred in the household. Still, she said, one is not predictive of the other, and removing children because of domestic abuse only punishes the spouse who is the victim of abuse.

The social service agencies that served Daniel's family included Catholic Charities and Children's Home, according to a person with knowledge of the family's case file.

Both agencies declined to talk about any specific cases or even to confirm if they had been involved in the Soto home. The Law Guardians, the public defenders who were charged with representing Daniel Soto, said they would issue their own report on the family next week.

While not speaking about the Soto case specifically, Francis E. Dolan, the executive director of Catholic Charities in the Diocese of Trenton, said: "There are two competing values: providing security to families and stabilizing and strengthening families. Sometimes they don't always match up."

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THE TIMES OF TRENTON By KEVIN SHEA Friday, June 06, 2003

Police probe death of tot

EAST WINDSOR - A 21-month-old township boy whose parents were under the scrutiny of the state Department of Youth and Family Services nearly his entire life died Wednesday about an hour after police officers found the toddler beaten and barely breathing in the family's apartment, officials said.

Daniel Soto died in the emergency room at Central State Medical Center in Freehold Township at 9:25 p.m. after unsuccessful attempts to revive him, authorities said.

The child's mother Maritza Soto, 27, made the emergency call, which dispatchers labeled an infant in respiratory distress, officials said.

Township police officers responded to her residence in Windsor Regency complex on Gardenview Terrace East. Based on what they saw at the scene, a criminal investigation has been started.

Police said they noticed visible injuries to various parts of Daniel's body. Daniel's twin brother, Joel Soto, and another child in the apartment, a 5-year-old boy named Carlos, were placed in DYFS custody.

Joel Soto also was taken to a hospital for less-serious physical injuries, officials said.

Maritza Soto lives in the apartment with Astolfo Sanchez, 32, the father of the twins.

DYFS is very much aware of Soto family. The agency first learned about the apparent abuse in the home and neglect of Daniel Soto when the boy was only 6 weeks old.

Yesterday, DYFS made the unusual move of calling a news conference to detail their dealings with Daniel, his parents, and the little boy's twin brother.

The boys were taken from their parents for a year and returned to the home last fall, the agency said.

Details from DYFS were in agreement with bits and pieces of events witnessed by neighbors in the past few months. Neighbors described a home in which the painful screams of youngsters came after harsh angry yells, and sometimes beating sounds, thought to be delivered by an adult.

Assistant Mercer County Prosecutor Angelo Onofri said the office is probing Daniel's death with township police, and as of yesterday no charges had been filed. An autopsy on the boy is scheduled for this morning, he said.

Onofri declined to elaborate on anything beyond Wednesday evening's incident. He said the office was keenly aware of DYFS' past and current involvement with the Soto boys, but he could not comment because the prosecutor's investigation was ongoing.

Law enforcement sources said yesterday that Maritza Soto and Sanchez were questioned by detectives and that the autopsy results today could cause a significant turn in the probe.

Daniel's trip to a hospital Wednesday night was not his first visit to an emergency room. And in addressing the Soto case yesterday, DYFS officials offered another blunt self-assessment of their own office.

"(DYFS) is a broken agency," said Colleen Maguire, the special deputy commissioner of the Department of Human Services, which oversees DYFS.

"It appears that all of the right things were done in this case and yet we still had this outcome."

Daniel and Joel Soto were born Sept. 7, 2001.

Just one month later, the boys were brought to Capital Health System at Fuld hospital in Trenton and doctors found critical head injuries.

Daniel reportedly suffered substantially more injuries than his brother and a DYFS official said the mother had taken "a couple of days" to seek medical treatment for the boys.

The twins and an older sibling were immediately removed from the family and placed in foster care.

Daniel's head injuries were such that DYFS officials feared he might suffer developmental delays. They found foster parents who had training to detect such problems in young children.

As required by law, the birth parents were given psychological evaluations after the children were removed. They also received a host of services and training to help improve their ability as caregivers, including parenting skills, counseling and anger management classes.

"It appeared the parents cooperated fully, and the determination was made to gradually return them to the parents," Maguire said. Between October and December 2002, the three children went back to Soto and Sanchez.

Maguire said DYFS case workers and social workers from several nonprofit agencies in the area visited the family regularly to determine if the parents were coping and the children were safe.

A DYFS caseworker last visited the family on May 6, although Maguire said a worker from another agency saw the family just over a week ago.

"We are confident we were out there on a regular basis," said DYFS spokesman Joseph Delmar.

Maguire said child welfare officials were sufficiently satisfied with the parents' progress that they were prepared to argue at a court hearing yesterday that the state should terminate litigation in the case, and make the services to the Soto parents voluntary.

But, Maguire said after Daniel's death, "From all appearances, the child was physically abused. The twin brother was bruised and is at the hospital. The older child is still being investigated."

Apartment neighbors said yesterday that an ambulance showed up at the house earlier this year for one of the twins.

A next door neighbor, who saw the boy taken away on a stretcher, said her daughter later asked Maritza Soto what happened. The mother told her the child had fallen down the stairs, "but he was OK."

It was Joel that time, DYFS officials said yesterday, and case workers accepted the family's account that the fall was accidental and that Joel had sustained only bruises and scratches.

"There was no evidence of abuse," DYFS spokesman Delmar said of the incident, which occurred in March.

A neighbor, who would only provide the first name Suzana, said she would occasionally see Maritza Soto with the kids. "The kids would wave `Hi' to me. (But) she seemed very rude . . . We never talked."

Neighbor Julia Granda said Soto always walked with her head to the floor and didn't seem friendly. The kids - or the mother - were rarely seen outside playing, she said.

Granda said she saw two ambulances Wednesday evening, and the children being taken out in a stretcher. A news reporter told her about Daniel's death, which elicited a gasp, then tears from the stunned woman.

Staff reporters Eva Loayza and Tracey Regan contributed to this story.

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5:19) 10-JUN-2003 08:15 [John Searight \(searighj\)](#)

Children's Rights Inc. released another report this morning sharply critical of DYFS and its care of children in foster care. The press release is headlined, REVIEW OF 500 CASE FILES OF CHILDREN IN DYFS CUSTODY REVEALS "CHAOS AND TRAGEDY". It reports on a review conducted by Richard Gelles, a national expert on child abuse and the Dean of the University of Pennsylvania School of Social Work. The text of the release can be found at: <http://www.childrensrights.org/press/2003-06-09.htm>

I am also posting copies of press coverage of the release, including an editorial from today's Star-Ledger.

Too quick an exoneration Newark Star-Ledger Editorial, Tuesday, June 10, 2003

The tragic truth is that the state Division of Youth and Family Services will never be able to save all the children whose families are fractured by drugs, abuse, neglect or any of the other causes that put children under the agency's care.

However, DYFS does not get the luxury of granting itself early absolution when a child under its supervision dies, as happened with 21-month-old Daniel Soto.

Daniel and his siblings were returned to their parents after having been placed in foster care because of medical neglect and abuse charges. The baby was found with visible injuries, in respiratory arrest in his parents' home. Daniel died just before a judge was expected to end the court's supervision of the family and leave it in the hands of DYFS, based on assessments that the family had made great progress.

The investigation is proceeding, the autopsy results are not even in, yet the state Department of Human Services has already said that DYFS did everything it was supposed to do. That may eventually prove true. But at this point, how can anyone be sure of what happened?

The declaration is premature and runs counter to the mindset required to reform this troubled agency. DYFS must always ask if there was anything else it could have done, anything it might do better the next time.

Public and internal skepticism is warranted because this agency has failed too many of the children in its charge. Its records have not always proven reliable; its assessments have sometimes been damnable.

Just before Daniel Soto died, DYFS confirmed the findings of a study by Children's Rights Inc., an advocacy organization that is suing DYFS and has a court order to examine the agency's files. DYFS failed to follow up on 50 cases of confirmed or alleged abuse in its foster care system. The agency cannot certify the status of those children except to say that not one of them has been moved. Not one.

If it took litigation to uncover that information from the agency's files, there is good reason for continued concern about all cases, including the Soto case.

A new report from Children's Rights says DYFS is a study in "chaos and tragedy." In 20 percent of cases, children removed from abusive homes are sent back, only to be removed again because the reunification fails. DYFS must be sure that tragic cycle was not at work in the Soto case.

There are many long-standing problems. Field staffers are juggling an untenably high number of cases, children are languishing in foster care while adoption efforts lag and managers have thrown up their hands at a system that betrays the very children it is supposed to rescue.

The McGreevey administration is trying. It is negotiating to settle the Children's Rights suit that its predecessors fought. It has asked for patience, saying it has set its reformers to work but cannot solve long-standing problems overnight.

However, too many previous administrations have gotten through their terms on promises that were never quite kept where DYFS was concerned. Each left its successors -- and thousands of vulnerable children -- holding the same bag of trouble. Time is up. Things must change now.

If DYFS is going to change for the better, there can be no rush when it comes to assessing what went wrong in any case -- certainly not in a case where the result was a dead child.

Foster Care in New Jersey Is Called Inept

June 10, 2003

By LESLIE KAUFMAN and RICHARD LEZIN JONES

In July 2002, a federal judge in southern New Jersey approved a plan for an expert to assess the state child welfare agency's handling of 500 randomly selected children in foster care. It did not take the expert long to discover the extent of the agency's problems: 120 of the case files were missing so much information — sometimes, for instance, whether the child was even still in foster care — that they had to be thrown out of the study.

And as the expert dug deeper into the remaining case files, the documented problems only got worse:

Half of the children under age 6 who had spent their whole lives in foster care had received none of their immunizations for measles, diphtheria and other diseases.

Nearly 80 percent of the children in long-term foster care had at some point gone for months without being seen by a state caseworker.

