Charlie and Nadine H. v. Christie

Supplemental Monitoring Report: An Assessment of Child Protective Services Investigations Practice in New Jersey

September 12, 2011

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I. INTRODUCTION

This report on the New Jersey Child Protective Services investigative practice is prepared as a part of the court-
Charlie and Nadine H. v. Christie. The Center for the Study of Social Policy (CSSP) serves as Federal Monitor of the class action lawsuit *Charlie and Nadine H. v. Christie*.[1] As Monitor,

established in the Modified Settlement Agreement (MSA), approved by the Honorable Stanley R. Chesler of the U.S. District Court in July 2006.

This supplemental monitoring report[2]

practices in investigating reports of alleged child abuse and neglect.[3] It is based on a review of DYFS records of child abuse and neglect investigations opened between October 15th and October 31st, 2010. The case record review was conducted by the Monitor, with assistance from

;

Analyzing family strengths and needs;
Seeking appropriate medical and mental health evaluations; and
Making appropriate decisions.

implementation of its investigations policy, including whether there was documentation that:

A pre-investigative conference was held by staff and supervisors;
Investigators conducted appropriate and thorough interviews as part of the investigation;
Applicable collateral contacts were made to inform the investigation;
Case planning was conducted during the investigation for families transferred to a permanency unit for ongoing services;
Families were referred to services, if appropriate, following the investigation; and
The family was notified of the outcome of the finding of the investigation within 10 days of the determination.

Organization of the Report

This remainder of this report is organized as follows:

Section II.	**Summary of Findings**
Section III.	**Methodology**
Section IV.	**Findings**
Section VI.	**Recommendations**
Appendix A	**Indicators from the Child and Family Outcome and Case Practice and Performance Benchmarks Regarding Investigations Practice**
Appendix B	**New Jersey Investigations Case Review Instrument**

Overall, investigators accurately assessed risk based on the information documented during the course of the investigation. DYFS policy and the MSA require investigators to gather sufficient information to understand and address risk of harm to children. nvestigators in making a risk determination. Reviewers were asked whether the responses on the risk assessment form were reflective of the information documented during the course of the investigation. Reviewers determined that in 82 percent of the investigations, the responses reflected the information the investigator documented. In 15 percent of the investigations, reviewers determined that the responses were only partially reflective of the information documented,[5] and in three percent investigations reviewers determined that the responses did not reflect the information the investigator documented.

Investigators are conducting interviews with 98 percent of alleged perpetrators. Reviewers were asked to assess whether investigators conducted interviews with all of

Investigators did not routinely interview the source of the child abuse and neglect report. Contacting the source of the child abuse/neglect report is standard DYFS policy for all allegations. Of the 242 investigations, 77 had anonymous sources and therefore could not be interviewed. Investigators interviewed reporting sources in 68 percent of the remaining investigations. In 27 percent of applicable investigations, there was no evidence that the investigator attempted to make contact with the source of the child abuse/neglect report.

Investigators often failed to make collateral contacts with persons that may have had information relevant to the investigation. Based on DYFS policy and good case practice, reviewers assessed whether investigators attempted contact of any kind with a range of collateral contacts that may have had information applicable to the investigation and whether the investigator succeeded in making those contacts. Collateral contacts are typically interviews, but other methods of contact such as police background checks and questionnaires regarding the safety of the child completed by doctors and school personnel were accepted in the review as a successful contact.[7] The MSA requires (CPM V.1) that appropriate interviews with collaterals take place in 90 percent of investigations. Results show that DYFS met this standard only in contact with law enforcement (94% of relevant investigations). Investigators contacted educational professionals in 82 percent of relevant investigations and medical professionals in 77 percent of relevant investigations. For the investigations in which reviewers determined that contacting a mental health professional was relevant, a mental health professional was contacted in 61 percent of those investigations. In investigations where reviewers determined a family friend had information relevant to the investigation, contact with the family friend occurred in 62 percent of the investigations, and was not attempted in 36 percent of investigations. Of the investigations in which reviewers determined contacting a child care provider would have been helpful in the investigation, a child care provider was contacted in 35 percent of those investigations. Of the investigations in which the reviewers determined that contacting a neighbor was relevant to the investigation, a neighbor was contacted in 52 percent of those investigations.

Documentation was insufficient to determine whether interviews with children were conducted in accordance with policy. Investigators are required to interview alleged maltreated children outside the presence of a caretaker or parent, according to DYFS policy, the MSA and good case practice (CPM V.1) Documentation was clear that the child was interviewed alone for 59 percent of child victims. For 14 percent of children, there was documentation that the child was interviewed with someone else present. Children were interviewed in the presence of another adult (non-DYFS staff) (6%); in the presence of siblings (5%), in the presence of other children twice (1%), and in the presence of their caretaker (2%)(e)4(d(r (TBT1 0 0 1 261.Howe)7(s)-a)-5(y)20r,a chil

5. Data Analysis

The data collection instruments were coded into a format that allowed statistical analysis using

reviewed.

6. Limitations of Case Record Review

The case record review relied on documentation in NJ SPIRIT and hardcopy investigation case files. The Review Team found instances of incomplete documentation. The Team concluded that there may have been additional efforts to reach out to collaterals and family members that were not documented and therefore not credited in the review. Additionally, case record reviews in general have inherent limitations in assessing the comprehensiveness and quality of service delivery.

3. Response Time

The Department of Children and Families (DCF) is responsible, through its State Central Registry (SCR) at the Division of Children and Youth Services (DYFS), for receiving, screening, and appropriately responding to calls alleging child abuse and/or neglect. DYFS investigations policy requires workers to initiate investigations no later than the end of the work day for ater than 24 hours from the time of receipt of the report by the field office.[11] The MSA requires (MSA III.B.2; CPM V.1) that 98 percent of investigations shall be commenced within the required response time. In 221 (91%) of the 242 investigations reviewed, investigators met the assigned response time, falling short of meeting the MSA requirement.

