

## ***Focus on reforming DYFS***

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It's taking longer than promised to reform the state Division of Youth and Family Services. And that puts New Jersey's most vulnerable children at risk, as New York-based Children's Rights recently pointed out to a U.S. District Court judge overseeing DYFS reforms.

But as vitally important as these reforms are, it's premature to consider calling in federal officials to oversee state reforms. This added bureaucracy would only slow down reforms at a time when more effort must be made to speed them up.

We do not agree with Children's Rights attorney Susan Lambiase that Human Services Commissioner James Davy isn't "getting it." In interviews with the Courier-Post, it is clear Davy does understand the urgent need to reform DYFS. Some progress has been made.

Everyone agrees DYFS must significantly improve its dismal history of protecting unwanted and endangered children. The top-to-bottom reform needed can't come quickly enough. But DYFS's struggles with reform cannot be simply interpreted as a lack of commitment or will. The state has complied with a court order to dramatically increase funding for staffing, training and program changes.

Reforming DYFS is a huge task. It's not surprising state officials are struggling to meet this obligation.

The challenge now for Children's Rights and the New Jersey Welfare Panel, which is monitoring DYFS reforms, is to help state officials identify how to make things work better for children. Lambiase and Steven Cohen, chairman of the welfare monitoring panel, said some DYFS field workers don't appear adequately trained and some children aren't getting routine medical care.

This is unacceptable. DYFS officials can and should do better.

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### **State blasts advocate's criticism of DYFS**

#### **Response could increase the chance of a federal takeover of agency**

Saturday, October 15, 2005 BY SUSAN K. LIVIO, STAR-LEDGER STAFF

An advocacy group's claim that children in the care of the state's embattled child welfare system are at risk of immediate harm is "devoid of factual or legal merit," the state Attorney General's Office said in legal papers filed late yesterday afternoon.

The response signals the mediation planned between state officials and Children's Rights Inc. of New York may be doomed before it starts and could lead to a possible federal takeover of the Division of Youth and Family Services.

The state had until yesterday to respond to charges from Children's Rights, which says thousands of children under DYFS care are at risk. The group based the accusations on findings from a court-appointed panel of experts who told a judge Tuesday the state made "seriously inadequate" progress in the first year of a five-year DYFS overhaul.

The report said, among other things, that DYFS employees failed to visit foster children every month, placed too many children in shelters and did not provide adequate medical care.

Deputy Attorney General Stefanie Brand said attorneys at Children's Rights are "grandstanding," and are "simply wrong" on the state's record of accomplishment, according to the letter filed yesterday. She predicted Children's Rights would not be able to prove the 61,000 children under DYFS care are in danger.

The burden of proof is on Children's Rights to demonstrate "immediate and irreparable harm to children's well-being in the division's custody" and they have "offered nothing whatsoever" the letter said. Just because not every item on the state's list of goals has been met, she said, doesn't mean the state has failed to make progress in those areas.

Children's Rights and state officials will now engage in emergency mediation to discuss the fate of the \$320 million child welfare

reform plan and if they cannot settle their differences within 10 business days -- by Oct. 28 -- the advocacy group is expected to request a hearing before U.S. District Court Judge Stanley R. Chesler. If it can convince him the children are not getting the protection they need, Children's Rights could ask the judge to intervene. The most dramatic action could be taking control of children's services from Human Services Commissioner James Davy.

Brand also chastises Children's Rights for allegedly telling a reporter for the Associated Press on Tuesday the organization would like to see Davy terminated.

"Not only is that an outrageous statement, it is also a blatant attempt by counsel to obtain relief that they could not under any circumstances obtain in this action. Defendants will not be bullied in this manner," the letter said.

Susan Lambiase, Children's Rights' associate director, denied saying she wanted Davy fired; she said the department may need new leadership or may need a reorganization.

Despite the acrimony, both sides said they intend to make an honest attempt at mediation.

"This does not mean we are not going into mediation. We fully intend to do that and work with the panel," Davy's spokesman Andy Williams said.

With caseloads dropping and some statistics showing improvement -- the number of siblings placed in the same foster home increased from 48 percent to 59 percent since 2003, for example -- "things are going in the right direction," Williams said. "This is not the time to blow it up and start over."

Lambiase of Children's Rights declined comment on the state's specific findings. "We look forward to negotiating with the state using the panel's guidance," she said.

Two years ago, the state agreed to expand and improve child welfare services when it settled a class-action, civil rights lawsuit Children's Rights brought on behalf of foster children.

The panel that issued the critical report will serve as mediator, under terms both sides approved in the lawsuit settlement. The panel chairman could not be reached for comment last night.

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## **Corzine splits signals on Codey and faults DYFS over reforms**

BY DEBORAH HOWLETT AND RON MARSICO Star-Ledger Staff October 15, 2005

Jon Corzine, the Democratic candidate for governor, and acting Gov. Richard Codey insisted yesterday that there is no bad blood between them -- even as Corzine indirectly chastised Codey over the slow pace of reforms at the Department of Youth and Family Services.

Corzine made his comments at a meeting with The Star-Ledger editorial board on the same day his campaign began airing a radio ad in which the popular Codey endorses Corzine's candidacy.

Corzine spoke harshly of the state's handling of problems at DYFS and UMDNJ, the subject of a federal corruption investigation. While some of his criticism was directed at the previous administration of former Gov. James McGreevey, it was clear he also took issue with Codey's follow-up at DYFS.

Corzine didn't rule out receivership -- a takeover by the federal government -- for the troubled social services agency.

"If we don't see measurable progress soon ... we have to do whatever is necessary," he said.

Corzine said responsibility for reforms in a foundering state agency ultimately falls on the sitting governor.

"I mean this respectfully," he said. "I believe, as a management style, you can't be hands-on in all aspects. But when you have a troubled organization, you have to pay attention and drill in on it."

Corzine said it is not enough to turn a reform plan over to the head of an agency and stand back.

"The governor should use the bully pulpit so that the objectives of the reforms are implemented with the kinds of detail to know the boss is watching the shop," he said.

As for UMDNJ, Corzine said flatly John Petillo was the wrong choice to lead the state's medical school.

"It would not have been the appointment I would have made," Corzine said of Petillo, a McGreevey appointee. "If you want to create a great teaching hospital, you need to hire someone who on his own is going to attract the stars."

He also said the UMDNJ board of trustees was not of a high enough caliber. The governor appoints the 11-member board. Codey has appointed two trustees and promised reforms in the management of the state's medical school.

Comparing his experiences on the board of trustees at the University of Chicago, Corzine said appointees are chosen because they offer the school either time, talent or resources.

"Everybody brings credibility to the board," Corzine said. "It doesn't look like all our decisions (at UMDNJ) have been made in that context."

An hour later, in West Orange, Corzine stood shoulder-to-shoulder with Codey and offered a positive assessment of his administration.

He lavished praise on Codey, calling him "a terrific leader."

Both men dismissed reporter's questions about whether they had been at odds in the eight months since Corzine used his money and influence with county party chairmen to get Codey to back off a primary election challenge.

Codey said he has been doing things -- including the radio ad this week -- to help Corzine in his race and would continue to do so.

The acting governor said he planned to attend a fund-raiser for Corzine last night and would appear "anywhere else he wants me to go. It's as simple as that."

Asked if he would do TV spots for Corzine, Codey said: "He'd probably rather have my wife do that. She's a lot better looking than I am."

Given the opportunity later in the day to respond to Corzine's criticisms, Codey declined comment.

The state's two top Democrats were visiting Edison Middle School in West Orange, where Corzine accepted the endorsement of a political action committee for the anti-smoking group, Tobacco-Free Kids.

Corzine is the only major candidate who supports banning smoking in the workplace, including bars and restaurants. He has said he might consider making an exception for casinos.

Recalling how his father, a World War II veteran, smoked three packs a day, Corzine told a group of students that his father died 23 years ago of lung cancer.

"We lost him -- lost him very quickly at a young age," said Corzine. "And it's one of those things that didn't have to be."

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## **Child Agency Defends Pace of Its Reforms**

By RICHARD LEZIN JONES New York Times October 15, 2005

TRENTON, Oct. 14 - New Jersey's child welfare agency issued an angry response Friday to an advocacy group's request that a federal judge intervene in its reform effort, labeling the demand little more than "grandstanding."