About 20 children had been placed in foster homes where there was either a known criminal or a caretaker previously found to have abused children.

Of the state's Division of Youth and Family Services, the expert, Dr. Richard J. Gelles, wrote: "The DYFS picture is not just bleak; it is one of chaos and tragedy." He later concluded, "I have never seen such a disorganized and inept child welfare system."

The report, released yesterday, was the third in a series submitted to federal court in Trenton by Children's Rights Inc., a Manhattan-based advocacy group, that is suing New Jersey over the quality of care it provides to foster children. And the report, like the others before, paints a grim picture — one that state officials do not dispute, but have pledged to change.

"The system has many major problems that need to be fixed, including foster care especially," said Joe Delmar, an agency spokesman. But he added that the agency, which is in the throes of a major reorganization, has already begun to address problems in the report.

"We have taken some immediate steps to move abuse investigations, but we need to make more significant changes to truly transform services for children and families," Mr. Delmar said.

While not challenging the accuracy of the report, Mr. Delmar suggested the expert, the dean of the School of Social Work at the University of Pennsylvania, may be overly critical of long stays in foster care because he disagrees with the extent to which the state tries to reunite children and their parents.

"Dr. Gelles can be quite controversial in his viewpoint," he said. "He is not a supporter of family preservation and prefers to move children more quickly into foster care and into adoption."

Dr. Gelles has long served as an expert on child welfare issues, and has previously examined the systems in Florida, the District of Columbia and Hawaii. But he said he was stunned at what he found in New Jersey.

"Child welfare professionals often use the metaphor of children falling between the cracks in the child welfare system," he wrote. "DYFS is an abyss into which children in DYFS's supposed care and custody fall."

The hundreds of case files, with real names and undisputed consequences, deal with many of the now commonly understood failures of the child welfare agency: the shockingly large numbers of children in foster care who have been the subject of reported abuse by foster parents.

Not only does the report confirm earlier findings that nearly one in five children in New Jersey foster care is the subject of an abuse or maltreatment allegation, but it explains, in part, how this could be so.

Dr. Gelles was especially critical of agency officials for knowingly placing some children into homes where at least one person had a known criminal conviction or where the agency itself had found a previous instance of child abuse or neglect. "DYFS is playing a most dangerous game of Russian roulette," he wrote.

And a further analysis of abuse findings also showed that caseworkers were either avoiding or circumventing the agency's internal division that is set up to investigate abuse and neglect allegations.

The files, the report found, also showed that the agency failed to provide the most basic sort of health care services to the children in its custody.

The failure to provide any immunizations to nearly half of the children under six years old was "an abomination," Dr. Gelles wrote. In fact, pre-school-age children who had spent less time in the agency's care, presumably in highly dysfunctional homes, were nevertheless slightly more likely to have been immunized.

And despite the state's own lenient regulations requiring that children in foster care be visited by a caseworker a minimum of once every 60 days, the case files showed that 78 percent of children who were in long-term, out-of-the-home care had gone at least one span of 90 days or more without contact with their caseworker. National standards set by the Child Welfare League of America suggest that even 30 days is too long a period between visits.

Again it was the children who had been in the agency's care longest who appeared to have received the poorest care. Children in care between a year and three years saw their caseworkers every two months, but children in care longer than that saw their caseworker less than every 90 days on average.

"This," the report found, "forms the cruelest form of institutional neglect and abuse."

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Report finds 10% of kids in foster care mistreated

Tuesday, June 10, 2003

BY SUSAN K. LIVIO Star-Ledger Staff

One in every 10 children in New Jersey's foster care system is mistreated and one in five is returned to abusive parents who hurt them again, according to a report commissioned by a group that is suing the agency.

The report, by the children's advocacy group Children's Rights Inc., also found that one in five children received no medical attention while in foster care and that three-quarters of the children in foster care for more than three months had gone 90 days without a visit from their caseworker.

The author of the report, Richard J. Gelles, dean of the School of Social Work at the University of Pennsylvania, said his findings make it clear that an overhaul is needed at the Division of Youth and Family Services, which is entrusted with the care of more than 50,000 abused children.

"As this review shows, DYFS' failures to meet even the most basic of professional standards reveal more than an agency with a few cracks. DYFS is an abyss into which children in DYFS' supposed care and custody fall," the Gelles report says.

The "picture is not just bleak. It is one of chaos and tragedy," Gelles said.

A DYFS spokesman said the report reiterates problems that by now are well-documented and acknowledged by the highest officials in the governor's office and the Department of Human Services. In the Legislature yesterday, lawmakers introduced two bills that propose reform of DYFS.

"This reports addresses many of the same issues we have heard about time and time again. There are major problems with the system and with foster care itself," DYFS spokesman Joseph Delmar said.

The report is the third in a series commissioned by Children's Rights in support of its class-action lawsuit that would force the state to make a series of changes to DYFS. Among other things, Children's Rights is asking that a court-appointed officer monitor any DYFS overhaul.

Lawyers for the state and the advocacy group are in talks with a mediator aimed at negotiating a settlement. The process began four months ago. If mediation fails, a trial is anticipated in the fall.

The Gelles report also found that half of all children under 6 who had spent their lives outside their parents' home and in foster care received none of their immunizations, and it concluded one in eight foster children with documented psychological problems received no treatment.

Among the examples cited in the report:

Michael was a year-old when he entered foster care in 1999. During his three-year stint in the state's care, he failed to receive his required immunizations or treatment for hearing and vision problems. On six occasions, his caseworkers let 90 days elapse before they visited his foster home.

5-year-old Ashley has a history of abuse in both her family home and her foster home. Between 2001 and 2002, DYFS was alerted she may be the victim of physical and sexual abuse, but her files do not document whether DYFS investigated either charge.

The statistics are based on 500 random case files pulled from the 9,800 children in foster care on May 8, 2002. Only 380 could be used for an analysis, however, because 120 files lacked key facts or contained conflicting information, the report said.

It's true the files are in "terrible shape," said Hetty Rosenstein, president of Local 1037 of the Communications Workers of America, which represents about 2,000 DYFS workers.

But that fact gave Rosenstein a reason to question Gelles statistics.

"I don't believe (the problems) are that widespread. No one has time to file, to do paperwork, and we have this ridiculous computer system that is 18 years old."

Children Rights' senior attorney Eric Thompson said there was no defense for the poor work being done at DYFS.

"I think this report is evidence of complete failure, from the top on down, to meet minimum requirements of the social work process," he said.

Delmar, the DYFS spokesman, said the agency is trying to address its problems.

In an effort to improve safety in foster care, DYFS last year closed 43 homes where children had been abused and neglected, and closed another 121 because they did not meet licensing standards.

"We have taken steps to ensure the safety of children in all out-of-home placements and will make the necessary changes to ensure no child is at risk," Delmar added.

While the two sides try to hammer out a settlement, the administration of Gov. James E. McGreevey was trying to move its own reform package through the Legislature.

Lawmakers yesterday introduced a bill that creates an independent watchdog for DYFS under the Office of the Child Advocate. Another bill, running some 268 pages, outlines a reorganization of the agency. Both bills reflect proposals McGreevey and Human Services Commissioner Gwendolyn Harris have already announced.

The legislation creating the Office of the Child Advocate comes with a \$2 million price tag and broad powers. The office could sue DYFS, review case files and issue subpoenas, according to the bill. The office could monitor the Institutional Abuse Investigation Unit, an office that has come under heavy criticism for taking too long to confirm and act on allegations of abuse and neglect in foster care.

The child advocate, under the Department of Law and Public Safety, would be appointed by the governor to serve a five-year term.

The DYFS reorganization bill would rename the Division of Youth and Family Services as the Division of Child Protection and Permanency, and empower Human Services police officers to accompany caseworkers who fear for their safety and would help find missing families. The bill would also require criminal background checks for employees of state-run and state-licensed child residential centers and group homes.

"The governor is calling on the Legislature to enact the child advocate bill before the end of June," McGreevey's spokesman Micah Rasmussen said. He also called the DYFS "transformation ... a critical step in our ongoing reforms."

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5:21) 11-JUN-2003 08:06 [John Searight \(searighj\)](#)

Mother Charged With Murder in Death of Boy

By RICHARD LEZIN JONES NYT June 11, 2003

A New Jersey woman with a history of abusing her children was charged yesterday with first-degree murder in the death last week of her 21-month-old son, the authorities said.

Last Wednesday night, emergency workers responding to a call from Maritza J. Soto's apartment found the boy barely breathing, with various

bruises on his body, including marks on his genitals.

The toddler, Daniel Soto, a twin, was pronounced dead hours later. Ms. Soto, 27, was the only adult in the home at the time, the authorities said.

Prosecutors in Mercer County waited to charge her until the medical examiner released the findings of the child's autopsy yesterday. According to those findings, Daniel died of blunt force injuries that caused massive internal bleeding in his heart and lungs.

Ms. Soto surrendered to the authorities at the East Windsor Police Department in western New Jersey shortly after 5 p.m. yesterday and was arraigned about three hours later. She appeared, wearing a green prison jumpsuit and with her hands shackled, before a municipal court judge, David A. Saltman.

Bail for Ms. Soto, who was transferred to the Mercer County Correction Center last night, was set at \$500,000. She did not speak at the brief hearing, but her lawyer, John W. Hartmann, entered a not guilty plea for her. He said the family would seek its own autopsy.

New Jersey child welfare officials had removed Daniel; his twin, Joel; and another brother, Carlos, 5, from their home in the fall of 2001 after state investigators found that the twins were abused and neglected by their parents.

The Division of Youth and Family Services found that Ms. Soto and her husband, Astolfo, had waited three days to seek medical treatment for their children after what they said was a fall in the tub in which the children suffered broken bones.