4. Alleged Maltreated Child Interviews

There are nine interventions investigators may choose to carry out based on the safety

Figure 2: Overall Risk Rating
Based on Family Circumstances
n=242 investigations

Source: CSSP Case Record Review, 2011

Figure 3: Documented Support for Risk Assessment Ratings
n=242 investigations

Source: CSSP Case Record Review, 2011

7. Collateral Investigation Contact.94 Tm[]TE Ebgatv E61 0 1 5250 0 1 01 0 0 1 90.02401 0 Tm[4(Asso1uu)3

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collaterals. Reviewers assessed whether the investigator requested information from educational (day care or school) personnel about
school performance. In 168 (82%) investigations, reviewers found documentation of the receipt

siblings school status.

Other Collateral Contacts
Reviewers assessed whether investigators attempted contact of any kind with a broader range of collateral contacts that may have had information applicable to the investigation, and whether the investigator succeeded in making those contacts. The relevance of the collateral was determined by the nature of the allegations in the investigations. Collateral contacts could come in the form of interviews, but other methods of contact such as police background checks and questionnaires regarding the child completed by doctors and school personnel were counted in the review as a successful contact. The MSA requires (CPM V.1) that appropriate interviews with collaterals take place in 90 percent of investigations.

As reflected in Table 3 below, investigators made collateral contacts with law enforcement professionals in 177 (94%) applicable investigations. Collateral contacts were made in 167 (77%) applicable investigations with medical collaterals and 156 (82%) applicable investigations for school information.

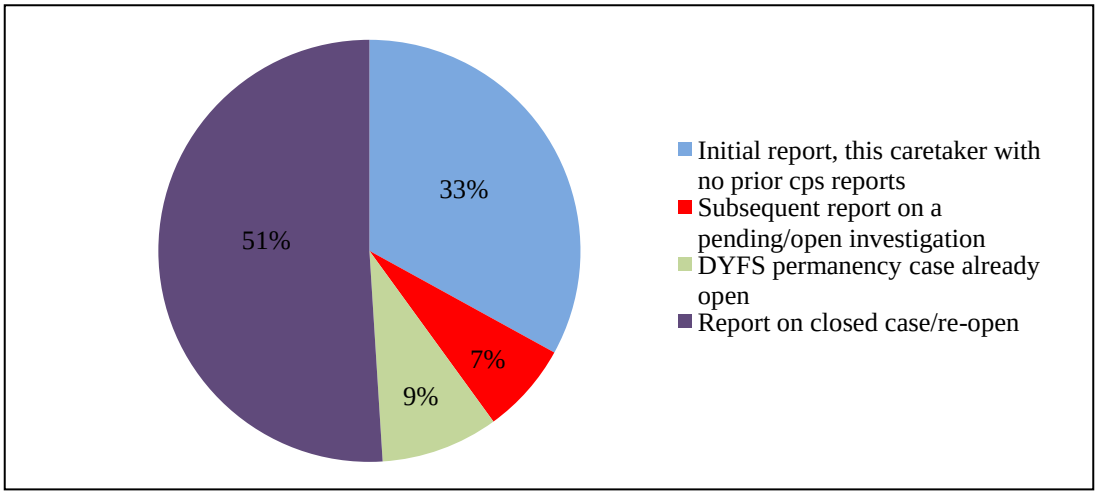
Table 3 shows that for 77 investigations in which reviewers determined that contacting a mental health professional was relevant, a mental health professional was contacted in 47 (61%) investigations. In 26 investigations where reviewers determined a family friend had information relevant to the investigation, contact with the family friend occurred in 16 (62%) investigations, but was not attempted in 10 (38%) investigations. Of the 34 investigations in which reviewers determined contacting a child care provider would have been helpful in the investigation, a child care provider was contacted in 12 (35%) investigations. Of the 21 investigations in which the reviewers determined that contacting a neighbor was relevant to the investigation, a neighbor was contacted in 11 (52 %) investigations. The percentages below reflect that outside of law enforcement, schools, and medical professionals, investigators often failed to make collateral contacts with persons that may have had information relevant to the investigation.

See Table 3 below for information on additional collateral contacts.

Table 3: Investigator Collateral Contacts* Relevant to the Investigation
n=242 investigations

Reviewer Determined Collateral Contact Relevant to the Investigation (number of relevant investigations)	Contact Occurred	Contact Attempted	Contact Not Attempted
Child Care Provider (34)	35% (12)	3% (1)	62% (21)
School (190)	82% (156)	2% (4)	16% (30)
Family friend (26)	62% (16)	0	38% (10)
Law Enforcement Professional (189)	94% (177)	1% (3)	5% (9)

Figure 4: Prior DYFS History
n=242 investigations



Source: CSSP Case Record Review, 2011

Reviewers assessed whether there was documentation that the investigator fully reviewed the to or during the investigation. As reflected in Figure 5 below, there was evidence that out of 162 applicable investigations, in 120

requirement that 90 percent o

history with DYFS was only partially reviewed. In an additional 20 (12%) investigations, rev . Practice on reviewing past DYFS history as part of an investigation is an area requiring improvement.

Although prior history was adequately reviewed in three-quarters of the cases, the following are

of DYFS involvement was reviewed. (The reviewers did not write comments when a review of was appropriately done and documented.)