In court papers, the agency, the Division of Youth and Family Services, denied the contention by the group, Children's Rights Inc., that

the children in state care were facing "immediate and irreparable harm."

The advocacy group used that phrase earlier this week when it asked Judge Stanley R. Chesler of the Federal District Court here to intervene in the state's overhaul of the system.

Children's Rights, citing an independent monitoring panel's report, accused the agency on Tuesday of violating the terms of the settlement because it failed to make sufficient progress in fixing more than a dozen key areas. The request could force the child welfare system into receivership.

While acknowledging the inadequate gains, the agency wrote in its 29-page response that it had made improvements. "The application is nothing more than grandstanding, wholly devoid of factual or legal merit," the statement said.

Laurie Facciarossa, a spokeswoman for the State Department of Human Services, which oversees the agency, said that intervention by Judge Chesler would disrupt the pace of reform.

"We are moving in the right direction and now is not the time to blow up the system to save it," Ms. Facciarossa said.

Children's Rights did not respond to a request for comment.

On Wednesday, the advocacy group and the state are expected to begin 10 days of mediation to forestall judicial intervention. Acting Gov. Richard J. Codey, who was still reviewing the report late this week, has said that he will announce plans for changes to child welfare next week.

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## **DYFS needs a quick fix**

Posted by the Asbury Park Press on 10/14/05

Two years after a court-ordered overhaul of New Jersey's troubled child welfare system, the improvements are far outweighed by persistent and glaring problems. The state's continuing failure to protect abused and neglected children must be rectified.

According to a report released Tuesday by an independent panel charged with overseeing the agency's progress on reforms, the state Division of Youth and Family Services fell far short of its goals. The system still fails to deliver even the most basic child protection services. Subpar service for children who already have been dealt a lousy hand in life is deplorable.

The report also sets the state up for a possible federal takeover of the system. New Jersey has 10 days to hammer out an agreement with the monitoring panel to forestall that. The panel is due to turn in its third of three reports in December. All this will happen under acting Gov. Codey's watch: he must immediately develop a plan to stave off a federal takeover.

After the report was delivered, Human Services Commissioner James M. Davy said, "it is important to remember where we were" two years ago. It's more important to recognize where we should be, two years later. Codey should bring in a strong, new DYFS administrator to quickly turn things around.

It's been more than two years since the state agreed to make sweeping changes, and more than \$300 million has been poured into the system. DYFS director Edward Cotton, at the helm since the court-ordered reforms were approved, announced his resignation last month. Davy took office in January 2004.

Some advances have been made, including the hiring of 600 new caseworkers and the end of warehousing mentally ill foster children in detention centers. But the modest gains have been overshadowed by some remarkable failures. Among them: Only 260 of the 909 children placed in foster care from April to June — less than a third — received medical exams.

The panel's report lists 14 key areas where the state made "seriously inadequate progress" by either taking no action on the problems or doing too little to resolve them. Shortcomings included failure to eliminate excessive caseloads, insufficient monitoring of children, sluggish adoption services, inadequate caseworker training and inappropriate out-of-home care.

Time is not on Codey's side. With only days to form a plan, he must make some tough decisions about how to fix this floundering agency. A major commitment of resources and manpower has been made to turn DYFS around. It's time the taxpayer — and the state's neediest children — start getting a far better return on the investment.

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## **DYFS' back is to the wall**

Newark Star-Ledger Editorial

Thursday, October 13, 2005

The effort to reform the state Division of Youth and Family Services has reached the point at which change often stalls: Conditions are better, but far from where they should be. Fortunately, this time, a federal judge stands between DYFS and its excuses.

U.S. District Judge Stanley Chesler was assigned to the class-action suit that Children's Rights Inc. brought against DYFS on behalf of 11,000 foster kids. There was a settlement and a reform plan last year. On Tuesday, the panel assigned to monitor that plan officially denounced DYFS' progress as "seriously inadequate." Those are the magic words that put DYFS in jeopardy of a federal takeover.

First, however, DYFS and Children's Rights will go through 10 days of mediation, in one more attempt to make the reform plan work in state hands.

Chesler had this warning for all the parties involved: "If we are back litigating this reform plan in court, with lawyers on both sides trying to persuade me about various facts one way or another, I will tell you, ladies and gentlemen, you will have failed."

But the reform will not fail, Chesler asserted. "I am personally committed to do everything to make this plan a success."

Chesler could appoint someone to take over the agency and fix it to the court's satisfaction. One good person, invested with sufficient authority, could make a difference. Former prosecutor (and current New York City fire commissioner ) Nicholas Scoppetta did when he took over New York City's child welfare system a decade ago.

Is a takeover necessary? Even the most critical reviewer would say DYFS has made progress. There are more caseworkers. Kids who need mental health care are no longer stuck in juvenile detention centers. The horrendous backlog of 800 child abuse cases awaiting investigation is down to just 125.

But imagine 125 kids lined up, waiting for someone to determine whether they are being abused. Even with all the new caseworkers, only 24 percent of the kids in foster care are seen by a caseworker at least once a month. That means more than 8,000 have no one watching over them. These are the very conditions that led to the death of Faheem Williams and the near-starvation of four brothers named Jackson.

Chesler is giving DYFS one more chance to solve its problems. But he made it clear that the time for excuses is over. Good for him.

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## Fighting for Those Too Small to Fight Back

By ROBIN FINN    New York Times    October 14, 2005

A NAGGING cough instead of an introductory handshake?

Sorry about that, Susan Lambiase says, explaining with a scratchy voice that her cough is a result of a dual occupational hazard: total immersion in something she calls kindergarten germs - she has joint custody of her 5-year-old twins - and in the aftermath of an impassioned argument she made in federal court in Trenton on Tuesday to ask a judge to intervene in reform efforts by New Jersey's dysfunctional child welfare agency.

Ms. Lambiase, who in her formative years as an assistant district attorney in Brooklyn specialized in sex crimes and child abuse, is in emergency mode. Cough or no cough, she's primed for battle against a bureaucratic behemoth.

For the last 11 years, she has devoted herself to the underage clients of Children's Rights Inc., a Manhattan-based nonprofit organization that prosecutes child welfare reform in federal class litigations. "Who else is going to fight for them?" she says of the disenfranchised children. "They don't vote."

The state, Ms. Lambiase and an expert panel empowered in 2003 to monitor a court-ordered overhaul of the system will enter a 10-day negotiating period next week. By the end of the month, New Jersey could lose control of its own child welfare system, a drastic outcome she may, as associate director of Children's Rights and lead lawyer in the ongoing exposé of the Division of Youth and Family Services, pursue if the state fails to present a good faith plan to fix itself.

"New Jersey is horrific," she says. "We only go in and file lawsuits in the direst of circumstances, and only if we think we can win; with New Jersey, people were begging us to sue the state."

When she helped to file a class-action lawsuit on behalf of New Jersey's foster care children in 1999, she had data showing that one out of every five children in the system were abused. "Good foster parents are the heroes of the world," she says - unfortunate, then, that New Jersey had bankrolled so many bad ones.

After Ms. Lambiase filed the suit, New Jersey fought back. "The state spent between \$3 and \$5 million to defend itself in a lawsuit where it turned out it was indefensible," she says. In 2003, a settlement was reached; monitoring by the panel began. Ms. Lambiase, who litigated similar cases in other states, waited to see some progress. It didn't happen.

Two years later, with \$320 million spent on court-mandated improvements, but with the adoption rate atrophying, the picture there is nowhere near as pretty as the picture of her twins on her office screensaver.

"What's kind of toxic is this feeling among caseworkers and people in the community who want to see things get better but have the sense nobody at the top knows what's happening," she says. "The panel said early on that there was a need for a solid leadership team, but it's still not clear who's in charge of what at any given time."

Ms. Lambiase, 44, seems just this side of exasperated that a state as wealthy as New Jersey persists in compromising its disadvantaged children: "I think New Jersey is the worst place I've ever seen."

Above her desk is a photograph of two beautiful blonde siblings: not hers, but two children represented in the lawsuit. Deanna and Alyssa Winner are, she says, "one of the happy ending stories."

Alyssa was a baby who was so neglected that her head was flattened from lying in a crib. Deanna was a toddler who spent most of her time outdoors. The plight of the sisters surfaced only by accident: an A.S.P.C.A. worker visited their home in Burlington County in response to an animal abuse complaint. The girls became plaintiffs in the 1999 lawsuit, and, owing to the publicity, found adoptive parents almost immediately.

