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by a child-advocacy group.

Not only is there no record of a visit, there is evidence to suggest as many as 2,500 of 14,300 other "safety assessments" DYFS purported to have made were nothing more than reviews of notes taken during visits many months earlier.

The child advocate's four-month investigation was based on 20,000 pages of DYFS, medical and school records and testimony from eight senior DYFS officials.

It leads "to the very unsettling conclusion that policies designed to protect children are not strictly adhered to at DYFS, and have not been for many years. They are not even fully understood," Ryan wrote.

From start to finish, DYFS caseworkers had a high opinion about the Jacksons as parents, the report shows.

For example, workers praised the couple for "doing an excellent job" and being "very consistent on doctor's appointments" in a 1997 foster home evaluation. In reality, the four boys suffered emotionally and physically for many years.

In a 1994 entry in a caseworker's notes, Bruce Jackson pleaded with his caseworker to take him to McDonald's, a Dunkin' Donuts -- anywhere where he could eat. She refused, but the ravenous 10-year-old wouldn't relent. He found a cookie in the car's glove compartment, swallowed it, then begged her not to tell "Miss Vanessa," the name he used for his foster mother.

DYFS workers apparently relied on the boys' parents, rather than the boys' doctors, for information about their health. Vanessa Jackson told caseworkers and friends that the reason Bruce was so small was that he had "bulimia and depression," the report states.

Doctors and therapists who treated the boys may have conveyed concerns to the foster parents, but the caseworkers did not get wind of them or ignored them, Ryan said after his news conference.

"Clearly, DYFS knew the children were losing weight. The explanation offered in the case record said children suffered from 'eating disorders' or 'fetal alcohol syndrome.' There is not a single shred of evidence to support either diagnosis," he said.

Doctors who treated the Jackson boys did document serious medical concerns.

For example, a physician conducting a routine physical on one of them noted that the boy was "markedly underweight, undersized and presented with failure-to-thrive syndrome." At age 3, the doctor's records showed, the boy weighed only 21 pounds.

One year later, DYFS approved his adoption, with no indication that the boy's health was of any concern. The other boys' adoptions also sailed through, with the approval of DYFS, judges, and special law guardians assigned.

In a set of recommendations accompanying the report, Ryan urged the Department of Human Services to require in-person safety assessments of all children adopted through DYFS, and to interview all members of the household during these visits.

Ryan also urged the state to coordinate medical care for foster children by establishing medical offices at DYFS offices to serve as go-betweens for physicians, caseworkers and foster parents.

Ryan also recommended that the state require parents who adopt through DYFS to provide proof that their child gets an annual physical as a condition of receiving a stipend. The federal government pays adoptive parents several hundred dollars a month.

The Department of Human Services has 30 days to respond to Ryan's report and recommendations.

Hetty Rosenstein, president of Communications Workers of America Local 1037, representing many DYFS workers,

did not dispute Ryan's contention that caseworkers routinely overlooked at least one rule.

"No one" at DYFS follows the rule requiring annual medical exams for everyone in a foster child's household, Rosenstein said.

"Management decided to not require that any longer. No one has ever done these medicals every time a child is adopted. It was a management decision to waive that," said Rosenstein, who sat in on the news conference.

The Office of the Child Advocate, assisted by the law firm of Latham & Watkins on a pro bono basis, did not delve into possible motivations for the boys' alleged maltreatment.

That is a focus of the continuing criminal investigation of the Jacksons by Camden County Prosecutor Vincent Sarubbi, Ryan said.

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## **DYFS chief to comply with Advocate's advice**

### **Expert monitors reinforce steps for reform**

BY SUSAN K. LIVIO    Star-Ledger Staff    February 14, 2004

Acting Human Services Commissioner James Davy said yesterday his department will accept all of the state Child Advocate's recommendations to fix the glaring management failures revealed in the case of four starved children in South Jersey.

"Whatever recommendations are contained in the Child Advocate's report, we intend to fulfill," Davy said late yesterday.

Davy made his vow as a panel of experts monitoring court-ordered reforms to the Division of Youth and Family Services said it expects nothing less than the changes called for by Child Advocate Kevin Ryan.

"Kevin pointed out areas of weakness and each of the areas the Child Advocate addressed must be in the (reform) plan," said panel Chairman Steve Cohen.

The Child Advocate's report detailed DYFS' failure to recognize            problems in a Collingswood foster family, where four adopted boys suffered from malnourishment and medical neglect. The report found that few managers and front-line staff understood or followed policies that are supposed to ensure foster children are healthy and safe.

It made a series of recommendations aimed at making sure DYFS has clear policies to protect children and an effective system to quickly address health or safety problems.