> *Family had extensive CPS history which is reviewed in the supervisor's notes and the closing summary; however this history is not included in the investigation summary and did not seem to inform the caseworker's investigation.*
> *The note in the investigative summary was that the family's history with DYFS was unknown. There were three different workers and three different supervisors within the first 48 hours of case assignment. It is not clear in the record if or how much these persons may have known about the family's history.*
> *The record reflects that the supervisor gave a directive for history to be reviewed however there is no written indication that the worker actually reviewed the history.*
> *There is evidence that the investigator was partnering with the permanency worker on this investigation. However, there is no clear summary of the history in the case contacts or investigative summary.*

Figure 5: Investigator Review of DYFS History
(Cases with prior DFYS involvement)
n=162 investigations

Source: CSSP Case Record Review, 2011

9. Strengths and Needs Assessments

YFS policy requires investigators to conduct Strengths and Needs Assessments for:

> All children for whom a protective services case will be opened as a result of a child abuse/neglect investigation;
> All children with an open protective case, as part of a reassessment process.[26]

Strength and Needs Assessments are used to assess family functioning and to help determine appropriate services to a family. Reviewers were asked to determine for each applicable investigation (1) whether the Child/Caretaker Strengths and Needs Assessment was completed for the caretaker; (2) whether the responses on the Child/Caretaker Strength and Needs Assessment form were reflective of information documented; and (3) whether the Child Strength and Needs Assessment was completed for each child in the family.

Reviewers found that out of 64 investigations where assessments were required, 45 (70%) Child/Caretaker Strength and Needs Assessments were completed. The Child Strengths and Needs Assessments were completed for every child in the family in 33 (52%) investigations.

10. Case Planning

Initial case plans are required to be completed within 45 days from case assignment from SCR for families who will receive ongoing services from the Division. The case plan serves as a roadmap for service delivery and is necessary to document and communicate appropriate services to reach resolution and permanency for children. DYFS policy also requires that families are involved in the case planning process. Reviewers were asked to determine whether a case plan had been created during the investigation, whether the family was involved in the development of the case plan, and whether aspects of the case plan were implemented prior to the closure of the investigation.

Of the 242 investigations, 64 cases were transferred to permanency for ongoing services or were already receiving services from the Division (see Figure 6). Therefore, according to DYFS policy, only 64 of the 242 investigations required case plans. A case plan was created in 35 (55%) of those 64 investigations. Of those families that received a case plan, 31 families (88%) were involved in the development of the case plan, 4 (12%) were not. At least some aspects of the case plan were implemented prior to the closure of the investigation in 27 (100%) investigations where the reviewer determined it was needed. Implementation of case plans took many forms, including completion of drug toxicology screens, enrollment in mental health services, supervision plans for children, and initiating housing assistance services.

11. Service Referrals

Table 4 below shows information on service referrals during the investigation process. DYFS policy and good case practice requires that services be put in place as quickly and effectively as possible in cases where services are required. Based on the documentation contained in case records, reviewers looked for caseworker referrals, services families were currently receiving, and services declined by parents. Investigators referred parents to substance abuse treatment in 54 (22%) investigations.
treatment/evaluation in 32 (13%) investigations, and parent mental health services in 23 (10%) investigations. As reflected below, referrals were also made for services such as domestic violence intervention (4%) and financial assistance (3%).

substantiated. Table 5 below provides the aggregate numbers regarding substantiated and unfounded allegations.

Table 5: Substantiated and Unsubstantiated Allegations of Child Maltreatment

Determination	Percent of Allegations

Table 6: Transfer to Ongoing Services by Risk Level
n=242 investigations

	Transferred to Permanency Unit for Ongoing Services	Family Already had an Open Case	Family not Transferred for Ongoing Services	Total

3. Strengths and Needs Assessment

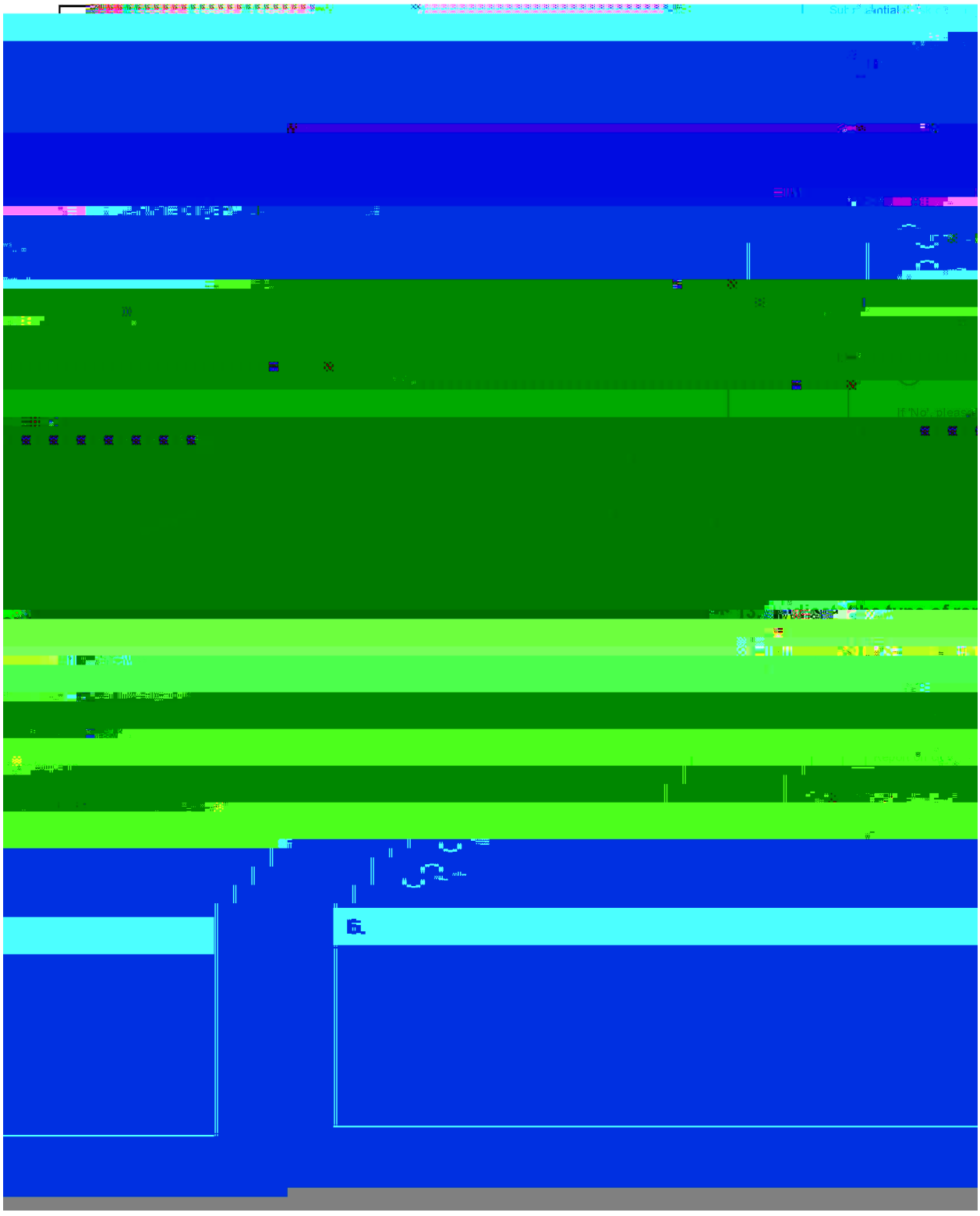
Additional training and supervision is required to ensure that each child requiring a strengths/needs assessment receives one. Required Strengths and Needs Asse2ngq