After roughly a year of involvement by the division, social services groups and therapists, the children were returned to their parents' care in December. Those who counseled the family reported significant progress by the Sotos and, before Daniel's death, were preparing to recommend that court involvement with the family end.

"She was just about to get her children back," Mr. Hartmann said yesterday. "They moved from Trenton to make a better life for their children. Obviously it was a financial strain, but they did it." A woman who attended the hearing and identified herself as Ms. Soto's sister-in-law but refused to give her name said: "She's innocent. I know her from way back. She'd never do anything like that. It's totally untrue."

Yesterday, an official who helps to oversee the family services agency, Colleen Maguire, said that the agency was continuing to re-examine the family's case file.

"We're combing through every detail of our involvement and the involvement of our community partners with this family to determine if anything could have been done differently to keep this child safe," said Ms. Maguire, a special deputy commissioner in the state's Department of Human Services.

The division took custody of Daniel's brothers after his death. Ms. Maguire said they had been placed in the same foster home they lived in when they were removed from their parents in 2001.

"It is still too early to make any recommendations about their future," Ms. Maguire said.

The authorities declined yesterday to say how they believe Daniel suffered his injuries, but investigators have not ruled out the use of a blunt instrument.

In the autopsy report, the Mercer County medical examiner, Dr. Raafat Ahmad, said that the internal bleeding Daniel suffered was caused by a tear in a chamber on the right side of his heart and bruising of the lungs.

The police found Daniel just before 8:30 p.m. last Wednesday in his parents' apartment in the sprawling Windsor Regency Condominiums complex in East Windsor. He was taken to CentraState Medical Center in Freehold, N.J., where he was pronounced dead about an hour later.

In addition to the first-degree murder charge, Ms. Soto faces a second-degree charge of endangering the welfare of a child. If convicted of the charges, Ms. Soto faces 30 years to life in prison.

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5:22) 12-JUN-2003 13:48 [John Searight \(searighj\)](#)

Below are two very important and interesting articles from today's papers.

Managers Fired at Youth Unit in New Jersey

By RICHARD LEZIN JONES

New York Times

June 12, 2003

TRENTON, June 11 — In the biggest shake-up of New Jersey's child welfare agency since the death of a 7-year-old Newark boy in January, the special assistant assigned by the governor to reform the office has dismissed 10 of its highest-ranking administrators and managers, state officials said.

The dismissals come after what state officials, who would speak only on the condition of anonymity, said had been a virtual position-by-position review of the upper-level managers in the state's Division of Youth and Family Services by Colleen Maguire, the special deputy commissioner of human services.

Gov. James E. McGreevey has put Ms. Maguire in charge of leading the overhaul that he promised for the division after the death of Faheem Williams, 7, whose body was found in a Newark basement in January. Eleven months before his body was found, Faheem's case had been closed by the division even though there were outstanding allegations of abuse against his family.

News of the dismissals emerged during an appearance by the governor at a news conference announcing state financing for a commuter parking garage in West Orange, N.J.

When asked about the problems at the division, the governor angrily responded, "People have been fired in the past two weeks."

State officials later confirmed the dismissals. It was unclear late today precisely which division administrators and managers have been dismissed. Privacy laws governing personnel matters like dismissals hinder officials from discussing the specifics of such moves publicly.

However, the state officials who spoke on condition of anonymity said that Ms. Maguire's review was continuing and that more managers might be dismissed later.

The dismissals came as a New Jersey woman, whom division officials found had abused and neglected her children, appeared in State Superior Court here on charges that she had killed her 21-month-old son.

The woman, Maritza J. Soto, 27, also faces child endangerment charges in the June 4 death of her son, Daniel. Today, a lawyer for Ms. Soto said in court that the boy's death might have been caused by the woman's efforts to revive him.

The lawyer, John W. Hartmann, said that Ms. Soto performed cardiopulmonary resuscitation on Daniel, whom the police discovered barely breathing in the family's East Windsor, N.J., apartment. The boy died hours later.

Mr. Hartmann said that the results of an autopsy performed on Daniel, which showed that he died of massive internal bleeding caused by a tear in a heart chamber, bolstered Ms. Soto's assertions that she did not harm her child.

"This is an exoneration of her," Mr. Hartmann said of the autopsy results at a hearing in court today.

Of Daniel's death, Mr. Hartmann added, "This means that it was caused by CPR."

Mr. Hartmann's comments came at a hearing before Judge Charles A. Delehey, at which the lawyer sought to have Ms. Soto's bail reduced. Citing the nature of the charges, however, Judge Delehey said that bail for Ms. Soto would remain at half a million dollars. She was being held at the Mercer County Correction Center.

Prosecutors today deflected Mr. Hartmann's assertions that the injuries that the authorities said killed Daniel could have been caused by CPR.

"I can tell you, your honor, that I was present at part of the autopsy and the injuries were extreme," an assistant Mercer County prosecutor, Kimm Lacken, told Judge Delehey.

The medical examiner found that Daniel's death was caused by bleeding from a tear in one of the chambers of the boy's heart and bruises on his lungs. Besides those injuries, the child's body was also covered with bruises, including marks on his genitals.

Ms. Lacken said the police arrived at Ms. Soto's apartment a few minutes before 8:30 p.m. on June 4 and found Daniel lying naked and barely breathing on a countertop in the bathroom. Besides the bruises on his genitals, Daniel also had marks on his forehead, back and left arm, Ms. Lacken said. Fluid was also flowing from the boy's ear.

According to Ms. Lacken, Ms. Soto told investigators that shortly before she called the police, her son had been playing in a bedroom. She told investigators that she called out to Daniel, but that he did not respond. When she went into the bedroom, she found him lying on the floor, Ms. Lacken said.

After bringing him into the living room to watch television, Ms. Soto said that she noticed fluid coming from the boy's nose and that she took him to the bathroom to care for him, the assistant prosecutor said.

When she took off Daniel's clothes for a bath, Ms. Soto noticed that he was unresponsive, Ms. Lacken said. It was then that she began performing CPR.

Ms. Soto, who appeared in an orange prison jumpsuit, sat impassively through most of the 15-minute hearing. She shook her head gently while Ms. Lacken outlined the division's record of child abuse in her home.

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Jersey taps Nevada official to take control of troubled DYFS

BY SUSAN K. LIVIO

Star-Ledger Staff

June 12, 2003

The top child welfare official in Nevada, who also spent 27 years as a foster parent, is coming to New Jersey next month to take control of the Division of Youth and Family Services as it wrestles with the greatest crisis in its history.

Edward Cotton said yesterday he expects to arrive July 15 and assume the DYFS director's job -- a position that has been vacant since July 2002. Several state officials confirmed his pending appointment, but declined further comment.

Cotton inherits an agency that within the last six months has seen its credibility plummet following the deaths of two children well-known to the system. Gov. James E. McGreevey and legislators have called DYFS "badly broken" and have offered proposals to remake it. A national child advocacy group suing DYFS for violating the civil rights of foster children has called it the worst child welfare shop in the country. The state's own data show one in every 10 foster children is subjected to abuse or neglect.

In a telephone interview yesterday, Cotton said he looks forward to the rebuilding task, calling it "a workable situation."

"I think it's an opportunity because a lot of people are focused on making the system better," Cotton said.

Taking on a large, dysfunctional child welfare agency won't frighten Cotton, said Donna Coleman, president of a volunteer watchdog organization, the Children's Advocacy Alliance, in Henderson, Nev.

"Ed walked into a nasty situation (in Nevada)" -- a stingy state budget, high caseloads for front-line staff, kids getting hurt needlessly while on the state's watch, Coleman said. "He fired a number of people who were extremely negligent in their jobs -- managers and people who were allowing children to return to unsafe environments."

Coleman predicted Cotton will shake things up in New Jersey. "People who care about kids and not covering their ass will like him," she said.

Cotton is the second administrator hired to repair DYFS. Human Services Commissioner Gwendolyn L. Harris hired Colleen Maguire as her deputy in February, in the wake of the death of 7-year-old Faheem Williams of Newark. The child was found dead on Jan. 5, 11 months after DYFS closed his family's case and failed to investigate an allegation of abuse and neglect. This week an East Windsor woman was charged with murdering her 21-month-old son who had been returned to her after a year in foster care.

Before he took over in Nevada two years ago, Cotton worked for six years as the deputy director of a DYFS-equivalent agency in the Illinois Department of Children and Family Services, which he joined as a caseworker in 1979.

While there he became a licensed foster father, after taking in a neighborhood child who was abused by his parents. The divorced father of two said that over the years he cared for 30 children with serious behavioral problems.

Cotton said his proudest professional accomplishment was in making foster care safer. In Illinois, he helped design and implement a system of questions that front-line workers must use to determine whether a child should remain at home or enter foster care.

Then the state forced caseworkers to learn the system and pass a written test, asking them how they would respond in several fictional scenarios. Workers had three chances to pass or lose their jobs.

After the first year of using what he called the "safety assessment," the number of children who were re-abused while under state supervision dropped by 16 percent; after five years, it dropped by 50 percent.

"I'm sold on it -- it works," Cotton said. "It shows results. Part of my job (in New Jersey) will be to sell this process."

Prior to his public sector child welfare experience, Cotton was a caseworker for a private child welfare agency from 1975 to 1979. He also had taught junior high school for two years.

Cotton will replace Charles Venti, who retired last summer. Acting Director Doris Jones has filled in, but notified the state last year she intended to retire in June.

Newark Star-Ledger

5:24) 13-JUN-2003 08:32 [John Searight \(searighj\)](#)

Troubled Child Welfare Agency Gets a New Leader

By RICHARD LEZIN JONES and LESLIE KAUFMAN NYT June 13, 2003

NEWARK, June 12 — As part of a sweeping set of changes at the top of New Jersey's troubled child welfare agency, state officials announced today that they had hired a nationally recognized administrator with a history of reforming failed child welfare systems to be the agency's new director.