MOST children aren't as fortunate; that she feels needed by them is why she calls this her "dream job." She didn't even consider having children of her own until she was 35, and became pregnant at 38.

Ms. Lambiase grew up in Islip, N.Y., a town she longed to leave; the State University at Stony Brook was her ticket out. She was the only one of four siblings to attend college. Because her father, a systems analyst, loved his job, she majored in computer science. It was a bad fit.

"I had an awakening of public interest in college, mostly consumer stuff at first," she says. "I wanted to be trained as a trial lawyer." She graduated from Brooklyn Law School in 1986 and, eager to work for Elizabeth Holtzman, joined the district attorney's office. She still lives in Brooklyn Heights, where her twins go to Public School 8.

"I tried my first case, a sex abuse case, in my fifth week on the job, and it didn't stop for four years," she says. She quickly lost her shyness. "You can't be a shy D.A., not when you're getting beat up by judges every day. You soon grow a very thick skin."

But not too thick.

"At the end, I'd started to feel like I wasn't helping. Putting a 5-year-old child on the stand to say her father has raped her is very traumatic, and after one or two acquittals, you start to feel like you've put the kid through a wringer, and for what? Helping children in this way feels like the right way."

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## **Codey seeking outside expert to measure DYFS reform effort**

BY SUSAN K. LIVIO     Star-Ledger Staff     October 19, 2005

With the progress of child welfare reform mired in personal attacks and facing a potential court battle, acting Gov. Richard Codey confirmed yesterday he is searching for a national expert to advise him on how to salvage the \$320 million system overhaul.

Codey said Human Services Commissioner James Davy and Deputy Commissioner Kathi Way will remain in charge of the court-mandated reformation of the Division of Youth and Family Services, but said he needs an independent expert to sort through the vastly differing opinions about the state's progress.

Last week, a federal court panel announced New Jersey has made "seriously inadequate progress" over the past year. Representatives from Children's Rights Inc., the national advocacy group whose lawsuit prodded the state to reform the agency, was so alarmed by the findings that it alleged foster children in the state's care are at immediate risk. The group demanded an emergency mediation session and said it was willing to ask the judge to intervene if progress wasn't made.

Davy and Way insist the state has made enormous strides.

"I want an adviser to give me an independent look at how far we have come," said Codey, who leaves office in January.

Codey said he was getting involved because the friction among Davy's office, Children's Rights and the New Jersey Child Welfare Panel is a distraction.

"The tension between the parties clouds the issue of whether or not progress has been made," Codey said. "I'm sure both groups want to do right by the children, but they should forget the animosity. They should be on the same page with the same goal."

Codey denied he has made a formal job offer to anyone, but confirmed that he and his staff approached Nicholas Scoppetta, the former New York City children's services commissioner, credited with restoring that troubled agency

after it had been sued by Children's Rights. Scoppetta, now New York City fire commissioner, offered them leads on other candidates who may be interested in taking the short-term appointment, Codey said.

Codey said he would expect the consultant "to look at the training, to be there physically, to read the manuals, to talk to caseworkers -- to do whatever this person deems necessary to get a good grasp on where we are."

Davy had notified the court panel that its services would no longer be needed past mid-December, but people close to Codey have said he plans to ask it to stay. Codey declined comment on this, but hinted he would be discussing the matter publicly soon.

Reactions to Codey's plans were mixed.

"The child welfare system, the public and, most of all, the children we serve can only benefit from a clear-eyed assessment of the challenges inherent in the process and the progress made thus far," Davy said.

Susan Lambiase of Children's Rights said it seemed "unrealistic" that Codey would find someone capable of accomplishing so much in three months and that he should have created a Cabinet-level department for children's services when the panel issued its first report in March.

The state agreed to a court monitor in June 2003 when it settled a class-action civil rights lawsuit that Children's Rights brought on behalf of foster children. The panel began formally monitoring the DYFS overhaul in July 2004.

On Tuesday, the court panel informed U.S. District Judge Stanley R. Chesler that "the first year of implementing the reform plan has been a disappointing one." Training is behind schedule, top administrators are not "routinely monitoring and evaluating progress," and workers are not seeing children in their care or ensuring that foster children are getting medical care.

The decision by Children's Rights to seek mediation, which begins next Monday, started the sniping between the state and the advocacy group.

Davy said Children's Rights went on the attack because "they didn't like what I had to say about legal fees in the Jackson settlement," a reference to comments he made after the state reached a \$7.5 million deal for three emaciated children in a licensed foster home in Camden County. "The one issue that held up negotiations was the plaintiffs' demand that their out-of-state attorneys get the same amount of money the boys were getting for legal fees," Davy said.

Lambiase was quoted that same day by the Associated Press saying she would support Davy's ouster or taking DYFS out of the Human Services Department. Lambiase later clarified that she never suggested Davy should be fired.

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## **Codey in Countdown to Avert Takeover of Child Services**

By RICHARD LEZIN JONES and TINA KELLEY New York Times October 19, 2005

TRENTON, Oct. 18 - With barely three months left in his term, Acting Gov. Richard J. Codey is scrambling to avoid a court takeover of New Jersey's beleaguered child welfare agency.

The governor said on Tuesday that he planned to appoint an adviser to assess New Jersey's progress in implementing court-ordered reforms after an independent panel monitoring the changes said last week that the state was still failing to provide the most basic services to children in its care.

Mr. Codey also said that he was seeking advice from a circle of experts, including Nicholas Scoppetta, New York City's fire commissioner, who was lauded for overhauling the city's child welfare system during the late 1990's. The governor also acknowledged that he was weighing whether to extend the tenure of the independent review panel charged with scrutinizing the reform effort.

Despite Mr. Codey's actions, advocates for revamping the system questioned whether the moves had come too late.

"Governor Codey's in a difficult place," said Susan Lambiase, associate director of Children's Rights Inc., the advocacy group that asked a federal judge to intervene in the reforms, a step that may lead to the agency's being placed in receivership under the judge's oversight. "We needed everybody to have been paying attention all along."

Referring to the panel's March monitoring report that said the state needed a "course correction," Ms. Lambiase said, "It would have been great if that call was heeded."

Children's Rights asked Judge Stanley R. Chesler of Federal District Court here to intervene after the panel concluded in its report that the state was still failing to provide basic services to children in its care. Pointing to the panel's findings, Ms. Lambiase said in court papers that the state had violated the terms of a 2003 agreement that settled a lawsuit filed by Children's Rights against the child welfare agency.

The group and officials with the agency, the Division of Youth and Family Services, are scheduled to begin a mediation process on Monday that could forestall a takeover.

Mr. Codey's moves appear meant to help steady a plan that has already consumed two years and cost more than \$300 million, but that the review panel found was nevertheless seriously lacking in areas like health care, worker training and streamlining the state's sometimes cumbersome adoption process.

With less than 13 weeks until the inauguration of a new governor, Mr. Codey said he felt that the report and the request for intervention demanded an immediate response.

"I don't want to ride it out and not do anything," he said on Tuesday during an appearance in Paramus.

He said that the occupant of the new adviser's post he envisions would work alongside James M. Davy, the state's human services commissioner, who was appointed two years ago to implement systemwide changes. Although Mr. Codey acknowledged that he had contacted some candidates for the job, he did not identify them or put a timetable on filling the position.

The governor emphasized that he was not seeking to replace Mr. Davy, who said that he welcomed the governor's moves and was looking forward to working with the adviser.

"I'll take support wherever I can get it," Mr. Davy said.

Many advocates have been calling for a new cabinet-level position to oversee child welfare, a move that would allow a senior administration official to devote full attention to child protection, but state officials have resisted.

Ms. Lambiase seized on the governor's comments as an acknowledgment that such a position was essential. "This confirms what we've been saying all along," she said.

But Mr. Codey said that the adviser would serve not in a cabinet-level post, but as more of a consultant.

Since the release of the review panel's report, people within the system and close to it have played the child welfare equivalent of fantasy football, bandying names of national experts whom New Jersey might call upon to help with the reforms.

Mr. Scoppetta's name had been included in that speculation as a candidate for the advisory position that Governor

Codey is trying to fill. The governor rebutted reports that Mr. Scoppetta had been offered the job but turned it down.