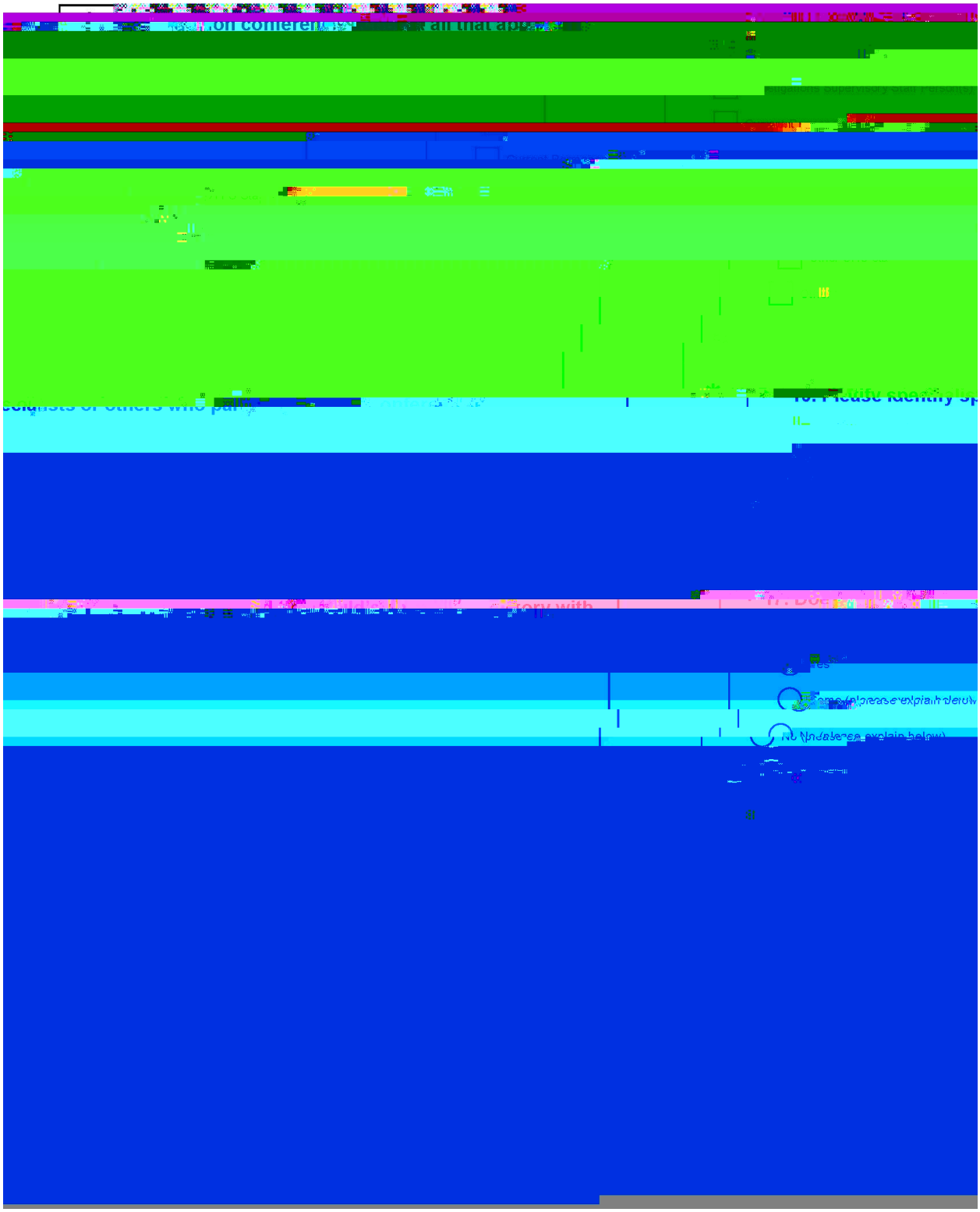
DYFS should consider updating and simplifying its Investigation Policy Manual.