The new director, Ed Cotton, is now the administrator of Nevada's Division of Child and Family Services and is regarded by many child welfare experts as one of the nation's most accomplished professionals in the field.

Mr. Cotton, 54, who is a foster parent, was also Illinois's top child welfare official, and during his tenure the state had some significant reductions in instances of child abuse.

As she announced Mr. Cotton's appointment — he will start work next month — Gwendolyn L. Harris, the New Jersey commissioner of human services, disclosed wholesale personnel changes among more than two dozen officials in the highest ranks of the Division of Youth and Family Services, the child welfare agency.

Ms. Harris said that nearly a third of the division's district office managers and a host of other top officials — including the division's acting director, its head of investigations and one of its top legal advisers — had decided to take early retirement.

"The division is undergoing some unprecedented changes in management," said Ms. Harris, who added that the changes give the agency "an excellent opportunity to address accountability."

Ms. Harris's announcement came a day after Gov. James E. McGreevey told reporters — in an angry response to questions about the death of a child who had recently been in the agency's care — that a number of agency officials had been dismissed in the last two weeks.

Today, Ms. Harris described the departures of the senior staff members as retirements. But some state officials, who spoke on the condition of anonymity, said that at least some of those who made that choice had been effectively forced out.

"Some portion of these people were told that they'd be better off just leaving," one official said.

However, an official with the union that represents many child welfare workers denied that any of those who left had been pressured and said that the departures were in fact retirements.

"As far as I know, a whole group of people who devoted their lives to child protective services retired," said the union official, Hetty Rosenstein, president of Local 1037 of the Communications Workers of America. "I am not aware of anyone being fired."

The reorganization at the top of the agency comes six months after the governor promised to reform the problem-plagued agency following the death of Faheem Williams, a 7-year-old whose body was found in a basement in Newark.

The state's review of its handling of Faheem's case showed that his case file with the division had been closed 11 months before his body was found, even though an abuse allegation that had been made against his family had not been fully investigated.

A spokesman for Mr. McGreevey, Micah Rasmussen, said the moves at the agency were a sign that the changes that the governor had promised were being implemented.

"We think it underscores that there's a shake-up under way at DYFS," Mr. Rasmussen said. "This is just a small part of it."

Mr. Cotton said there were striking similarities between New Jersey's current situation — overburdened caseworkers, inadequate investigations, lack of foster parents — and what he faced as an administrator in the Department of Children and Family Services in Illinois about a decade ago.

"Kids getting injured when they're known to the system is something that was going on," Mr. Cotton said.

Prompted by a string of high-profile child deaths, Mr. Cotton and other child welfare officials in Illinois developed what they called the child endangerment risk assessment protocol. It is a mechanism for measuring child safety that draws on criminal, mental health and other assessments of parents to decide when the agency should take custody of children.

"The question is: Is the child safe? Should you leave without the kid?" said Mr. Cotton, who began his career as a social worker in Illinois nearly a quarter-century ago.

Mr. Cotton said that after a year of using the measure, the instances of children who were reabused while in state care dropped about 16 percent. After five years, Mr. Cotton said, that rate dropped 50 percent.

The head of Nevada's child welfare division for the last two years, Mr. Cotton said his priorities as the New Jersey agency's new director would be improving the quality of foster homes, broadening training for staff members using new measures of tracking case files, and determining child safety.

"If the state takes somebody's kid, there's an obligation that you're going to do a better job than they did," Mr. Cotton said.

Benjamin Wolf, of the Illinois chapter of the American Civil Liberties Union, has been closely monitoring the Illinois child welfare agency since he won a class-action lawsuit against it in 1991. He gave Mr. Cotton high marks as a reformer.

Mr. Wolf praised Mr. Cotton's work as the head of the department charged with investigating abuse complaints, improving training and introducing quality-control measures. Mr. Wolf said the risk assessment protocol was an innovation of Mr. Cotton's tenure.

"It just helped structure the way people thought about things," Mr. Wolf said. "The questions might seem obvious, but in the press of the moment it can help to have guidelines."

The result, he said, has been much more accurate prediction of where harm would occur at the same time that the state actually took fewer children into custody.

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Commissioner Harris issues statement about DYFS personnel changes

TRENTON— New Jersey Department of Human Services (DHS) Commissioner Gwendolyn L. Harris issued the following statement today in response to the personnel changes at the Division of Youth and Family Services (DYFS).

"Due to the Early Retirement Incentive (ERI) Program, the division is undergoing some unprecedented changes in management," said Commissioner Harris. "Though this presents us with an excellent opportunity to address accountability, we are faced with the formidable task of replacing people who brought a wealth of knowledge and experience that can never be replaced."

Currently, there are 25 management vacancies including a 32 percent vacancy rate for district office managers. The Department has been advertising for all of the positions and has received more than 400 resumes to date. The following is a list of 23 DYFS managers who took advantage of the ERI option by June 30, 2002 along with their official date of retirement:

Eleven District Office Managers

Retiring 07/01/03

Mary Clifford-McCardle- Metropolitan ARC

Gayle Netta- Southern Monmouth DO

David Oldis- Atlantic DO

Reuben Ryder- Jersey City DO

Fred Rhinehart- Gloucester DO

Retiring 9/1/03 David Mallory- Cumberland DO

Retired 4/1/03 Alice Carducci- Morris DO
James Dowman- Edison DO
Peggy Kehs- Cape May DO
Sharon McCobin- Hunterdon DO
Retired 1-1-03
Martha Curtis- Northern Monmouth DO

Twelve Trenton Central Office and regional officer managers/executives:

Retiring 7-1-03
Doris Jones, Acting Director
Ronald Burschini, Supervising Administrative Analyst, Contracts
Helene Levine- Administrator, District Office Operations, Southern Region
Janice Malec, Deputy Director
Bonnie Schwebel- Assistant Director, Southern Region
Barry Silverstein, Assistant Regional Administrator, Service Operations
Raymond Wolfinger, Assistant Director, Legal & Regulatory Affairs
Retired 6-1-03
Rick Franzen-Administrator, Business Operations, Southern Region
Retired 4-1-03
Thomas Crook, Chief of Investigations
Faye Hollender, Supervising Administrative Analyst, Policy Development
Retired 1-1-03
Frederick Lowe, Supervising Administrative Analyst, Program Evaluation
Cindy Parks, Management Improvement Specialist

In addition, Robert Sabreen, Assistant Director for the DYFS Metro region was recently reassigned to DYFS Central Office in Trenton. Vicki Amoroso, District Officer Manager for Newark District Office #2, has also been reassigned.

Finally, Commissioner Harris confirms that Edward Cotton, current director of Nevada's child protection agency, will become the new director of DYFS effective July 15, 2003.

McGreevey backpedals on DYFS shake-up

Human Services contradicts governor's statement on 'dismissals'

BY SUSAN K. LIVIO AND JEFF WHELAN Friday, June 13, 2003 Star-Ledger Staff

One day after Gov. James E. McGreevey declared a big shakeup was under way at the Division of Youth and Family Services and that people had been fired, the governor's office backed off a bit yesterday and said it wasn't sure if anyone had been pushed out yet.

Kathy Ellis, a spokeswoman for the governor, said yesterday that two to three weeks ago, eight managers at the troubled agency were targeted to lose their jobs. She said top officials at the Department of Human Services have told the employees "there is not a place for them in DYFS."

But Laurie Facciarossa, a spokeswoman for the Human Services Department, said yesterday that "nobody has been terminated at this point."

"Decisions have not been made. No paperwork has moved forward," she said.

In impassioned remarks at a news conference Wednesday, McGreevey said he had begun a "substantial change" at DYFS and that "within the last (few) weeks, there have been dismissals of individuals who frankly can't or won't perform their jobs."

Ellis said yesterday that McGreevey based his remarks on a meeting he had several weeks ago with Human Services Commissioner Gwendolyn Harris, Deputy Commissioner Colleen Maguire and other top state officials. At the time, department officials requested permission to fire the eight employees, and the governor's office consented.

But McGreevey's public statements Wednesday angered Harris and Maguire. Ellis said the two officials had planned to give each of the employees the option of quietly retiring to avoid the embarrassment of being fired.

"There is this huge bureaucracy that is used to moving at a ponderously slow rate," Ellis said. "The governor is just blowing them out of the water

and there is some tension there."

Ellis also said "it's fair to say the list has grown" beyond the original eight and characterized the personnel moves as a "major shake-up." Facciarossa agreed that the process is still under way and that the list is growing.

The confusion started Wednesday morning while McGreevey fielded questions from reporters about the June 4 death of 21-month-old Daniel Soto of East Windsor. The Mercer County Prosecutor's Office this week charged the boy's mother, Maritza Soto, 27, with beating Daniel to death. DYFS, with concurrence from a family court judge and two social service agencies, had returned the boy and his brothers to their parents last fall after a year in foster care.

McGreevey said he had no information suggesting DYFS had done anything wrong, but spoke bitterly of the death -- just as he had in January when the body of a Newark boy, Faheem Williams, was found. That death prompted McGreevey and DYFS officials to promise an overhaul of the agency.

After McGreevey said people had been fired, the Department of Human Services faced questions about what employees had been dismissed. It issued a press release late Wednesday saying: "Maguire has carried the message of accountability at every level to DYFS staff in a series of meetings since her arrival this Spring. Those discussions, in addition to the state's early retirement program, have led to 24 current management level vacancies."

That didn't sit well with employees and their unions because all of the retirees had made their intention to retire known last June -- well before the recent problems surfaced at DYFS. They felt slighted that they were being characterized as not fit to work for the state.