Under a federal court consent decree to reform the child protection agency, the state will release its plan for a thorough overhaul of DYFS on Wednesday. Davy said it will call for medical directors to be placed inside DYFS offices to ensure children's health needs are addressed, and for information about medical histories to be collected in one place.

The Child Advocate's report noted that caseworkers and supervisors involved with the Jackson family in Collingswood either didn't have access to the foster children's medical information, or misinterpreted the            information they had.

Davy has already agreed DYFS will visit all of the foster children who were not personally assessed last year -- a step Ryan's report recommended. Andy Williams, Davy's spokesman, said, "We may want to address these issues immediately" rather than waiting to incorporate them in the court-mandated DYFS reform plan.

Williams said the state was ready to adopt a recommendation that parents must prove their adopted children receive



But the advocate found that DYFS already has good common-sense rules governing medical exams and clearance for home school. It had everything it needed to do its job -- including warnings from school officials and others who suspected something was wrong with the boys.

Had DYFS simply followed its own policies, it would have discovered what the advocate says was the systematic starvation of four kids. They did not grow during the years they were in the Jackson home. On normal diets -- not super supplements or special feeding -- they have put on pounds and grown many inches in the few months since they left.

The distance between what DYFS is supposed to do and what it does is so great that we now understand why this agency has had one reform after another wash over it and gotten worse instead of better. That will continue unless someone fixes what the advocate found.

For instance: Many DYFS staff -- including the director of licensing -- do not know the agency's rules and procedures, like the ones about medical exams. Yesterday, a union representative for caseworkers said medical exams are never done. If that is true, even a casual sampling of cases would make it clear so it could be corrected. Even a mediocre manager would require such a sampling. What have the reformers been doing?

Maguire is gone. The governor is working on his second reform team, headed by close aide Jim Davy. There is a review council in place, assigned by the courts as part of a lawsuit brought by a national children's advocacy organization.



Even those who have a vested interest in the success of the overhaul are cautious, noting that untold pitfalls remain.

"Foster parents want to see services," Awrachow said. "They want to be not viewed as the bad guy. The only way DYFS will get its credibility back with foster parents is to give them what they need to help children, period."

Scarred by years of bad blood, foster families are wary of the latest new plan.

"People are taking a wait-and-see attitude," she said. "There has to be real culture changes. How people are treated on a one-on-one basis is going to matter strongly."

And, she added: "The New Jersey taxpayer isn't going to support anything unless they see changes."

Cohen cautioned that if New Jersey changes DYFS and makes it credible, the agency will need to have the resilience to bounce back from inevitable setbacks.

"You can't overestimate the potential harm of another tragedy," he said. "It is certainly possible anywhere down the road that there is some terrible case that takes the wind out of the sails even if the state is making real progress."

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## **Plan for New Jersey Youths Puts More in Foster Homes**

By RICHARD LEZIN JONES      NY Times      February 16, 2004

NEWARK, Feb. 15 - Hundreds of foster children who linger in detention centers, psychiatric wards and shelters - sometimes for as long as a year and a half - would be transferred into more "familylike" settings under a plan being drafted to overhaul New Jersey's child welfare agency.

The proposed transfers, part of sweeping court-ordered changes at the state Division of Youth and Family Services that the agency will unveil this week, is an ambitious attempt by state officials to solve one of the child welfare system's most intractable and disturbing problems.

Across New Jersey, foster children have been sent for what were intended to be short-term stays in detention centers, psychiatric wards and shelters, yet have often remained in those settings long after judges, doctors and others agree that they are ready to be released.

According to a state review conducted last August, more than one out of three foster children in group homes and other institutional settings - 381 out of a sampling of about 1,000 - were ready for discharge but not released. Those children, the study found, remained in those settings from six to 18 months.

The children, some of whom suffer from severe mental and emotional problems, linger because of a lack of space in long-term programs or specialized foster care.

The 10-page draft of the transfer plan, which is still being written by a team of state officials led by the acting human services commissioner, James M. Davy, and was obtained by The New York Times, lacks specifics such as how much it would cost or how the agency would recruit more foster parents or create other homelike settings for the children. Agency officials declined to comment, but details are expected to be included when the plan is submitted Wednesday to an independent panel overseeing changes at the agency.

But two child welfare advocates familiar with a draft of the transfer plan question whether the agency's timetable would move quickly enough to help children who are already among the state's most troubled.

The proposal calls on child welfare officials to move about a third of the children in residential centers and group homes

- about 450 children - to more homelike settings over a three-year period. That translates to about 150 children a year. There are roughly 12,000 children in foster care.

Kathy Wright, executive director of the New Jersey Parents' Caucus, questioned that pace. "Is it too slow? Absolutely," Ms. Wright said, noting that according to state figures there are about 1,350 children in institutional settings. "You're talking about something that's going to take 10 years to finish."