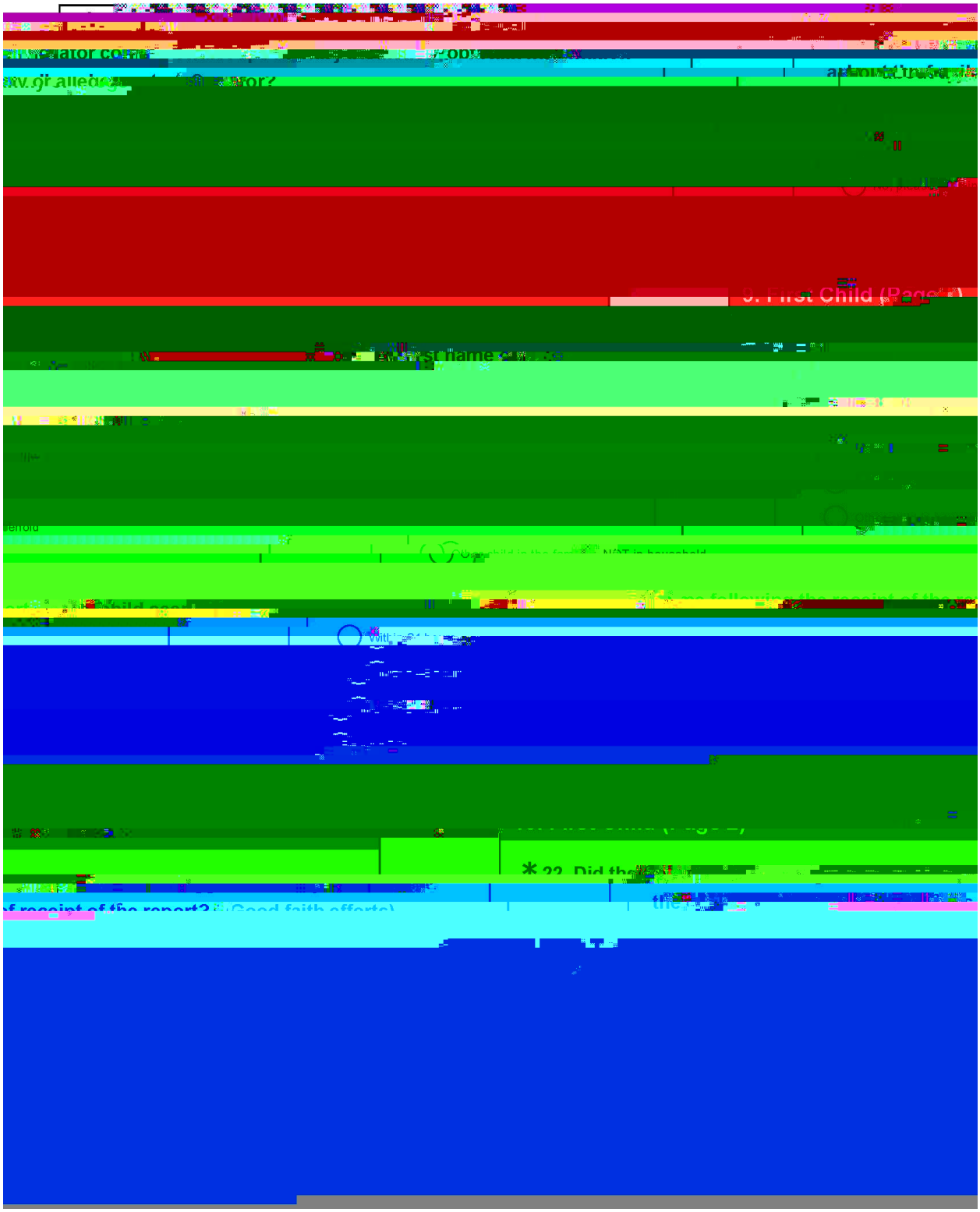
7. The DYFS Investigation Manual is unwieldy and difficult to negotiate. DYFS should update and simplify its investigations manual to