"I never looked, searched, or made a call to replace Davy, nor was Scoppetta offered a job," the governor said."

In an interview, Mr. Scoppetta said that he was not leaving his current post but that he had been talking to New Jersey officials for the past year about his experience at the helm of the Administration for Children's Services in New York.

"I've had conversations over the last year or so with New Jersey people, talking about what we did in New York, to see if we could be helpful to them," Mr. Scoppetta said. "I'd always make myself available, and there are others at A.C.S. who would do the same."

Richard Lezin Jones reported from Trenton for this article and Tina Kelley from Paramus, N.J. Fernanda Santos contributed reporting.

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## **DYFS reform survey mixed and outside expert opposed**

BY SUSAN K. LIVIO      Star-Ledger Staff      October 21, 2005

Despite a survey that said the state still has a lot of work to do to overhaul the troubled \$320 million child welfare reform effort, acting Gov. Richard Codey's plan to hire a national expert to assess the situation is a mistake, the director of a statewide advocacy group said yesterday.

In releasing a poll of 250 people involved with the system, the Association for Children of New Jersey instead urged Codey's successor, who will take office in January, to get more involved with the troubled Division of Youth and Family Services. He also should relax civil service rules to make it easier to promote and discipline staff, and consult with more state experts on how to make the system better.

"We don't need another outside expert. We need somebody who is going to say, 'I am going to provide leadership,'" ACNJ executive director Cecilia Zalkind said. "We have talent and expertise here. Look within the state -- we have people willing to help."

The anonymous responses from 257 people -- the majority (65 percent) were DYFS workers, law guardians who represent foster children in court, and private contractors who work with children -- is by no means scientific, Zalkind said. But she said it does provide an honest look at the state of the program.

"We did not hear from people who just had a gripe," Zalkind said. "They are people who want to see change happen and they want to be part of that change."

The majority, 59 percent, concluded that the state had "made progress, but still had a lot of work ahead," while 40 percent said the system was less able to protect abused and neglected children now than before reform began.

One of the harshest criticisms was the delay in adopting a new plan to train the work force: 83 percent of those polled said the state was not doing a good job. Only 27 percent believed the reform had provided enough services for parents, such as drug treatment, and domestic violence and mental health counseling. And the same number thought the state had done a good job finding a sufficient number of foster homes and group homes.

The state's push to enlist relatives to offer homes to children in need, to offer foster parents more support, and to expand services to older teens preparing for adulthood earned the highest praise.

Human Services Commissioner James Davy said he found the report helpful and hopeful. "We are pleased that 60 percent of those surveyed can see some progress in reforming the system, but we agree with ACNJ's conclusion that we still have a long way to go," Davy said. "We are now in the second year of this multi-year reform effort, and I am confident that, as we move forward, many of the very valid and heartfelt concerns expressed in this survey are being addressed."

The survey comes at a turbulent time for DYFS. The panel of experts critiquing the reform effort told a federal judge Oct. 11 that New Jersey had made seriously inadequate progress since beginning in July 2004. That prompted Children's Rights Inc., an advocacy group whose lawsuit prodded the state to improve DYFS, to demand that state officials attend an emergency mediation session with the panel to agree on immediate changes.

Codey responded by announcing this week he will hire an outside expert to give him an independent impression of how the \$320 million effort is faring. And despite yesterday's advice, Codey's spokeswoman said he is sticking to his decision.

"The governor is currently seeking an outside consultant to advise us on how the reform effort is going in New Jersey and ways in which we might be able to improve our efforts before he leaves office," spokeswoman Kelley Heck said. "Seeking an objective point of view does not decrease the value of the input of this community."

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## Public Lives

### Making the Tough Decisions to Help Out a Child

By ROBIN FINN    New York Times    October 21, 2005

IT'S not quite kiddie Kismet - it's an example of a child welfare career pierced by tragedy. If the world provided safe haven for children, he'd be out of a job.

Yet it seems fitting that the gentle, gray-flecked man who assumed brief custody of Valery Belen Saavedra Lozada, the angel-faced 4-year-old the police say was abandoned in Queens by her mother's killer, keeps a Lone Ranger lunchbox, a singing snow globe and a collection of minor league baseball caps in his office. And his favorite ball, a major-league foul ball (the errant batter was Claudell Washington) he caught at Tiger Stadium. Yes, he remains in touch, at 60, with his inner child. Even with two grown children.

Baseball has been John B. Mattingly's muse forever, but rescuing children, in Toledo, Ohio; Cleveland, Nashville, Harrisburg, Pa., and other cities, is his mission, and for that reason he has been the commissioner since 2004 not of baseball (though wouldn't it be a lark?) but of New York City's Administration for Children's Services.

Decidedly not a lark. The agency has 18,500 clients, annually investigates 50,000 reports of abuse and neglect, and last year recorded 33 child deaths. He supervises 6,000 employees and laments his inability to connect with them the way he interacted with all 150 child welfare workers he led as executive director of Lucas County Children's Services in Toledo for six years.

"But I think this is the best child welfare job in the country," he says, "and now it's time to take it to the next level: in five, six, eight years we'll have an agency that does the right thing all the time by every child we touch. You can't say that much about big cities."

He trusts his instincts. It was Mr. Mattingly's decision, with input from a Family Court judge, to do the unheard-of thing and put Valery on TV in an attempt to discover her identity and possibly confirm a sorry suspicion that her mother, Monica, had met with foul play. It did both.

"I think of Valery's story as a really good example of what it looks like when we do our work well," he says, settling his

small frame onto a sofa at 150 William Street. "We made the decision to put her on television and it worked; her relatives came forward."

BUT Valery charmed the media, and the viewing public, so thoroughly that her 15 minutes in front of the cameras saddled her with an aftermath of unwanted paparazzi attention. Relatives with whom she is staying in West Babylon on Long Island have complained that her privacy is in jeopardy. A Catch-22 of sorts has ensued. He admits he and his agency did not anticipate the scope of Valery's celebrity, but he does not regret his tactic. Emergency situations beget emergency solutions.

"We felt the need to get her in front of the public immediately and powerfully, and I'd do it again," says Mr. Mattingly, who moves with an arduous limp because of a congenital birth defect that left one leg shorter than the other but didn't prevent his playing second base - his role model was Nellie Fox, "a short, stubby second baseman for the Chicago White Sox" - as a Little Leaguer.

"It's tragic and it's heartbreaking for her to be saying to her great-uncle, 'My mommy is dead.' Nothing is perfect in child welfare's world. This mother is gone, but what we've done for this child is good for her," he says, patting the rose-patterned tie he selected without help from his wife, Linda, a retired nutritionist. So he's a rosy guy? "Yeah, that's me."

Except when things go wrong; in the child welfare sphere, professional miscues can have life-or-death consequences, and guilt gets induced, deservedly or not. "You take the pain home," he says.

Mr. Mattingly grew up in St. Mary's County, a rural community in south Maryland; his father sold farm equipment, his mother was a nurse, and both parents were ecstatic when he entered the seminary. "In 1959, for a Catholic boy interested in helping, serving and doing good things, the priesthood was the A-1 way to go."

He attended St. Charles College and St. Mary's University, both now defunct, but dropped out in 1967, four years short of ordination, because seminary life felt stifling. Needing a job, he became a social worker at a state-run facility in Maryland that served convicted criminals with psychiatric problems. He studied philosophy at Pennsylvania State University, received a master's in social work from the University of Pittsburgh, and a Ph.D. in community systems planning from Pennsylvania State. He zeroed in on child welfare work after getting involved in a "difficult" case in Cleveland, where he was director of a settlement house: after a child died despite warnings about neglect to the child welfare agency there, he and his colleagues mounted a public criticism of the bureaucracy.

Now that Mr. Mattingly, who lives in Jackson Heights, patronizes the city's opera and theater scene, but has attended just one Yankees game in 15 months, is the bureaucracy, he understands the plight of his position. "There tends not to be a stability of leadership, because politicians come and go, and because if a bad child death does happen, the agency gets no protection. Politicians will offer up the director to assuage the concerns of the public." Has it happened to him? "Not yet," he says, as his agency's communications director, Sharman Stein, knocks wood. Copyright 2005 The New York Times Company

## News Article

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### ACNJ Releases "Voices from the Field: The Frontline View of Child Welfare Reforms in New Jersey"

Posted on 10/20/2005

#### FOR IMMEDIATE RELEASE

Contact: Cecilia Zalkind, 973-643-3876

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Oct. 20, 2005

About 60 percent of people who work everyday to protect children and help families say New Jersey has made some progress but still has a long way to go to fix the state's ailing child protection system, according to a new report that surveyed nearly 300 people working on the frontline of child protection.