Ms. Wright, who reviewed a draft copy of the transfer plan at the request of The Times, said it was a significant first step that must go further. She would like to see greater emphasis placed on treating children in their own homes before they are moved to residential centers and other institutions.

"Kids do better in their homes; kids do better in their schools," said Ms. Wright, whose nonprofit group supports the parents of children in the system. "All we've been doing is perpetuating this system of trauma, perpetuating more trauma in these kids' lives."

Like Ms. Wright, Cecilia Zalkind, executive director of the Association for Children of New Jersey, also wonders if more can be done to quickly move children who have unnecessarily long stays. If officials are aware that there are 381 children ready for discharge, "why are the kids still there?" Ms. Zalkind asked. "The fact that they're still there means there's no place for them to go."

If nothing else, the draft of the transfer plan illustrates the scope of the problem of children lingering in institutional settings. It reports that there are about 550 children in shelters. Although shelters are intended for adolescents as emergency short-term stays of about a month, the draft notes that the average stay is five months and that children as young as 5 years old are being housed.

The plan also states that as of last month, there were 67 children in detention who were waiting to be moved to less restrictive settings. Those children had been detained an average of 68 days, the draft says. It also cites research that shows the children do better in "the most familylike" settings than in institutions that can be especially harmful to children.

"Despite all this, New Jersey places some children into institutions solely because appropriate resource homes have not been developed - which is to say because there's no place else to put them," the draft reads. "This is unacceptable."

Ms. Zalkind, who has seen portions of the state's plan while working in an informal advisory role, gave a nod to the state for acknowledging the seriousness of extended stays. But at the same time, Ms. Zalkind said that officials would do well to back up that recognition with more money and additional staff. "It's not as simple as saying 'Our kids shouldn't be there,'" she said, adding that without a support system, "We won't make a dent in this problem."

The transfer plan does include provisions for offering more in-home treatment. It also calls for the recruitment of more foster families who would receive training in dealing with the needs of children who come from residential centers and group homes.

The proposal to move children is part of the state's formula for self-reform. As part of the settlement of a federal lawsuit against the foster care system, the state agreed to take a number of steps to change the way the Division of Youth and Family Services does business.

A key part of the settlement is the agency's overhaul plan, a document expected to exceed 150 pages and titled "A New Beginning: The Future of Child Welfare in New Jersey."

An independent panel has 30 days to either approve the plan or send it back to the state for revisions. If the panel requests changes that the state is unwilling to make, a federal judge may intervene and order virtually any remedies to the system that he sees fit.

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The state is required to develop a reform plan to comply with a settlement it reached eight months ago with a child advocacy group that sued DYFS for violating the civil rights of foster children.

The state's plan must get the approval of the plaintiff, Children's Rights Inc. of New York, as well as a panel of national child experts who will critique the document. If the panel rejects the plan, attorneys for Children's Rights may go to

next 30 days whether the plan is both ambitious enough and realistic to enact. If the panel rejects it, a child advocacy group that sued DYFS may go back to U.S. District Judge Stanley Chesler in Trenton and ask him to impose needed changes.

"We are confident one way or another the child welfare system is going to be reformed," said Marcia Robinson Lowry, executive director of Child Rights Inc., the advocacy group that sued the state. "The important lesson here is one way or another, a state that runs a child welfare agency as badly as New Jersey is going to have to turn its system around either voluntarily or involuntarily."

Five years ago, Children's Rights Inc. filed the lawsuit, *Charlie and Nadine H. v. Gov. Christie Whitman*, accusing DYFS of trapping foster children in a mismanaged bureaucracy that puts them at risk. The lawsuit stalled until last January, when Newark police discovered the battered body of 7-year-old Faheem Williams, a child whose case file DYFS closed without investigating a charge of physical abuse.

The McGreevey administration settled the lawsuit in June and promised to develop a comprehensive plan to fix what it admitted was a "broken" system.

While some of the key elements of the plan have emerged, there has been little information on how the state is going to pay for the reforms, noted Cecilia Zalkind, executive director of the Association for Children of New Jersey, an advocacy group in Newark.

McGreevey and the Legislature must invest in DYFS while grappling with an estimated \$4 billion shortfall for the budget year that begins July 1.

"Clearly this is going to take some big bucks," Zalkind said, who feels that the state must disclose right away "how much money they need now and where it's going to come from."

"This will be a critical issue," Zalkind said.

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## **DYFS plan calls for wide-ranging changes to stop abuse**

By TOM BELL      The Associated Press      2/18/2004, 4:44 p.m. ET

TRENTON, N.J. (AP) — State officials unveiled a long-awaited plan to fix New Jersey's troubled child welfare system, emphasizing closer and more frequent contact with the children who are under the supervision of the Division of Youth and Family Services.