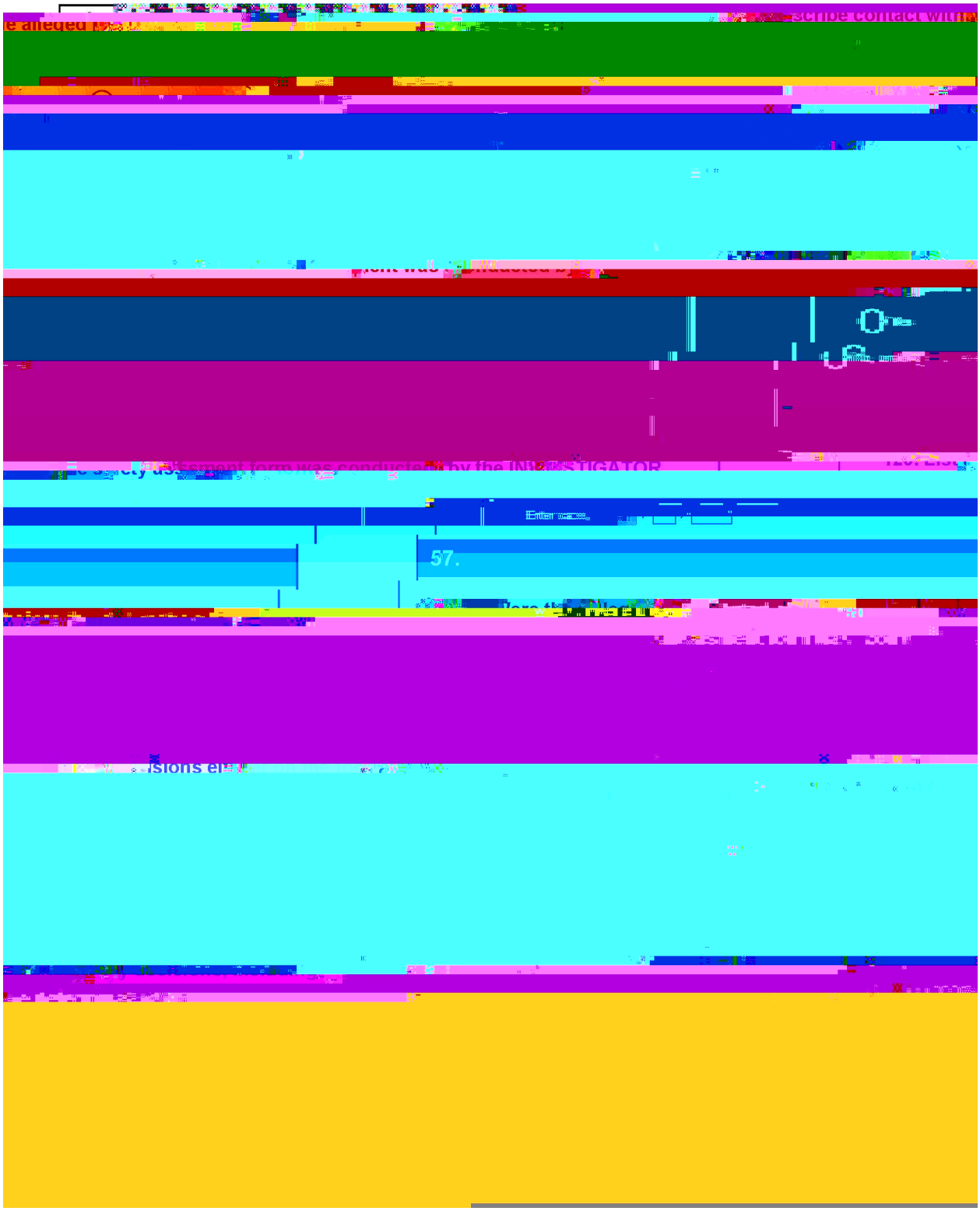
Reference	Area	

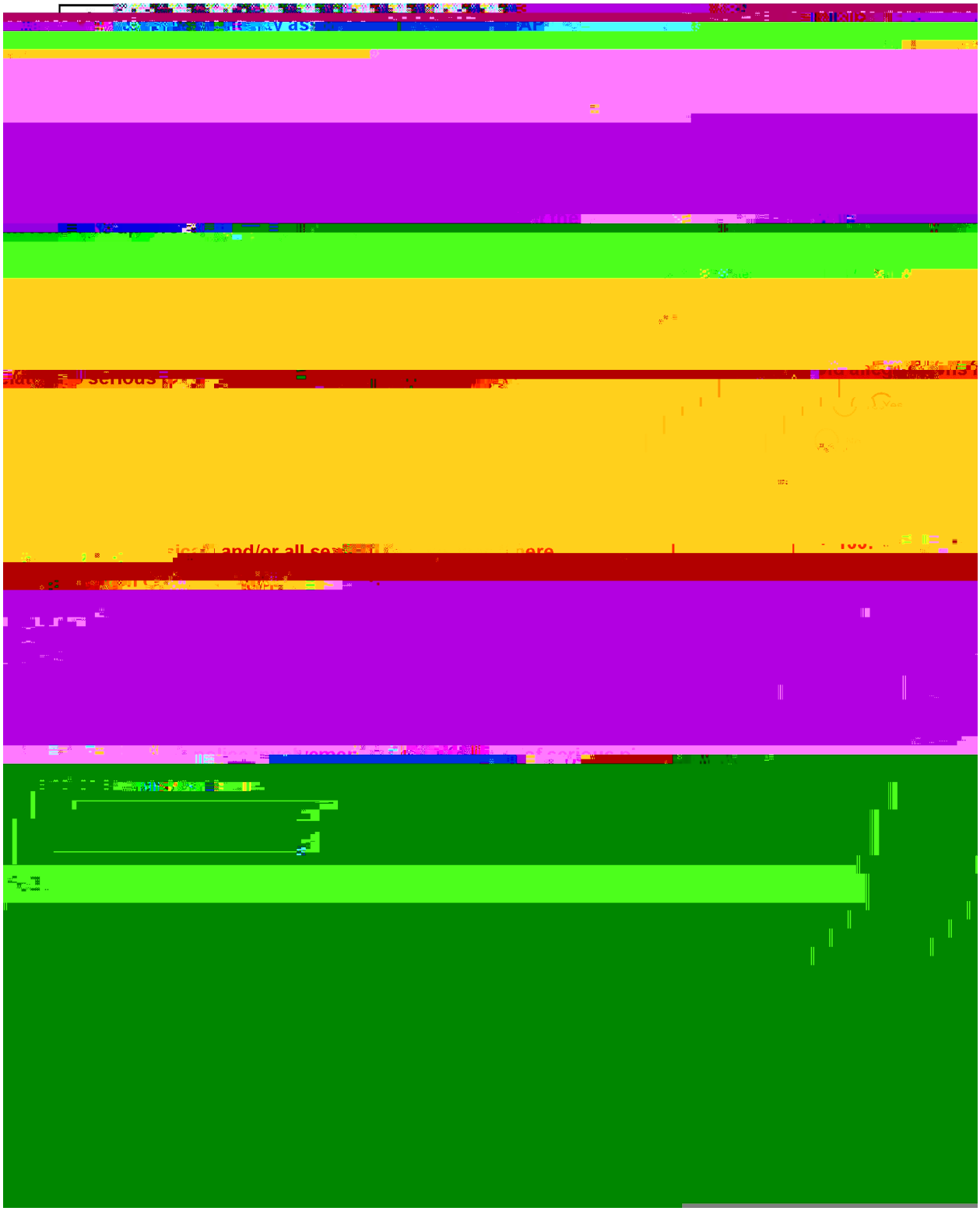
Reference	Area	Quantitative or Qualitative Measure	Baseline	