"People dedicated their lives to child protective services and they are retiring," said Hetty Rosenstein, president of Communications Workers of America Local 1037, which represents 2,000 DYFS workers. "No one is being forced out."

Yesterday, Harris appeared to soften the administration's rhetoric. Her department released a list of 23 people who are taking early retirement and two who have been transferred, and a statement from Harris saying: "Though this presents us with an excellent opportunity to address accountability, we are faced with the formidable task of replacing people who brought a wealth of knowledge and experience that can never be replaced."

Harris and Maguire declined to personally answer questions yesterday. "The statement speaks for Commissioner Harris and Deputy Commissioner Maguire," said Human Services spokesman Joseph Delmar.

This is not the first time the governor has made comments about state job cuts that later failed to stand up to scrutiny.

Last year, McGreevey said he had laid off 600 state workers in his efforts to balance the state budget, but personnel records showed he only reduced the work force by roughly half that amount.

In May, McGreevey vigorously disputed a report by radio station NJ 101.5 that the number of non-civil service state workers who earn at least \$50,000 or more increased during his tenure. The governor's aides later admitted that the number of employees in that category did indeed increase by 193.

Newark Star-Ledger Editorial

Friday, June 13, 2003

A new leader for DYFS

The state Division of Youth and Family Services has been without a director for nearly a year, including six months of the worst series of crises in the agency's long and troubled history.

Some have long been urging the McGreevey administration to appoint a director as quickly as possible to provide day-to-day leadership at the operational level. The priority, however, had to be finding the best person for the job. We hope that newly appointed director Edward Cotton fits that bill.

He comes to New Jersey after a short stint as the top child welfare official in Nevada, before which he served six years as a deputy in Illinois' version of DYFS. He will report to deputy human services commissioner Colleen Maguire, who will continue to lead the DYFS reform effort. Maguire has made a good start, and any line of authority that did not recognize that would have been a step backward.

Clearly this is an appointment that had to come from outside the agency. Since the death of Faheem Williams, whose corpse was found in a filthy basement, locked away with two nearly starved siblings, there have been too many revelations about the failures of administrators up and down the line in the DYFS hierarchy.

In the Williams case, DYFS closed its file on the family without fully investigating charges of child abuse. Subsequent reports, based on DYFS files, uncovered more instances of children who died in the DYFS foster care system and found that one in every 10 foster children in New Jersey is subjected to abuse or neglect.

Anyone who thinks one appointment is going to turn this agency around does not appreciate the deep roots of the problems that plague DYFS and other children's services agencies.

Cotton's former state, Illinois, is often cited as a progressive example of children's services reform. But some there, like the Cook County public guardian, a public advocate, say that only lawsuits forced changes, such as the assignment of more judges to handle foster care and adoption cases. That one change alone resulted in a drastic reduction in the number of children under state supervision. The guardian recently filed suit again over the huge number of children who are incessantly bounced from one foster home to another. That suit says the Illinois system is filled with its own tragedies.

In truth, most states face the same problems that trouble New Jersey: too many children in need, too few caseworkers to handle the load, too few caring foster homes and institutions to stand in for parents who cannot or will not take care of their own children.

And there is an inherent contradiction in the state's role as the investigator of abuse at the same time it is the agent for preserving the unity of troubled families.

It will take concerted and consistent effort to shape the policies and staffing required to do right by vulnerable children and troubled families. It will also require the removal of those who have proven they cannot do this job.

Although the McGreevey administration said recently it has started culling the weeds from DYFS, the truth seems more nuanced. The Department of Human Services says some two dozen people have left the agency, but they filed for early retirement a year ago. The paperwork just now emerged from wherever it had been. No one has been fired, according to the department.

No matter how that little flap turns out, based on all we have learned about DYFS in the past few months, someone should be.

5:26) 14-JUN-2003 17:27 [John Searight \(searighj\)](#)

Inquiry Into Toddler's Death Cites Communication Failures

By LESLIE KAUFMAN NYT June 14, 2003

After a review of the case files for a 21-month-old former foster child who died after being returned to parents with a history of abuse, New Jersey's child welfare agency has determined that there were lapses in communication between caseworkers and service providers. But the agency stopped short of saying that the gaps contributed to the child's death.

Officials said at a news conference in Trenton yesterday that the agency had failed to warn workers at a day care center who looked after the toddler, Daniel Soto, and his twin, Joel, that the parents were considered at high risk of committing abuse. Similarly, a doctor who treated Joel for bruises weeks before his brother's death was never told of the family's history. His mother had said Joel fell down a flight of steps, an explanation the doctor did not challenge.

Colleen Maguire, the deputy human services commissioner charged with reforming the agency, the Division of Youth and Family Services, emphasized that she did not believe that the caseworkers had missed any red flags or that Daniel's death would necessarily have been prevented if such information had been shared. Nevertheless, she said, the review showed that standard procedures had fallen short. She added that new standards were being introduced to address the gaps.

"We collectively concluded that good was not good enough and that we did not reach the standard of best," she said.

The division has been under fire since January, when the body of a 7-year-old boy was found in the basement of a Newark home after a caseworker had closed his file despite allegations of abuse. Gov. James E. McGreevey has pledged to overhaul the agency, and in February named Ms. Maguire to lead the effort.

Daniel Soto died on June 4 after emergency workers arrived at his East Windsor home in response to a call from his mother, Maritza J. Soto, who said the boy was barely breathing. The boy had bruises on his body, including marks on his genitals.

Ms. Soto was charged with first-degree murder by Mercer County authorities on Tuesday and has pleaded not guilty.

The Division of Youth and Family Services had been involved with the family since October 2001, when investigators found that Ms. Soto had abused and neglected the twins, then 6 weeks old. Daniel had suffered a cracked skull and broken bones. Ms. Soto said the injuries occurred when she dropped him in the bathtub, but investigators disagreed.

Daniel, Joel and another older brother, Carlos, were then removed from the home. They were returned last fall, however, after the parents completed court-mandated therapy. Numerous social and counseling services were provided to the family.

Ms. Maguire said the agency's review, conducted on Wednesday, had included representatives from all the nonprofit groups that had provided services to the family, as well as Daniel's state-appointed lawyer.

Ms. Maguire said that the Soto children had been returned to the home too early, before the agency had fully resolved the first instance of abuse, in October 2001.

To improve the evaluations of whether families with a history of abuse would again hurt their children, Ms. Maguire said, she will introduce a computerized questionnaire to help child welfare caseworkers and social workers at the nonprofit agencies assess the danger to children. Pressed as to whether such a tool would have prevented Daniel Soto's death, Ms. Maguire said, "That is the hope."

Ms. Maguire said she was also establishing a policy that all agencies providing services to a family meet with the family and caseworkers at least once every two months. Currently, such meetings occasionally occur, but they are not required. The idea, she said, is to make sure that everyone involved with aiding the families knows what is at stake and can share developments.

In Daniel's case, for example, day care workers who changed the twins' diapers presumably would have been more alert to bruising had they known of the parents' history.

She also said that in the future, interviews with neighbors would be conducted more often. After Daniel's death, several neighbors came forward to say that they had heard sounds of abuse.

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Official: N.J. didn't do enough for toddler

Inquiry into death uncovers problems

BY SUSAN K. LIVIO

June 14, 2003

Star-Ledger Staff

New Jersey's top child protection official conceded for the first time yesterday that the state could have done more to protect 21-month-old Daniel Soto, and said his beating death has prompted officials to adopt new policies for child abuse investigations.

Immediately following the toddler's death at his family's East Windsor home June 4, Deputy Human Services Commissioner Colleen Maguire said social service agencies "seemingly did everything right" in their monitoring of the child and his brothers, who had been returned to their parents after a year in foster care.

The boy's mother, Maritza Soto, was charged Tuesday with his murder. Authorities said Daniel had been severely beaten, resulting in massive internal bleeding.

Maguire said yesterday that while the state Division of Youth and Family Services and two other social service agencies provided counseling and made regular visits to the home, there were communication problems and other gaps in the efforts to ensure the troubled family was stabilizing.

After reviewing the family's file and meeting Wednesday with everyone who had a hand in the case, Maguire said, "We collectively concluded that good was not good enough in this case."

For example, she said, the children's doctors and day care workers were not informed of previous allegations of abuse that might have prompted them to watch more closely for any signs of trouble. And DYFS caseworkers did not interview the family's neighbors, who after the child's death told journalists that they had heard screams coming from the home.

Daniel, his twin Joel and 5-year-old brother Carlos had been removed from their parents in October 2001 after DYFS determined that their mother had abused and medically neglected the twins.

While the children were in foster care, therapists counseled the parents. Caseworkers made sure the mother completed court-ordered parenting classes. Home visits occurred more often than the required once-a-month.

Last fall, DYFS, a family court judge, a law guardian and two social service agencies agreed to return the children to their parents.

Maguire yesterday called the state's efforts to mend the family "good, but good isn't good enough. It has to be the best when we are talking about children and families."

She said that although it was very unlikely the state could have prevented the boy's death, "We did not reach that goal or standard of best."

In hindsight, for instance, Maguire said she is troubled that Maritza Soto continued to deny she did anything wrong when Daniel was seriously hurt in the October 2001 incident that prompted DYFS to place the children in foster care.

Soto has always maintained the child fell out of her arms accidentally after she "blacked out" -- which Maguire said was not consistent with his injuries. The newborn suffered a fractured skull, and did not receive immediate medical attention, authorities said.

Maguire said she would have slowed down the process of reuniting the family because of the mother's reluctance to accept responsibility for her actions. "My goal is always to err on the side of safety," she said.

Maguire said the Soto case has led to a set of new policies at DYFS:

Social service agencies that work for DYFS will be trained in the state's methods of detecting abuse and neglect and of assessing whether a child may be at risk.