More than 40 percent said the sweeping reform effort has made conditions worse, the survey showed. Less than 1 percent said they were “confident that reform had shown improvement in helping families get the help they need to avoid abuse/neglect.” Voices from the Field: The Frontline View of Child Welfare Reform in New Jersey, released today by the Association for Children of New Jersey, is based on more than 250 surveys completed by people who work closely with children and families, focus groups and other research.

“Two broad themes emerged from the survey and focus groups,” said Cecilia Zalkind, ACNJ’s executive director. “First, the reform effort, while well-intentioned, has not yet lived up to its promise and, in some ways, has made conditions for children worse. Second, many people across the state are committed to improving the child welfare system, but have been excluded from reform efforts.”

According to the survey results, people saw the strongest areas of reform as improvements in child abuse investigations, services to children aging out of foster care and support for resource families.

The areas in which respondents felt the state had made the least progress were in helping children with mental health needs, improving casework quality and increasing the availability of out-of-home placements.

Key Findings:

- Less than half of respondents agreed they understand how to navigate the child welfare system, a troubling finding since most respondents work directly with children and families.
- 45 percent said the new hotline has made it easier to report child abuse and neglect.
- Only 15 percent said the child behavioral health system had improved.
- 49 percent said kinship families are being identified and supported.
- 36 percent said services to children aging out of the system had improved.
- 18 percent said more licensed adoptive families are available.

“While the results of this survey are disheartening, people are seeing some progress,” Zalkind said. “More importantly, they want to help build a system that protects children and families. Now is not the time for delay. Now is time to refocus this plan, get it back on track and tap into the hundreds of experienced people in New Jersey who want to help do that.

“We think state leaders, including New Jersey’s next governor, should listen to what people are saying in this report,” she added. “Their collective experience and insight are not only valuable, these are the people charged with carrying out the reforms handed down by Trenton.”

Survey respondents and focus group participants were asked to make recommendations for New Jersey’s next governor. Their top recommendations were:

- Pay more attention to frontline workers and supervisors and the children and families they serve. Reforms have been top-down, rather than bottom-up, as the plan promised. Even veteran DYFS supervisors said complicated policy changes that were detailed in long e-mails were impossible to digest.
- Aggressively expand relevant services to help troubled children and families. While more money is being spent on services for children and families, many say they see little evidence of it on the frontlines.
- Create appropriate homes and placements for children requiring out-of-home placement. The push to close shelters and other congregate care settings was too rushed, leaving even fewer options to house children, especially those with severe emotional problems. This hurts children, respondents said.
- Focus on finding permanent homes for children. Children are still largely being left in the limbo of temporary care. Permanency plans are lagging. Adoption functions were disrupted by the dismantling of the Adoption Resource Centers. Children need safe, permanent homes.
- Install strong leadership at the state and locals levels, and listen to the frontline people who must carry out mandates. Respondents felt strongly that state leaders have focused mostly on meeting court mandates, diverting attention from strengthening the frontlines. They want strong leadership, but they also want more input and more power at the local level.
- Build a strong foundation for change. Before rushing ahead with changes, people want a foundation to replace disbanded systems.

Based on the survey responses, ACNJ also made specific recommendations for New Jersey’s next governor, including:

- Take Full Responsibility for Reforming the System
- Hire a strong, competent DYFS director
- Reform Civil Service
- Use the talents of the many people committed to child welfare in New Jersey.

A full copy of the report is available at [www.acnj.org](http://www.acnj.org).

<http://www.acnj.org/admin.asp?uri=2081&action=15&di=599&ext=pdf&view=yes>



Close

## Foster kin criticize biological father

Say dead baby's dad could have sought help

BY RUSSELL BEN-ALI AND MARY JO PATTERSON Star-Ledger Staff October 29, 2005

The foster parents of a toddler who was beaten to death two months after a Family Court judge sent the child to live with his biological father have taken their sorrow public, posting an online blog that details their anguish at the boy's death.

In a long and carefully crafted letter posted on the Internet, Joann and James Murphy of Wanaque criticize Darren Celantano, the boy's biological father, and express tepid support for the state's child welfare system that was charged with protecting 14-month-old Jeremy Celentano.

"In my opinion Darren has no excuse," Joann Murphy wrote in her letter. "He had ample opportunity to ask for help. He never once said it was too difficult. He even said it was easier than he thought it would be.

"How can I, or anybody for that matter, ever place a baby somewhere and think its going to be OK?" the letter states.

Most of the letter is devoted to Jeremy's memory and the Murphys' adoration of the boy.

"From the day he arrived, he brought constant joy and fulfillment to our family," Joann Murphy wrote in the letter, which included a photo of a beaming Jeremy seated in a bathtub. "He was the sweetest, happiest baby we have ever had. His temperament was easygoing and mild mannered. He rarely fussed or cried. There is not a day that went by that he didn't bring a smile to someone's face."

Reached at their home yesterday, the couple said they were still too emotional to speak about the baby.

Celentano, 28, is being held on suspicion of murder after he brought the lifeless body of his son to St. Joseph's Regional Medical Center in Paterson on Oct. 18, telling hospital workers the boy suddenly stopped breathing, authorities said.

An autopsy revealed Jeremy died of blunt trauma, most likely the night before, authorities said, and suffered two skull fractures and multiple head bruises.

Celentano, who later admitted to authorities that he beat the boy with his fists because he would not stop crying, was arrested Oct. 20, Passaic County Prosecutor James Avigliano said.

Celentano is being held at the Anne Klein Forensic Center, a maximum-security state psychiatric hospital in Ewing.

Jeremy was born at St. Joseph's on Aug. 14, 2004, addicted to cocaine and heroin because of his mother's drug use, authorities said. When Jeremy was 5 weeks old, the state Division of Youth and Family Services placed him with the Murphys.

The goal was to eventually reunite Jeremy with his family, particularly Celantano, who was employed full time and tested negative for drug use. His biological mother is a drug addict and had limited visitation rights, officials said.

Officials last week said that during a July court hearing, the state opposed a transfer of custody to Celentano. But

yesterday, the state reversed its earlier statements, saying DYFS had supported Celentano's custody claim.

"In this case, information was relayed inaccurately, and we apologize for any errors and any problems this may have caused for anyone involved," said Joe Delmar, a spokesman for the state Department of Human Services.

A Family Court Judge granted custody to Celantano in late July and he brought the baby home in mid-August. The father received a child care subsidy and a homemaker was made available to him by DFYS. Celentano's mother helped care for Jeremy, the agency said.

The Murphys said they began preparing Celentano for his father's role months earlier, first with weekly visits at their home and later with overnight and weekend visits at his Paterson apartment.

The couple said they raised four biological children and adopted four foster children and tried to help Celentano become a successful father.

"But he needs to step up, take responsibility for his insane actions and maybe someday explain to me how he didn't just pick up the phone," Joann Murphy wrote.

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## **Adversaries to continue talks on child welfare**

BY SUSAN K. LIVIO     Star-Ledger Staff     October 29, 2005

The adversaries fighting over the future of the troubled child welfare reform system agreed yesterday to participate in three more weeks of negotiations in a final attempt at avoiding a return to court.

Top state officials from Human Services, which oversees the Division of Youth and Family Services, and Children's Rights Inc., the national advocacy group that sued the state for running a system they claim is harmful to kids, issued a statement last night saying they will give themselves until Nov. 18 to agree how the court-monitored overhaul of DYFS should proceed.

The statement was released by the New Jersey Child Welfare Panel, which is acting as the mediator for the discussions that began Oct. 17 and were scheduled to end yesterday.

"The parties have worked constructively and believe there is a basis to continue the discussions," the statement said. "More work and time are needed to see if a mediated agreement can be reached."

If unsuccessful, Children's Rights could ask U.S. District Court Judge Stanley R. Chesler to appoint a special master or recommend a federal takeover of the program that oversees the state's 11,600 foster kids.