The reforms, once in place, should put an end to years of agency problems that have contributed to several nightmarish deaths and the abuse of other youngsters under the state's care, officials say.

The nearly 200-page report calls for new procedures for handling cases, expanded social services statewide and increasing the size of the work force that serves New Jersey's most troubled families.

"It reinvents child welfare in fundamental ways, from the front line to the commissioner's office; from the case work with families to the system's relationship with neighborhoods and communities; from accountability to the provision of resources," the report said.

Gov. James E. McGreevey and other officials introduced the plan at an afternoon news conference Wednesday.

"For too long we failed," McGreevey said. "This plan sets us on a corrective course of action."

The plan calls for the hiring of 1,500 new DYFS workers over the next 2 1/2 years and for boosting by 25 percent the \$420 stipend foster families receive monthly for each child.

It would also create forensic investigator positions so that all cases of child abuse are probed within 24 hours. Under the current system, caseworkers do the investigating and they aren't done quickly enough, officials said.

Significant portions of the funding would also go toward social



and would be limited to a caseload of eight new investigations per month. Permanency workers would provide the ongoing services to children and families and have a maximum caseload of 15 families or 10 children in out of home placement.

Other Elements of the plan include:

#### Foster Care/Resource Families

Resource families, that is foster families, adoptive families, kinship families are a cornerstone of a successful child protection system. More aid and support must be provided to existing resource families and more resource families must be developed. The plan calls for:

- Increasing foster care rates and other supports to foster families. The rates paid to foster and kinship families would be equalized. Currently kinship families in which children are placed with relatives receive \$250 per child per month, while foster parents rates range from \$420 to \$500 per month depending on the age of the child.
- In addition, over the next two years, all rates would be increased by a total of 25 percent making the New Jersey

- Separating the investigative function from the casework function and dedicate some staff solely to investigating allegations of abuse and neglect. Those workers, child protection workers, would receive training in forensic interviewing, gathering and maintaining evidence and extensive use of risk and safety assessments – their target caseload is 8 new cases per month.
- Initiating an investigation and seeing the child in less than 24 hours.
- All investigations must be completed within 60 days
- Comprehensive face-to-face safety assessments must be done on children at the beginning of our involvement with them and at important milestones following that.
- Assessments will be built into home visits and occur monthly
- Investigators will turn a child's case over to a permanency worker if out-of-home placement is required.
- Permanency workers will have a 15:1 caseload ratio.

#### Delivering Prevention Services through Community Partnerships

To address this issue:

- Division of Prevention and Community Partnerships will be created and directed by the Office of Children's Services, within DHS
- The Department will lead a renewed statewide focus on prevention, working with corporations, foundations, local communities and other state agencies to make prevention a priority
- The Department will double the size of two highly successful prevention programs catering to youth and families, the School Based Youth Services Program and the Health Families Program
- The Department will create and fund a dozen Community Collaboratives over 24 months. These Collaboratives will steer the provision of local, community programs for at-risk families and children.
- Community Developers will be hired within each DYFS Office to facilitate local service connections

#### Reducing Inappropriate Reliance on Institutional Settings

- All children at risk of or in institutional placements like juvenile detention, shelters and psychiatric hospitals will be assessed and placed in the least restrictive setting able to meet their needs
- The Division of Child Behavioral Health Services will move one third of the children – a total of 450 children -- now in congregate care, such as residential treatment centers, group homes, shelters, detention facilities to family like, smaller settings.
- During 2004, the system will identify and step down 150 children who are currently in congregate care to family or family like settings with community supports
- Over the next two years, 80 percent of the children in out-of-state placements will be moved back into state programs
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By January 2005, children in detention, psychiatric centers and shelters waiting for appropriate placement and children in congregate care waiting for discharge will have case managers responsible for assisting with their transition to step down placements.

#### Adolescents and Youth Transitioning Out of the System

Older teens and young adults have been a difficult group for DYFS to serve and frequently end up in inappropriate settings, like congregate care, because the system has not developed the appropriate resources to serve them.

To address this issue:

- Adolescent Workers, with particular affinity and training for dealing with adolescents, will be in every office. Every child 13 years of age or older will be assigned an adolescent worker and permanency worker
- All casework employees will be trained will be trained to build trusting relationships with adolescents
- Resource Families Willing to Foster and Adopt Adolescents will be recruited trained and supported
- Adoption will be vigorously pursued for children until their 13th birthday
- Contract with Community and Faith Based Organizations to provide case management for adolescents until they reach 21 years of age
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#### Pursuing High Quality Accountability and Continuous Improvement

The current system lacks a coherent quality improvement system leading and as a result system changes occur only in response to crises and data analyses are done for compliance evaluations and rarely lead to meaningful system