When families are under the supervision of more than one agency, meetings involving the DYFS workers, law guardians, day care directors and other social service providers will be held at least every two months, and the families will be invited to attend.

Neighbors must be interviewed during a DYFS investigation. Current DYFS policy does not require neighbors to be interviewed unless the neighbor was the one who made the complaint, Maguire said.

DYFS must assess whether families need bilingual and culturally sensitive services and provide them. Daniel's father speaks very little English and the anger management therapy he received was with someone who was not fluent in Spanish.

DYFS must share a child's history with other social service agencies and legal representatives involved with the child's family.

DYFS will share a full medical history of a child under its supervision with every physician who sees the child.

In the Soto case, Maguire said, "I was not satisfied the full medical history had been provided to all of these physicians." In March, Daniel's brother Joel was checked at a hospital after his mother said he fell down the stairs. Maguire said if the child's full history had been provided to the doctor, "he might have looked at the case differently."

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5:27) 15-JUN-2003 07:22 [John Searight \(searighj\)](#)

STATE VOWS TO REMAKE DYFS

By TRACEY L. REGAN

Trenton Times

June 14, 2003

TRENTON - The McGreevey administration yesterday vowed to make fundamental changes in the way its child welfare agency assesses the risks posed by abusive parents, monitors the safety of children returned to them after stints in foster care and determines what social services to provide families to ensure that abuse does not recur.

Colleen Maguire, the human services official hired earlier this year to oversee reforms at the state's troubled Division of Youth and Family Services, said the proposed changes were prompted in part by the brutal death last week of Daniel Soto, a 21-month-old East Windsor boy whose mother Maritza has been charged with his murder.

Daniel spent much of his first year in foster care following his hospitalization at 6 weeks old with a fractured skull and other injuries.

Maguire suggested yesterday that Daniel and his two brothers might never have been returned to his biological parents under the more protective standards the state plans to adopt this year.

"It is possible," Maguire said, that the family would have been considered too great a risk.

Among other proposals, the state is developing a new method of defining what level of danger children face in their homes, placing them in categories of low, moderate and high risk and tailoring decisions about their placement and the services provided the family accordingly.

"Even one child harmed or killed is unacceptable," said Maguire. "When there is a question of safety or risk, we must err on the side of safety."

She noted yesterday that the state had never developed a clear picture of how Daniel was injured in 2001, although DYFS managers were skeptical of the mother's story that she blacked out and fell on top of him and his twin, Joel.

"The mother never believed what she did was abusive and still to this day her explanation and the nature of the injuries are inconsistent," Maguire said.

Maguire also suggested yesterday that the many social workers involved with Daniel and his parents may not have had a good read on the family. After his death, Daniel's neighbors reported that the mother screamed and slapped the children so loudly that they could easily hear her from outside their building. She said the state will make it a point to speak with neighbors in future, although she did not outline a specific policy to do so.

She said the state will also require far more communication among the people in a position to evaluate a child's well-being. The community agencies that provide services to the family under contract with the state will have to fill out the same safety assessment sheets that DYFS workers complete following visits, for example.

All doctors and day-care workers who see the children will be informed of the family history and all of the child welfare workers involved with the family will meet together regularly to discuss the case. The parents will be required to attend these meetings, and others, such as the law guardian who represents the child before the courts, will be invited, DYFS officials said.

Maguire had initially defended the state's actions on Daniel's behalf, noting that the family was barraged with counseling and services to ensure the parents' success. Regular visits by state and community agency workers had suggested nothing but progress, she said.

But she said she came to a different conclusion after a meeting this week with the many child welfare workers involved in the case, including DYFS workers, social service agency personnel, as well as the law guardian representing the child and staff from the state Attorney General's office.

"We collectively concluded that good was not good enough in this case and we didn't meet the standard of best," she said. She insisted, however, that DYFS learned of no obvious signs of abuse that doctors or social workers had missed.

Maguire said the state would rethink how it provides services to troubled families, adding that a "cookie-cutter" approach failed to address particular problems.

"We can throw multiple services at a family, but we don't always do the best job of defining what the services should do," she said.

One of DYFS's staunchest critics hailed the proposed reforms yesterday, calling them a necessary step toward providing services with value to troubled families. "These reforms sound very concrete and have the potential to be effective in making changes," said Cecilia Zalkind, director of the Association for Children of New Jersey. "It is an interesting shift to look at outcomes and not just the provision of services . . . there has been a lot of focus in the past on process and not outcomes."

Department of Human Services Commissioner Gwendolyn Harris, who hired Maguire to oversee the DYFS reforms, began yesterday's press briefing by saying there would be significant personnel shake-ups in the agency this summer. Some managers will be asked to leave, she said, while others will see their job titles change.

State officials announced Wednesday that the chief of Nevada's child protection system will become director of DYFS next month when Ed Cotton, 54, becomes director of the Division of Youth and Family Services. The longtime foster parent and social worker has said he would focus on child protection.

Harris refuted recent published reports that she had begun firing top managers but said she would announce the personnel moves within the next three months.

"Some people will be able to move with us and some won't," she said, adding, "Make no mistake - DYFS will be completely revamped to be more responsive to the children we serve."

Harris said she met recently with Gov. James E. McGreevey to make sure she had his support to make the changes, but said she never gave him a firm number of the people she plans to relocate or fire. "I don't want favorite uncles calling up and saying don't move that person," she said.

Maguire said the department had received more than 500 resumes from people hoping to fill positions at the agency, and would be interviewing candidates "in the evening and over weekends."

DYFS spokesman Joseph Delmar said it was not clear yet how expensive these reforms would be. "Some things can be done without a price tag, and some things will require more resources. Training service agencies (to assess safety in homes) will cost."

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5:28) 18-JUN-2003 09:17 [John Searight \(searighj\)](#)

New Details on Failures in New Jersey Child Care

By RICHARD LEZIN JONES and LESLIE KAUFMAN NYT June 18, 2003

In the night of Sept. 21, 2002, an officer at a juvenile detention center along the New Jersey shore propped open a door to obstruct the view of a security camera. In the minutes that followed, state records show, the guard allowed one resident to gain access to an adjoining cell and beat the teenage foster child inside.

In another instance, a worker at a central New Jersey group home for foster children was left in charge of two children with a history of sexually inappropriate conduct. "Not to be left alone — ever," was the instruction for their care. State records show the direction went unheeded on the first day of 2000 when the worker left the children unattended while he went to make coffee. The children, ages 9 and 12, abused each other sexually in the interim.

Then, over two consecutive nights in the fall of 2000, a staff member of another group home took a handful of her young charges to her supervisor's home. There, she gave them knives and had them slash the tires of the supervisor's car.

The disturbing and sometimes gruesome details of child abuse and neglect — painstakingly and repeatedly chronicled in state records — emerged yesterday with the latest of three releases of formerly secret files from New Jersey's Division of Youth and Family Services.

Yesterday's reports, made public under court order, focus on the state's failures in overseeing some of New Jersey's most troubled children. Placed in group homes or specialized settings or left to languish in juvenile jails, this population of foster children, the records demonstrate, often wound up harmed the most.

The files make clear that basic supervision at institutions where full-time monitoring was essential was often inadequate. Administrators slept through their shifts. Teenagers were allowed to take joy rides in automobiles that they were not even licensed to drive. Sexually disturbed children were left alone to prey on others.

Additionally, the qualifications of those left in charge of the children were sometimes barely scrutinized at all. One man in charge of caring for foster children had 14 criminal warrants for violence outstanding against him. Another, a guard at a detention center, had not even completed basic training before he was left to help oversee dozens of troubled and often-violent children.

The case files, dating to 1999, were released as part of a March order by Magistrate Judge John Hughes of Federal District Court in Trenton, in response to a request in court by The New York Times. Judge Hughes ordered New Jersey officials to make public extensive portions of state foster care files that had already been released under court seal to Children's Rights Inc., a Manhattan-based advocacy group that is suing New Jersey over its foster care system. Children's Rights is in settlement talks with the state.

As a result, since March thousands of pages of previously undisclosed state records, including case files and accounts of investigations, have been made public. Those records included cases where children in foster homes were killed or gravely injured. The records also included cases where the failure to conduct proper investigations into alleged abuse and neglect led to children being further harmed.

Yesterday's release of records contained more than 2,000 documents that focused solely on abuse in group homes, residential treatment centers and other institutional settings.

The state's Department of Human Services, which oversees the division, insisted yesterday that children were safe in New Jersey's residential

programs. The department's chief of staff, Deborah Bradley Kilstein, said that in the last several months the department had stepped up unannounced inspections at residential programs, closed two facilities that did not meet licensing standards and improved the level of staffing at homes. "This administration inherited a child protection system full of problems and we are addressing them," Ms. Kilstein said.

The chief of staff said that the division had long lacked both the resources needed to keep children safe and a meaningful system of holding its managers accountable if the children were not safe.

The files, in documenting a host of horrible outcomes for children, also shed light on the sense of defeatism and fatalism prevalent among the workers in the homes and institutions. In the documents, some staff members suggested that institutions rewarded those workers who never found trouble and took no action in response to those workers who did.

After two staffers were reprimanded because two teenagers in their care had had sex, for example, the staffers complained that their previous reports of extensive sexual contact among the children at the shelter had been ignored.

"For a time, it appeared it was useless to write incident reports in reference to such activity because very little was being done to prevent such activity," the staffers wrote to state investigators. "Work morale was low and some of us began to adopt the behavior of administration, overlooking the activity or passing it over with a minimum of concern."

Even when workers were modestly attentive, records show, children sometimes came to harm — often under the noses of those ostensibly caring for them.