It was the Child Welfare Panel's dismal assessment of the state's progress over the last year that prompted Children's Rights to demand that Human Services Commissioner James Davy and Deputy Commissioner Kathi Way attend "emergency mediation" sessions spelled out under the terms of an agreement that settled a class-action lawsuit on behalf of foster children.

"Each party approached this task with a commitment to the safety and well-being of the children and families of New Jersey and a common goal of successful child welfare reform," the statement said.

Since early 2004, the state has dedicated \$320 million to child welfare reform, in part to hire 1,675 caseworkers, managers and aides, expand services like drug and mental health treatment for families, and provide more money and support for foster families. State officials disagree with the panel's assessment they have made "seriously inadequate progress" since monitoring began in July 2004.

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## Ex-chief says DYFS places politics first

Edward Cotton cited frustration with bureaucracy as a reason for resigning Friday after two years.

By Mitch Lipka      Inquirer Staff Writer      Oct. 31, 2005

A couple of hundred million dollars and hundreds of new workers notwithstanding, children under the watch of New Jersey's child-welfare system are still getting the short end.

That's the assessment of Edward Cotton, who was brought in two years ago to help fix the myriad problems at the Division of Youth and Family Services and stepped down Friday as its chief.

He regrets not quitting sooner as his frustration over what he believes are skewed priorities grew, Cotton said in an interview. Politics and public relations, he said, are placed at a premium at the expense of the children.

Under a court-supervised plan, Cotton said, child safety is sacrificed even while a swelling bureaucracy continues to devour money.

"If you can't keep kids safe, the rest of the stuff you do doesn't matter," he said.

Cotton said he had made up his mind to leave after Human Services Commissioner James Davy's decided in August - over Cotton's objections - that every call to the state's child-abuse hotline had be investigated within 24 hours.

Previously, only calls dealing directly with abuse or neglect had to be checked within 24 hours. Workers had five days - later reduced to three - to visit families who called simply to seek services for children.

A toddler's death in July changed that. The Ocean County girl drowned nine days after a call about her being left unattended was mistakenly placed in the less-urgent category. The worker assigned the case did not visit the family in the meantime.

The problem with the change, Cotton said, is that it gives a call from someone who thinks a neighbor can use a helping hand the same weight as one about a child's being beaten - delaying a response to the more serious calls.

"The all-inclusive 'Go out and see everybody' doesn't make people safer," he said.

Cotton, 56, who directed Nevada's child-welfare system and was deputy director in Illinois after rising up the ranks, said he thought he had been brought to New Jersey to be a "reformer." The timing could not have been worse.

Just a few months after Cotton took over in New Jersey, the eldest of the four adopted brothers was found foraging through trash for food in Collingswood, leading to the discovery of three other undersized, undernourished boys. A DYFS worker who frequented the family's house, visiting foster children staying there, had not reported the brothers' poor condition.

Cotton said that worker and another who had overlooked the brothers' situation needed to be retrained. Instead, he said, Gov. Jim McGreevey ordered that nine people in DYFS who had anything, even peripherally, to do with the family be fired.

Some retired or quit. Those who stayed had their firing overturned on appeal.

Also within months, the two people largely responsible for Cotton's hiring - Human Services Commissioner Gwendolyn

Harris and her deputy, Colleen Maguire - were pushed out and Davy, a top McGreevey aide, was put in charge.

In addition, the Office of Child Advocate was created to review systemic problems at DYFS and children's deaths due to abuse or neglect. The playing field changed dramatically, Cotton said, and the number of people with influence over the system swelled.

Kevin Ryan, director of the Office of Child Advocate, said he would not respond to Cotton's observations about the system's failings.

"I've had it up to my ears with the name-calling. Enough already," Ryan said. "It's getting in the way of achieving reform for kids and families. I don't want to be a part of it. I don't think his comments are constructive. I wish him well."

Davy's 24-hour rule was pushed by the New Jersey Child Welfare Panel, appointed under the settlement reached with Children's Rights Inc. to guide and oversee the system's overhaul.

Cotton, an adoptive parent who has had more than two dozen foster children, said the panel lacked experience in child welfare and should not be considered expert, as it has been branded.

Panel chairman Steven D. Cohen took exception to that characterization.

"Probably everybody on the panel has 20 or more years of work with children and families at various levels," he said.

Cohen added that the state and Children's Rights had agreed on each panel member as part of the settlement.

Richard Wexler, executive director of the National Coalition for Child Protection Reform, agreed with Cotton that, overall, the old hotline system was better.

"Under the old system, you had a situation where the hotline was getting it right between 74 and 87 percent of the time," based on a study, he said. "Under the new system, the odds of a mistake are 50-50."

But Wexler disagreed with Cotton's take on the panel.

"They pulled together the finest reform blueprint in the country, and their report on where things have gone right and wrong has been on the mark," he said.

The Office of Children's Services moved to the 24-hour response time for all referrals "after consulting with our own frontline staff... and other key advocates who had expressed concern about the screening protocols," said Laurie Facciarossa, spokeswoman for the state Department of Human Services.

She said, however, the system was "an interim measure" open to review and adjustment.

Largely because of requirements in the lawsuit to make changes, funding for children's programs in New Jersey has swelled by more than \$300 million in the last two years.

With more money, Cotton said, the panel pressed the state to create needless layers of bureaucracy, including the Office of Children's Services, which was assigned to oversee child welfare, child protection and mental health programs.

He also said the panel, the Office of the Child Advocate, and the advocacy group Association for Children of New Jersey demanded so many records and statistics that still more people were kept from working with children.

Paul Alexander, a union leader representing DYFS workers, said he was astounded that so many redundant jobs had been created in the child-welfare hierarchy.

"The creation of bureaucracy is like nothing I've seen in my life," he said. "The amount of money being spent on layering bureaucracy is obscene."

Cotton contended that the state had to satisfy terms of the settlement in so many areas that directives by the panel about priorities were frequently changed.

Alexander said that had been a big problem for staff.

"No one has a sense that there's a reform going on, just that there's a series of tasks that must be completed and they don't know why," he said.

Alexander said that Cotton's heart was in the right place, but that the deck had been stacked against him.

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## **Both candidates promise human services reform**

BY SUSAN K. LIVIO      November 06, 2005      Star-Ledger Staff

Health and social issues -- including fixing New Jersey's long-troubled child welfare system -- may not dominate the campaign, but Democrat Jon Corzine and Republican Doug Forrester know they will place huge demands on the next governor.

The state recently has invested billions on programs for abused children, those with disabilities, seniors and working poor families. And the failure of the system to protect abused and neglected children has produced tragic examples -- and a court-ordered \$320 million reform effort.

"We need a real commitment from the highest level of government for services for vulnerable populations," said Angela Estes, executive director of Robin's Nest in Glassboro, a social service agency that serves foster children and troubled families.

The dire situation at the Division of Youth and Family Services already has the candidates' attention. A panel of experts concluded the state isn't succeeding in its reform, and the former DYFS boss claims more than \$100 million was spent on layering bureaucracy rather than serving children.

"It's been a disaster year after year," Corzine said. "It's going to be a top priority with my management if I'm elected."

Forrester said the DYFS woes show "how New Jersey resources have been so badly mismanaged ... and children suffer."

Forrester, who said he would replace Human Services Commissioner James Davy, wants to change civil service rules so workers are promoted or demoted based on performance.

"We have to set a strong tone that puts senior management on notice that failure to reform ... will not be tolerated," Forrester said.

Though less specific about changing civil services rules, Corzine said DYFS would have to act on his priorities -- hiring more workers, retraining workers, improving adoption services and access to medical care for foster children. He wouldn't rule out a federal takeover "if we don't see measurable progress soon."

Corzine's campaign said he has not decided whether he would retain Davy.

## IN SEARCH OF ALTERNATIVES

The next governor inherits a legal battle over New Jersey's record on moving people with mental illness and developmental disabilities out of state institutions.

The state faces two lawsuits charging it with violating federal law by confining 1,000 people to mental hospitals and 1,500 to developmental centers -- nearly half the state's institutionalized population -- even though officials say they can live more independently in the community.

Forrester said he would boost housing options for disabled people by making "affordable and accessible housing components a part of every development plan that is receiving any kind of government subsidy or tax break."

Corzine would ensure the disabled had more alternatives to institutions by allowing "recipients to receive the home-based care they specifically need," such as installing a chair lift or hiring an aide to help them out.