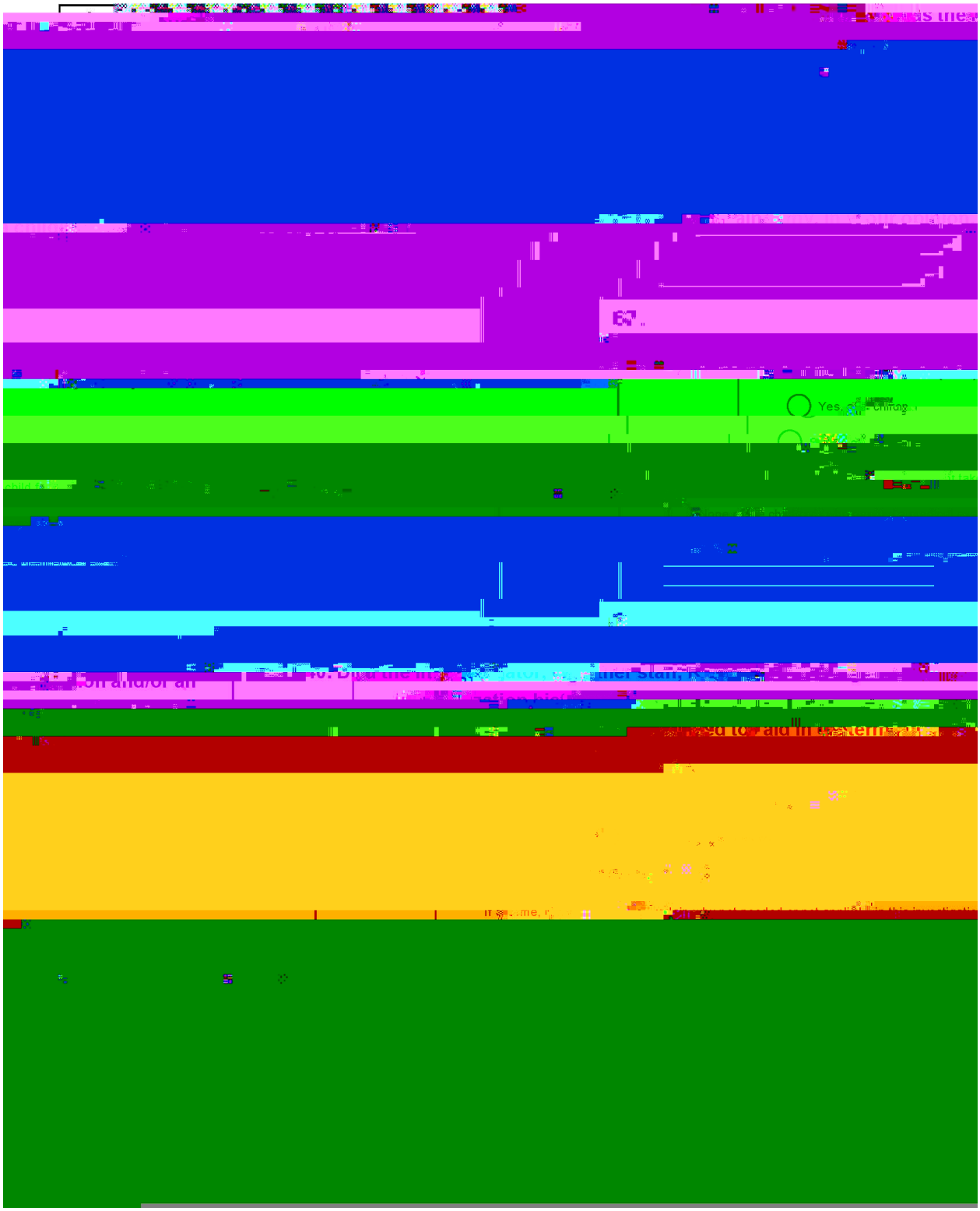




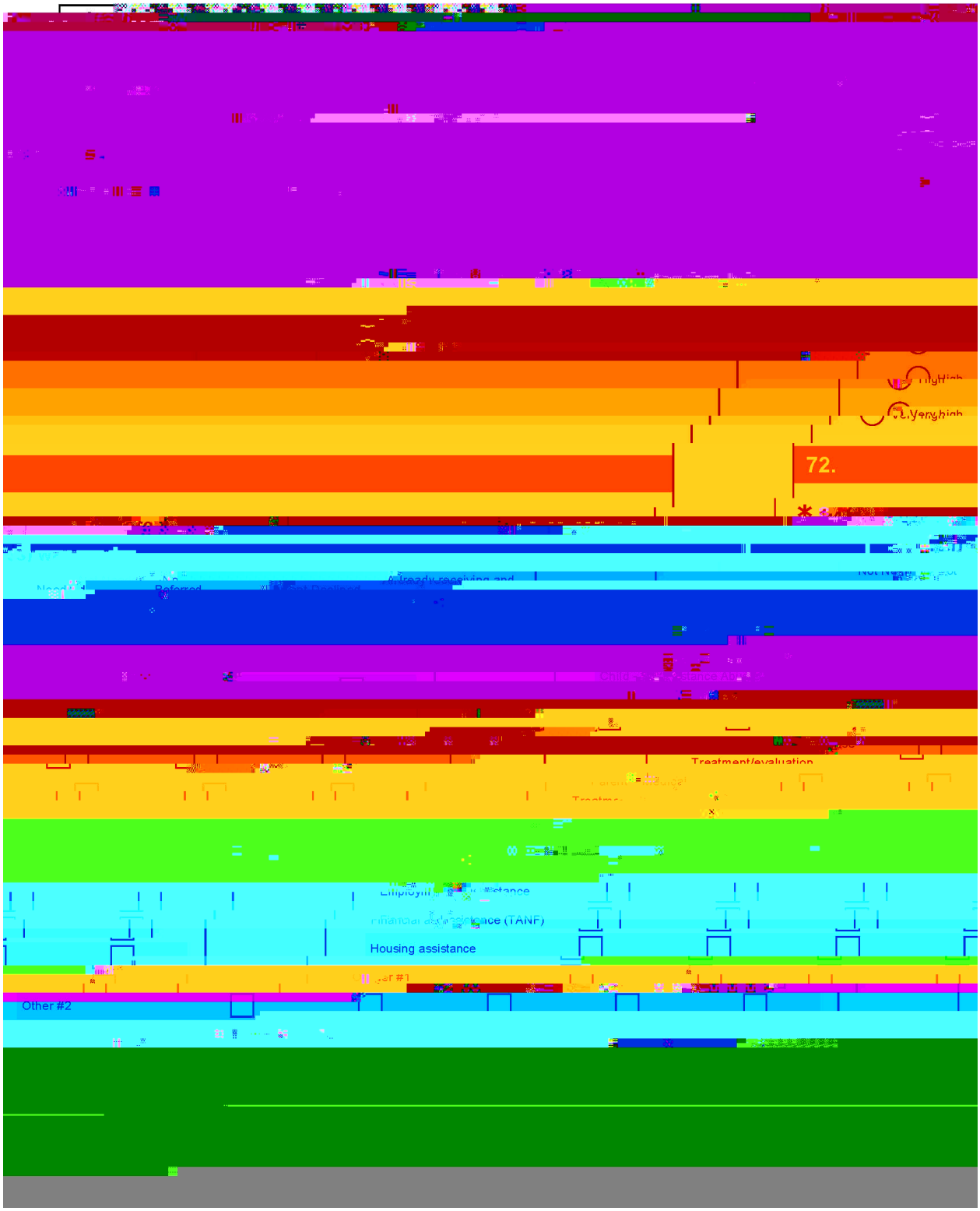