One February afternoon last year at the Holley Center in Hackensack, a 12-year-old boy considered so dangerous to himself that he was never to be farther than an arm's length from the center's staffers approached a worker saying that he wanted "to kill himself." The worker removed a crumbled plastic sandwich bag the child had stuffed in his mouth but then turned to doing paperwork. The worker, records show, did not report the incident or monitor the child further.

A few minutes later, with the door of his room wide open, the child stood on the windowsill, took his belt, placed one end around a heavy wooden curtain rod and tied the other around his throat. Within moments, he was rescued by a nurse and a worker.

The files also illustrate the apparent inability or unwillingness of the state to conduct rigorous, consistent background checks on the men and women charged with caring for the often-troubled children. For instance, the worker who was arrested with the outstanding bench warrants — he had been involved in repeated instances of domestic violence that even provoked a court order of protection — was only discovered after he took two teenagers to the woods and beat them.

In another instance, a worker at a New Lisbon group home allowed a teenager to drive the house van around a parking lot with four other children on board, records show. After the teenager smashed the van into a tree, injuring the children, the police learned that neither the teenager nor the staff member himself was licensed to drive.

Indeed, across the thousands of pages, the often-breathtaking details of misconduct can seem commonplace: One worker at a home regularly slept outside the door of a bedroom where four troubled children, ages 6 to 10, sexually abused one another, and one administrator at a home said it never conducted head counts of any kind to determine whether all the children were present at night.

Also, a staff member at a home for teenagers with mental health problems picked a 16-year-old girl up from a home visit during Christmas only to have sex with her in a motel parking lot. "It is a system without the proper checks and balances," said Ms. Kilstein, the state official. "And we are now moving forward to put them in place."

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Unhappy kids and abusive staff are DYFS failure

Advocates document dark side

BY SUSAN K. LIVIO AND MARY JO PATTERSON Star-Ledger Staff, June 18, 2003

The boy, 10, had flailed his arms during a fierce temper tantrum but was calming down. He was lying on a table and crying when a child care worker suddenly grabbed him and slammed him into the floor, stunning him into silence and bloodying his nose.

Confidential documents describing the incident, at a place called Ranch Hope, were released yesterday by Children's Rights Inc., a child

advocacy group, as part of a longstanding class-action lawsuit against the N.J. Division of Youth and Family Services.

It was the fourth time, in little more than two months, that Children's Rights has released a batch of documents in support of the lawsuit, intended to force an overhaul of DYFS. The latest set detailed 24 cases of substantiated abuse or neglect that occurred at various DYFS institutions from 1999 to 2002.

The child at Ranch Hope, a nonprofit institution in Salem County for boys 9 to 16, was like so many New Jersey children who end up in residential treatment: emotionally disturbed, with unsociable behavior, and unable to live peacefully with his family.

Like many, the documents showed, he was miserable. He repeatedly asked to go home. He was afraid of the dark. He had to sleep alone because his roommate had bitten him and was removed.

He was also abused, in December of 2000, the files showed.

"Children in DYFS institutions are being abused regularly by poorly screened and inadequately trained staff," said Marcia Lowry, executive director of Children's Rights.

DYFS officials responded to the criticism as usual -- by admitting past problems but pointing to improved measures to protect kids.

"Children are safe in residential programs in New Jersey," said Deborah Bradley Kilstein, chief of staff for the Department of Human Services, DYFS' parent agency. "This administration inherited a child protection system full of problems and we are addressing them," she said.

In the course of its lawsuit Children's Rights obtained 1,300 files detailing abuse or neglect allegations, investigated by DYFS' Institutional Abuse Unit. DYFS investigators substantiated only 10 percent of them.

Eric Thompson, a senior attorney with Children's Rights, said DYFS often fails to follow up in substantiated cases and make sure that institutions take corrective action.

At Ranch Hope, the files show, the worker who slammed the boy to the ground was ordered to attend a mandatory "crisis intervention refresher course." DYFS records show he did complete it .

Thompson also criticized DYFS for not insisting that its group homes and institutions have a qualified work force.

"Background checks are not even required, and (there is) a complete lack of adequate training ... and a failure to supervise and monitor their performance," he said.

Pay at such facilities is low, the work is demanding, and turnover is high, said Richard O'Grady, executive director of the New Jersey Association of Children's Residential Facilities.

"It's very difficult to attract people into the work, which is enormously challenging. To be good at it, frankly, there has to be an unusual level of commitment and experience," he said.

O'Grady said that Children's Rights' constant hammering of DYFS could help his group's members. Many have faulted the agency for moving too slowly to investigate abuse.

"Sometimes, while we wait for feedback, that (delay) puts us in an uncomfortable situation," he said.

Some child care advocates believe that institutional settings are hardly ever good places for disturbed kids.

"Children by and large do better with good families. The system must have the ability to build a network of strong caregivers," said John Mattingly, a senior associate at the Annie E. Casey Foundation of Baltimore, a nonprofit national child welfare research and consulting organization.

"The design of these places does not lead to children leading normal lives," he said. "They need strong adults who care for them. That's why families work, not people working on shift in an institutional setting."

Mattingly said finding such a home, while not easy, is "not rocket science."

In Ohio, where he once worked, teenagers in institutional care were brought to foster parent training sessions to talk about how much they wanted a family. Interest in fostering teenagers grew by 25 percent, he said.

"It's not all that difficult to do. You can reach out to people who work at Boys and Girls Clubs, police officers. They are kids," Mattingly said. "They need a family. They are not perfect, none of us are."

Staff writer Russell Ben-Ali contributed to this report.

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5:29) 20-JUN-2003 08:47 [John Searight \(searighj\)](#)

Bill to establish watchdog agency for DYFS clears legislative panels

BY KATHY BARRETT CARTER Star-Ledger Staff June 20, 2003

A bill creating an independent watchdog to oversee the Division of Youth and Family Services was unanimously voted out of two committees yesterday, moving the state one step closer to implementing a series of changes aimed at reforming the troubled child protection agency.

If the legislation becomes law, it will establish an Office of Child Advocate with broad powers. It could sue DYFS, review case files and issue subpoenas. It would be headed by an attorney, appointed by the governor to five-year term, and come with a \$2 million price tag.

"There has been strong support for this concept for a number of years," said Assemblywoman Mary T. Previte (D-Camden), adding that recent events prompted lawmakers to act now. Previte chairs the Assembly Family, Women and Children's Services Committee, which approved the measure. Later in the day, the Assembly Budget Committee also cleared it, paving the way for an Assembly floor vote next week. It also needs Senate approval.

Since January, DYFS has been under intense scrutiny following the death of 7-year-old Faheem Williams of Newark. The boy's beaten and emaciated body was found in the basement of a Newark home 11 months after DYFS closed his case without investigating allegations of abuse.

Earlier this month, a second child under DYFS supervision, 21-month-old Daniel DeSoto of East Windsor, was killed, allegedly at the hands of his mother. DYFS workers had been meeting with his family regularly and were prepared to tell the court that the family no longer needed state supervision.

Child deaths averaging around 20 per year and other problems with DYFS have been uncovered in court records made available through a lawsuit against the agency brought by Children's Rights Inc., a national advocacy group. The Institutional Abuse Investigation Unit has also come under heavy criticism for taking too long to confirm and act on allegations of abuse and neglect in foster care. The state's own data show one in every 10 foster children is subject to abuse or neglect.

Gov. James E. McGreevey, who is leading the charge to reform DYFS, said he wanted to see the bill passed before the end of June.

"The events of the past six months have exposed, in the most tragic ways, the need to reform the state Division of Youth and Family Services and strengthen state efforts to protect children and help troubled families," said Cecilia Zalkind, executive director of the Association for Children of New Jersey. "These proposals are good first steps toward that goal."

The Assembly Family, Women and Children's Services Committee also approved a bill establishing a Task Force on Child Welfare to make recommendations for improving DYFS. Experts in education, health, social services and juvenile justice will be appointed to the panel, which will guide and critique reforms. The panel's job also will entail coordinating the efforts of different governmental offices and community agencies to identify children at risk of abuse.

"The thought behind some of this legislation was to streamline and allow one voice to speak. This is a way to try and unify that voice," said Meredith L. Schalick, special assistant for children services in the Department of Human Services.

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5:30) 21-JUN-2003 07:27 [John Searight \(searighj\)](#)

RELEASE: June 18, 2003

DHS Commissioner: GOP Budget Proposal Will Cut Services to Some of NJ's Neediest Citizens

New Jersey Department of Human Services Commissioner Gwendolyn L. Harris said today the budget proposal outlined by Republican leaders

this week would hurt the state's efforts to make improvements at the Division of Youth and Family Services, slow down the plan to increase community services for people with mental illness, and threaten federal certification at state institutions for people with developmental disabilities.

"If this budget proposal is enacted, it would deliver a major blow to the work we are trying to do at the department to transform child protective services and improve care for people with mental illness and developmental disabilities," said Commissioner Harris.

Proposed cuts in capital funding said Harris, will threaten the implementation of the Statewide Automated Child Welfare Information System (SACWIS) which is key element of the DYFS Transformation plan.

"I am deeply troubled that the cut in capital funding will have threatened this long overdue and critical component of the DYFS Reform effort," Harris said.

The \$5 million cut in the Redirection Two plan eliminates some funds necessary to develop community residential programs and related support services necessary for more than 300 patients being discharged from state psychiatric hospitals. This cut would mean the department could not expand community mental health services aimed at reducing unnecessary hospital admissions and alleviating overcrowding at state hospitals.

The 10 percent cut in non-salary direct state services would directly impact training of staff, the use of medical specialists and replacing outdated medical equipment at the state's developmental centers. That would damage the department's continuing efforts to improve care for residents of developmental centers and endanger federal certification and funding of the centers.

"Overall, I am concerned this budget proposal would have a serious impact on department programs and would jeopardize critical services," Harris said.