Advocates say the next governor must address the survival of nonprofit agencies the state relies on to operate programs that help abused children and disabled adults. They want the state to give the agencies cost-of-living increases so they can stay afloat.

Corzine said automatic rate increases are "difficult" in tough budget times, but vowed to make "reviewing salaries for all critical health and human services functions a priority." Forrester supports making annual raises automatic, "provided the funding goes to the workers."

Both candidates say the state should do more to reduce the number of people who lack health insurance. They would retool the state's small employer health insurance program.

Forrester says the program's premiums can be cut if the state negotiates on behalf of small employers to take advantage of New Jersey's buying power.

Corzine wants the state to pick up 75 percent of the tab for the sickest employees of small businesses once owners cover \$30,000 per person. His campaign says it could cut costs 10 percent.

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## **A Baby's Death, Grim as the Life of His Mother**

By ALAN FEUER      New York Times      November 12, 2005

This article was reported by Alan Feuer, Ann Farmer and Leslie Kaufman and written by Mr. Feuer.

Her parents were once homeless. A family member says that her mother and her only sister died of AIDS. Her childhood passed in a dismal drift: housing projects, group homes where others stole her clothes. She lived in drug-infested city shelters; she worked in a fast-food place, a relative said, where bosses found her "slow." She cut school. She cleaned bathrooms. And even in her 20's wet the bed.

Then Tracina Vaughn became a mother. There were many men, and, records show, at least one who hit her and hurt her boy. One man tossed the baby clear across a bedroom, officials said. Later, the child was burned in scalding water and left untreated for at least two days. Emergency medical workers found his little body wet with pus. Counseling followed, and five years' probation; then her children - there was now a second baby - were taken from her.

The case file thickened as they were shuffled from one place to another - with relatives, with strangers. But in March, against her family's wishes, the boys were returned.

Then, last Sunday, the younger boy, Dahquay Gillians, died. Ms. Vaughn, 25, had left him unattended in the bathtub, in an unlighted bathroom, with his 3-year-old half-brother, prosecutors say. She found him floating face-down in the water. For 40 minutes, the authorities said, Ms. Vaughn, who had by then added drug use to her list of problems, had been listening to CD's.

"Tracy should never have had children," said a family member who asked not to be named because of the painfully personal nature of her relative's case. "Tracy didn't like children. She didn't like no one. Tracy wasn't affectionate with nobody."

When asked if Ms. Vaughn loved her children, the family member did not say yes; she did not say no. She simply wondered if Ms. Vaughn knew what love was.

The death of Dahquay, 16 months old, has set off several investigations, and much agonizing within Ms. Vaughn's extended family. Prosecutors, who reject the notion that Ms. Vaughn's own troubled life can excuse her indifference to her son's, are waiting for a medical examiner's report as they contemplate filing manslaughter charges.

The city's child welfare agency, the Administration for Children's Services, which over several years had been intimately involved with Ms. Vaughn and her children - taking them away, ordering her to get help, approving the children's return, being informed of recent alarming developments - is conducting its own full inquiry into how it handled the case.

And so a complete accounting - and an apportioning of blame - is months away.

But the emerging details of Ms. Vaughn's life, pieced together through interviews, court documents and foster care records, suggest that, in a world where parenthood is not a privilege that the state can take away like a driver's license, the young Brooklyn woman represented a dizzyingly complex set of challenges for the government officials sworn to protect the welfare of children.

"Drugs, domestic violence and poverty, each one of these things is a burden to bear," said Sue Jacobs, executive director of the Center for Family Representation, which assists families with children in foster care. "Put together, these are unbelievably difficult challenges."

Ms. Vaughn has pleaded not guilty to the charges brought against her so far - reckless endangerment and endangering the welfare of a child - and is in jail awaiting trial. Her lawyer declined to make her available for an interview, but he has said that she was a well-intentioned mother.

Her story begins in the housing projects of Manhattan's Lower East Side, where, on April 30, 1980, she was born to Larry Vaughn and Cordelia Whichard, who had finally obtained an apartment there. Mr. Vaughn was a drinker who might have also suffered from schizophrenia, a family member said.

Ms. Whichard died of AIDS in 1985 or 1986 and infected Tracy's only full sister, Latisha, with the virus at birth. Latisha died of AIDS five years ago - she was 18, a relative said. There were three half-siblings - Quinten, Janine and Jerome - whose own father died of AIDS as well.

A portrait of Ms. Vaughn in childhood: mute, scared, tearful, moody and emotionally detached.

"She didn't talk, she cried all the time," the family member said. "She wet herself. She didn't want anyone to touch her."

Shortly before their mother's death, Ms. Vaughn and her sister went to live with their maternal grandmother, Lizzie Whichard, in Brooklyn. Cordelia Whichard, dying, went as well, but in the end returned to the projects and her troubled husband to live out her final days.

The girls remained in Brooklyn, where Ms. Vaughn, with her blank stares, was placed in a special education class in

school. In that class, "She'd just stand and cry and mucus would run down her face," the anonymous family member said. "I got her out of special ed."

When Ms. Vaughn turned 17, Ms. Whichard sent her to a foster care organization on Lawrence Street in Brooklyn. She was placed in a group home; it was awful. Her housemates stole her clothes.

Then the following year she simply disappeared, the family member said, and when, after several months, she turned up just as suddenly, her family helped her move into a shelter.

"I worried so much," the family member said. "Whenever I heard that a black girl was murdered, I thought it was her."

High school was a time of sex and catfights, apathy and suspensions. She held a job at White Castle, where they made her clean the bathrooms. "She never made money, because she had to pay for the food she ate," the family member said. "The register would come up short and they'd blame her. She was too slow."

There were also times when she came back from school still damp with urine. "I'd say, 'Tracy, get out of those clothes,'" the family member said. "She'd be wet and you could smell the urine."

But, the family member added, "The boys liked her."

Boys - then men - had always been a fixture in Ms. Vaughn's life.

Tyrone Gillians, Dahquay's father, entered her life sometime around 2003. He was a troublemaker, even according to his own brother, Reginald Gillians, who described him in a bitter light.

"He lived in the wrong way," Mr. Gillians said. "He lived with the wrong people."

Ms. Vaughn filed her first report about Mr. Gillians with the police on Dec. 9, 2003, claiming he assaulted her. Two months later, in February, there were three more reports: for verbal abuse, for coming to the house to pick up clothes when he was no longer living there and once more for assault.

During the alleged December attack, he not only hit Ms. Vaughn but threw her older son, Tramel, across the room, said Sharman Stein, a spokeswoman for the Administration for Children's Services. The boy landed on a bed and burst into tears, and Ms. Vaughn was terrified. She asked for and received an order of protection against Mr. Gillians, Ms. Stein said.

Then, on May 26, 2004, Tramel had diarrhea, and waste dribbled down his buttocks and legs. Mr. Gillians, despite the order of protection, had been allowed to baby-sit for Tramel, and tried to clean him under scalding water, the authorities said. The boy suffered burns over much of his body, which Ms. Vaughn and Mr. Gillians failed to treat for two days. Mr. Gillians was sent to prison on a four-year sentence for that. Ms. Vaughn was sentenced to probation. Tramel was taken from the home and briefly placed by Little Flower Children's Services Inc., a foster care agency under contract with the city, in the custody of Ms. Vaughn's cousin on Long Island, Latisha Bond.

A person who has seen Ms. Vaughn's case file with the child welfare agency said she had pleaded with the authorities after Tramel was taken from her, saying she would do anything to get him back.

Indeed, child welfare officials said that Little Flower oversaw Ms. Vaughn as she attended parenting classes and counseling sessions on how to cope with domestic violence.

Little Flower was one of 10 foster care contract agencies that were put under review last year by the city because their performance over the previous four years was subpar. It ultimately was able to convince the city that it was capable of making all the needed improvements to its services.

Even as Tramel was taken from the home, though, Ms. Vaughn gave birth to Dahquay. Her new son was immediately

taken into the custody of the state and placed with his half-brother in foster care - first with Ms. Bond, then with another family.

Last March, the boys were returned to Ms. Vaughn. The city, with input from Little Flower, agreed to the boys' return. So did lawyers for the boys. And, finally, so did a Family Court judge.

Little Flower officials would not comment on the case.