RELEASE: June 17, 2003

Human Services responds to latest Children's Rights documents

TRENTON – New Jersey Department of Human Services Chief of Staff Deborah Bradley Kilstein issued the following statement today in response to the latest round of Children's Rights documents: Children are safe in residential programs in New Jersey. Over the past several months, the following actions have been taken:

Developed a more comprehensive program to expand the number of unannounced licensing inspections at residential programs

Closed problematic residential programs that fail to meet licensing regulations (FDM Dorms, Monmouth County- November 27, 2002 and Beta House, Camden County- March 14, 2003)

Closely monitoring residential programs while moving forward with licensing revocation (Newark Transitional Supervised Living Programs- April 22, 2003 and May 5, 2003)

Developing stricter child to staff ratios in residential facilities to allow for better supervision of children

Required annual training for residential staff on the use of physical restraints including escape, release and defensive blocking techniques.

This administration inherited a child protection system full of problems and we are addressing them. Time and time again the Division of Youth and Family Services (DYFS) was not provided with the resources it needed to protect our children. Even more troublesome has been the lack of accountability at every level. It is a system without the proper checks and balances and we are now moving forward to put them in place.

Earlier this month, my office began its evaluation of IAIU's four regional offices. As previously announced, investigations of alleged child abuse or neglect in foster homes, institutions, schools and other out-of-home settings by IAIU will be transferred out of DYFS and will report to me through the Office of Program Integrity and Accountability (OPIA) effective July 1st.

This move will allow for better communication and more collaboration between IAIU and the Office of Licensing. We will also monitor IAIU investigations so we can move more quickly and effectively to protect children when abuse has been substantiated in an institutional setting. In addition, the Department is once again seeking legislative approval to conduct criminal history background checks on residential staff. In the past, this legislation has not moved forward. However, Governor McGreevey has pledged his support for this important legislation that will allow us to further protect children in residential programs

5:31) 24-JUN-2003 05:42 [John Searight \(searighj\)](#)

New Jersey Sets Outside Review of Foster Care

By LESLIE KAUFMAN and RICHARD LEZIN JONES

NYT June 24, 2003

New Jersey has agreed to the creation of an independent panel to oversee the state's troubled child welfare agency as part of a sweeping settlement to a lawsuit, those familiar with the terms said.

The lawsuit, brought in 1999, accused the state of endangering the lives of its foster children. Full details of the settlement, which is expected to be announced today, were not available yesterday. But a key element is the creation of an independent panel to help develop and oversee a plan to revamp the Division of Youth and Family Services. Those involved in the settlement said that the members of the panel have already been selected and approved by the state and by Children's Rights Inc., the group that filed the lawsuit.

For years, New Jersey officials resisted the formation of an independent panel to oversee the division, despite calls from both child welfare advocates and task forces appointed by the state to examine its workings.

The failings of New Jersey's child welfare agency have long been documented. Five years ago, its inadequacies were outlined by a task force, and were brought into public focus again in January, when a 7-year-old boy was found dead in a Newark basement.

Many critics, including those inside New Jersey government, have argued that the insular nature of the division made it incapable of effectively policing itself.

In recent years, independent panels — in New York and other states — have been put in place as critical tools for making child welfare agencies more accountable.

The Annie E. Casey Foundation, a Baltimore-based child welfare advocacy and research institution, which played a significant role in overseeing a similar settlement between New York City and Children's Right's, will also play an important role in New Jersey, those involved with the agreement said.

Although state officials and lawyers for Children's Rights would not comment on the contents of the settlement, word of the agreement was circulating among child welfare officials yesterday, and most of those reached for comment expressed relief that the lawsuit was coming to an end.

"It is good for DYFS and it is good for children that the lawsuit is settled," said Hetty Rosenstein, president of Local 1037 of the Communications Workers of America, which represents social workers. "It isn't good to be in an adversarial process. Now there can be movement forward."

Ms. Rosenstein said she would reserve final judgment on the effectiveness of the lawsuit until she saw what new resources the panel could bring to the table for things like attracting more foster care parents, improving institutions for children and hiring new workers.

In 1999, Children's Rights, a child advocacy group in Manhattan, sued New Jersey, arguing that the quality of its foster care was endangering children. As part of discovery proceedings, child welfare researchers hired by Children's Rights were given extensive access to state files and found that one in 10 children in foster care were abused and one in 5 did not receive proper services for their medical needs.

The researchers also found that youth and family services did not thoroughly investigate charges of abuse. In nearly 60 percent of cases where the state found no abuse, it should have, they said.

The lawsuit took on increased significance for state officials in January, when the body of Faheem Williams, 7, was found in a basement along with two of his brothers, who were emaciated. An outstanding allegation that the children were being abused had not been investigated when the division closed the Williams family file 11 months earlier.

Since Faheem's death, Gov. James E. McGreevey acknowledged that the agency was in need of transformation. He has already taken several steps in that direction in recent months, including moving the abuse investigation unit out of the Division of Youth and Family Services and into a separate office of child protection and hiring a veteran reformer from Nevada, Ed Cotton, to head the agency. Mr. Cotton arrives in July.

However, it is uncertain if Mr. Cotton's role will be affected by the new panel. It was unclear exactly what role the panel would play, whether it would be more extensive than the role of the panel in the New York settlement, with the right to help set policy for the state, or would simply oversee it, like the New York panel did. New York was also sued over its child welfare policies but it came to the settlement table with a plan already crafted by the head of the agency.

The independent panel's main role in that case, in the so-called Marisol settlement, was to make sure the city was making a good-faith effort to meet its targets. Within two years, the city greatly increased its ratio of child care workers to foster children and made other improvements so that

the panel dissolved itself.

"In Marisol they were just overseers," said Ross Sandler, co-author of "Democracy by Decree," which discusses the history of public policy made by court order. "If, in this case, the panel will be setting policy, the state has lost partial control of its own agency and must dance to the tune of the monitors."

Others said that the panel's autonomy was crucial.

"If you're going to advocate for children, you can't have an entity overseeing government that's in government," said Dr. Anthony D'Urso, an author of a 1998 report that found that New Jersey's child welfare system was flawed.

Dr. D'Urso said that the independent monitoring of the division that had been agreed to in the settlement was long overdue. He said that he hoped that such an independent review of the agency might help avoid the starkest failures of child welfare.

"There's only so many times you can have tragedy as an impetus for change," he said.

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DYFS reformers' lawsuit settled

By TRACEY L. REGAN

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Just hours after child welfare workers rallied here yesterday, demanding more funds and staff for the state's troubled Division of Youth and Family Services, the McGreevey administration settled a class-action lawsuit brought by a child advocacy group that promises to reform the agency, people familiar with the settlement said.

Democratic lawmakers recently added \$10 million to the proposed state budget for DYFS, which sources described as an element of the settlement.

Some of the money will be used to hire more staff and "reduce caseloads," as one lawmaker put it.

As part of the agreement with the Manhattan-based Children's Rights group, the Annie E. Casey Foundation, a private philanthropic group in Baltimore, has agreed to work closely with the state for the next two years to help guide reforms at the division and review the agency's progress, sources said.

"This will bring in real partners for a team effort," an administration official said.

The Casey Foundation played a similar role in New York City after the settlement there of a 1998 class-action lawsuit brought by Children's Rights against the city's Administration for Children's Services.

People familiar with the talks said Gov. James E. McGreevey's deputy chief of operations, Kevin Ryan, worked through the weekend to complete the agreement.

Administration officials said yesterday Ryan would not disclose details of the plan, but McGreevey will discuss the settlement today.

Children's Rights sued DYFS in 1999 over what it called the agency's chronic understaffing, poor management of cases and lax supervision of children in foster care and in troubled families, among other problems.

Representatives from the advocacy group, which has released several explosive reports in recent weeks detailing the agency's failure to protect children in its care, could not be reached for comment late yesterday.

Lawmakers in the Assembly and the Senate have in recent months proposed their own reforms for the embattled agency, whose problems came to their attention this January after the death of Faheem Williams, a 7-year-old Newark boy who had been under the agency's supervision. Faheem's emaciated body was discovered in a plastic storage bin in a basement, almost a year after DYFS closed his case without first visiting him.

Among the many proposals before the Legislature is the creation of an Office of Child Advocate to review DYFS' performance. The child advocate, proposed as a semiautonomous unit within the Department of Law and Public Safety, also would have the authority to investigate the

state's response to allegations of abuse or neglect, as well as to inspect juvenile detention centers and foster homes.

Other legislative measures include mandating criminal background checks of the staff members who work with children in such settings as residential facilities.

But DYFS workers rallying on the State House steps yesterday said lawmakers were wasting their time pursuing further oversight of an agency incapable of doing its job properly at the current funding and staffing levels. The state also has not gone nearly far enough in addressing the substance abuse that bedevils many of the families under DYFS' supervision, workers said.

"The real question is: Where is the money?" said Hetty Rosenstein, president of Local 1037 of the Communications Workers of America. "They're moving on legislation that doesn't do enough. There is not enough money."

A state panel convened in 2001 to review staffing levels at DYFS has recommended that the agency hire 1,100 new workers, ranging from supervisors to front-line social workers to case aides, over a three-year period, a member of the panel said.

The McGreevey administration has promised its own broad reforms in the wake of Faheem's death, including greater accountability, computerized case files so social workers and their managers can better review a child's history and more workers.

But Rosenstein and others said the administration only would be providing another 130 workers to the agency's district offices, a number they said fell far short of what is necessary.

"I hope there is some money attached to this (settlement)," said Cecilia Zalkind, director of the Association for Children of New Jersey, a Newark-based child advocacy group.

Previous reforms, Zalkind said, have "limped along, never fully achieved, in part because the price tag was too high."

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