Ms. Bond, the cousin who had cared for the boys when they were first taken into foster care, has objected that Tramel and Dahquay were returned to their mother. And she plans to ask a Brooklyn judge on Monday to name her as Tramel's guardian. She has also railed against the city for failing to protect the boys.

"We had several contacts with A.C.S.," she said. "They knew what was happening and they did nothing. A.C.S. neglected the children."

The spokeswoman for the city's child welfare agency said it has no record of any complaints made by family members about Ms. Vaughn.

At the time the boys were returned, Ms. Vaughn was living in a basement apartment on Herkimer Street in Bedford-Stuyvesant. The police have described the apartment as something of a dangerous mess. But a visit to the apartment this week found clothes for the two boys hung neatly from a standing rack. Their photos graced the walls. The refrigerator had food in it; the dishes were clean. Still, the place was strewn with clothes and the smell of urine was intense.

It was there, prosecutors say, that Ms. Vaughn put her two boys in the bath on Sunday night and wandered off to another room to play CD's. Her current companion, Gary Young, poked his head in after 15 or 20 minutes and, though he did not see Dahquay, assumed the boy had tucked himself behind the shower curtain and then went out for diapers and some beer.

Twenty minutes later, give or take a few, Ms. Vaughn checked on the boys herself.

"His mother sees the 1-year-old face-down in the water," a prosecutor assigned to the case, Wilfredo Cotto, said on Tuesday at Ms. Vaughn's arraignment. "A large amount of water was extracted from the child."

"This is definitely among the hardest kinds of cases," Gail Nayowith, executive director of the Citizen's Committee for Children, said of Ms. Vaughn and her now-dead child. "You are trying to separate whether the mother can parent, whether her own needs get in the way. This family does exemplify all of the kinds of burdens and problems that families in trouble face."

And for now, in this hard case, Tramel is back in foster care. And Ms. Vaughn is in a cell on Rikers Island.

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## **Human cost of starvation settlement**

The oldest of four sons in the scandal wanted to be there for the \$12.5 million approval, but "has issues."

By Troy Graham    Inquirer Staff Writer    Nov. 17, 2005

Bruce Jackson, the severely malnourished 19-year-old who was discovered two years ago looking for food in his neighbor's garbage can in Collingswood, wanted to be in court yesterday to see his civil case draw to a close.

He also had "strong feelings" about testifying in the criminal case against his adoptive mother, Vanessa Jackson, who pleaded guilty last week to endangering Bruce and his three adopted brothers.

"He has issues, and he realizes now that he never could have gone through with it," said Michael Critchley, his attorney. "He knows what occurred to him was wrong... He knows who did it."

Bruce Jackson was persuaded not to attend yesterday's hearing in federal court in Camden, where a judge approved a \$12.5 million settlement for him and his three younger brothers.

The state will pay \$5 million to Bruce, now 21. Keith, 16, Tyrone, 12, and Michael, 11, will get about \$1.8 million each; the rest will be held back while the fees for their lawyer are mediated. Critchley's firm worked for no fee.

Lawyers for the brothers sued the state because social workers who had visited their home on numerous occasions overlooked their emaciated conditions. All four entered the home as foster children.

When Bruce Jackson was discovered in October 2003, he was 4 feet tall and just 45 pounds - just 2 pounds more than when he entered the Jackson home 12 years earlier. The children quickly became the most high-profile symbol of New Jersey's broken child-welfare system.

Bruce Jackson now stands 5-foot-3, and he has nearly tripled his weight to about 125 pounds. Although the young man remains under continual supervision in a foster-care setting, Critchley talked about going out to dinner with him recently.

"He's made dramatic strides, physically," Critchley said. "The people dealing with him now are doing an excellent job."

It is unclear whether he will be able to live on his own or hold a job.

The settlement money, therefore, will be placed into "a cocoon" - a special-needs trust - to help meet his needs, Critchley said. Westmont lawyer William Tambussi was appointed yesterday to monitor the trust.

Bruce Jackson "doesn't realize the significance of the amount," Critchley said, "but he realizes there will always be something there to take care of him."

Vanessa Jackson, 50, faces seven years in prison when sentenced in February. Her husband and codefendant, Raymond Sr., died last year after a stroke.

Prosecutors said the plea agreement with Vanessa Jackson had spared all four brothers the pain of testifying in court. Critchley said Bruce Jackson "realizes that, given his condition, the Camden County Prosecutor's Office got the best disposition."

His three brothers live in two homes. Two of them have been adopted by their foster families, and the third adoption is in the works, said Marcia Lowry, executive director of the advocacy group Children's Rights Inc., who was appointed to look out for their legal interests.

She declined to discuss their heights and weights but said "their health is great, and they are growing."

"Our hope is, in contrast to Bruce, that these kids will lead normal lives," said Richard D. Emery, a New York lawyer who represented the younger brothers.

He also lauded a settlement in the civil case, saying that the thought of the brothers' having to testify in open court, with Vanessa Jackson in attendance, gave him sleepless nights.

The settlement money for the three boys will be placed into trusts and annuities overseen by Lowry. It will be used to fill in the educational gaps for the younger children, and some might be used to help their new families move into nicer homes and neighborhoods, Lowry and Emery said.

Lowry also said one of the boys had been pining for a computer.

"I definitely think that's in his future," she said.

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## **Judge clears \$12.5M for starved brothers amid legal-fee fight**

BY SUSAN K. LIVIO Star-Ledger Staff November 17, 2005

A federal judge approved a \$12.5 million settlement yesterday for the four brothers found starving two years ago in a state-approved adoptive home, but decided he would mediate the bitter dispute over legal fees between the state and a law firm representing the three younger children.

Bruce Jackson, 21, whose adoptive parents convinced him and his brothers they had an eating disorder and could eat only pancake batter, will receive \$5 million from the state. His adoptive brothers, 16-year-old K.J., 12-year-old T.J. and 11-year-old M.J., will each get between \$1.8 million and \$2.5 million, depending on the outcome of mediation with U.S. Magistrate Judge Joel B. Rosen in Camden over legal fees.

Legal advocates for the brothers sued the Department of Human Services last year for allowing the boys' foster and adoptive parents, Raymond and Vanessa Jackson of Collingswood, to deprive the boys of food and medical care for years. Division of Youth and Family Services employees made routine visits to the home and never questioned why none of the boys weighed more than 45 pounds, or why they had rotted teeth and distended bellies, the advocates charged.

Vanessa Jackson last week pleaded guilty in Camden County to one count of child endangerment, and is expected to be sentenced in February. Raymond Jackson died last year following a stroke.

Rosen commended both sides for reaching the "fair and reasonable" settlement, noting: "I don't think there is any way to make them whole under the circumstances."

All that remains of the case is what the legal team representing the three younger children will be paid. West Orange attorney Michael Critchley represented the oldest brother for free.

Human Services Commissioner James Davy has accused the attorneys representing the younger brothers of slowing down settlement talks because they insist on one-quarter of the financial settlement for legal fees, a price that the state thinks is excessive.

Yet attorneys from Emery, Celli, Brinckerhoff and Abady of New York called Davy's characterization "ridiculous."

Eric Hecker of the Emery firm produced a draft settlement document dated April 20, 2005, which said the state could challenge the 25 percent contingency fee at a separate hearing. "The parties long ago agreed to leave the attorneys' fees issues aside," Hecker said.

The settlement also entitles the three younger brothers to health insurance under Medicaid until they are 21, and \$185,000 in additional tutoring and educational services to fill in the gaps from their years of home-schooling. The state will provide 10 hours a month of "cognitive" therapy to improve memory, language and thinking skills; one hour a week each of occupational and vocational therapy; and four hours a week of tutoring.

As a ward of the state, Bruce Jackson will receive Medicaid and ongoing state supervision, and his money will be placed in a trust fund and overseen by a court-appointed guardian, attorney William M. Tambussi of Westmont.

Critchley said Bruce Jackson may never recover from the trauma and neglect he has suffered. Today, at age 21, Jackson stands about 5 feet 3 inches tall and weighs 125 pounds -- more than six inches taller and 80 pounds heavier than he was two years ago -- yet still struggles with medical and emotional problems.

Two of his three brothers are faring better medically and developmentally, although an endocrinologist is monitoring their growth, said Marcia Lowry, the court-appointed legal guardian for the three younger boys.

Two of the boys have been adopted, while the other child's adoption is pending, according to Lowry.

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