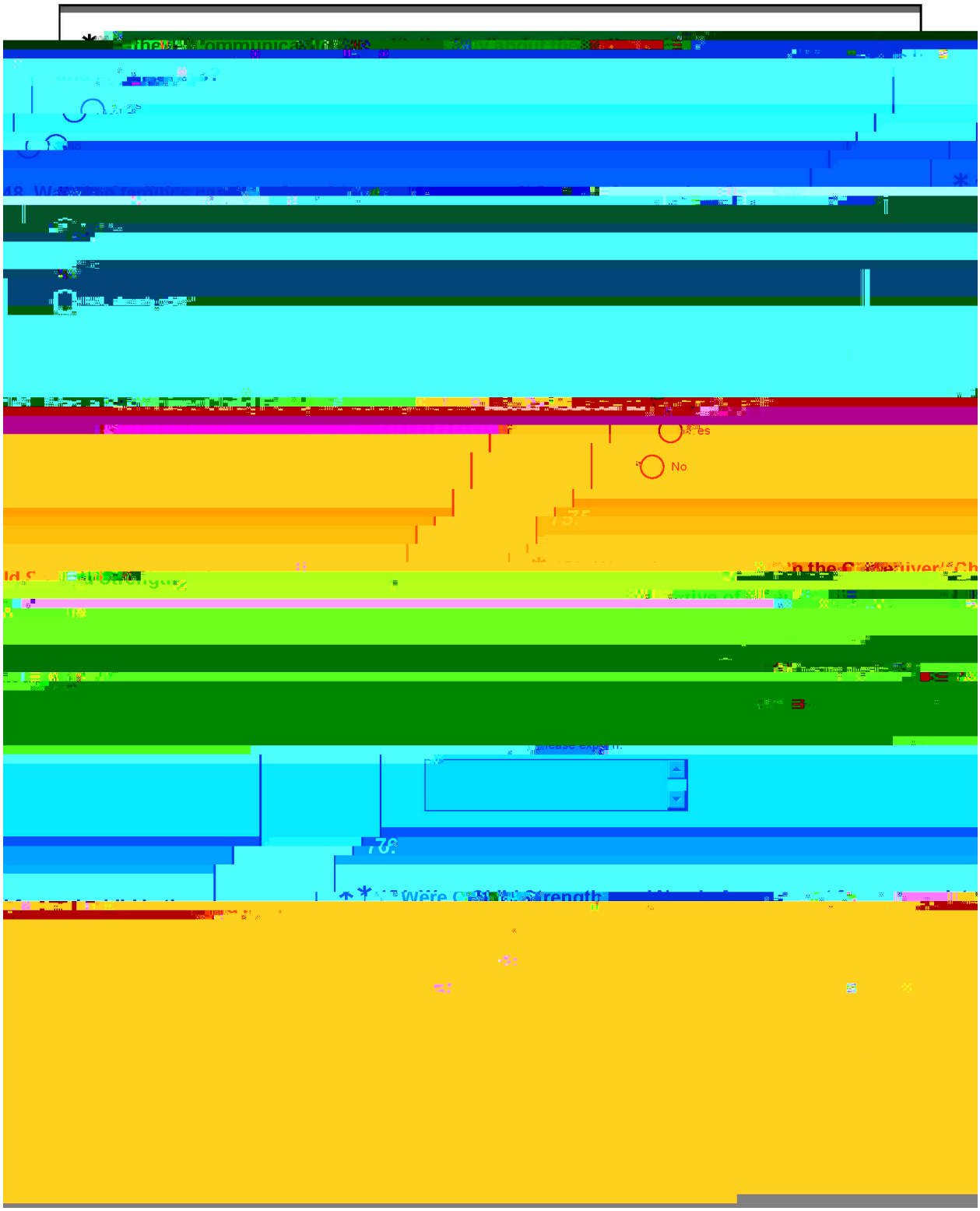


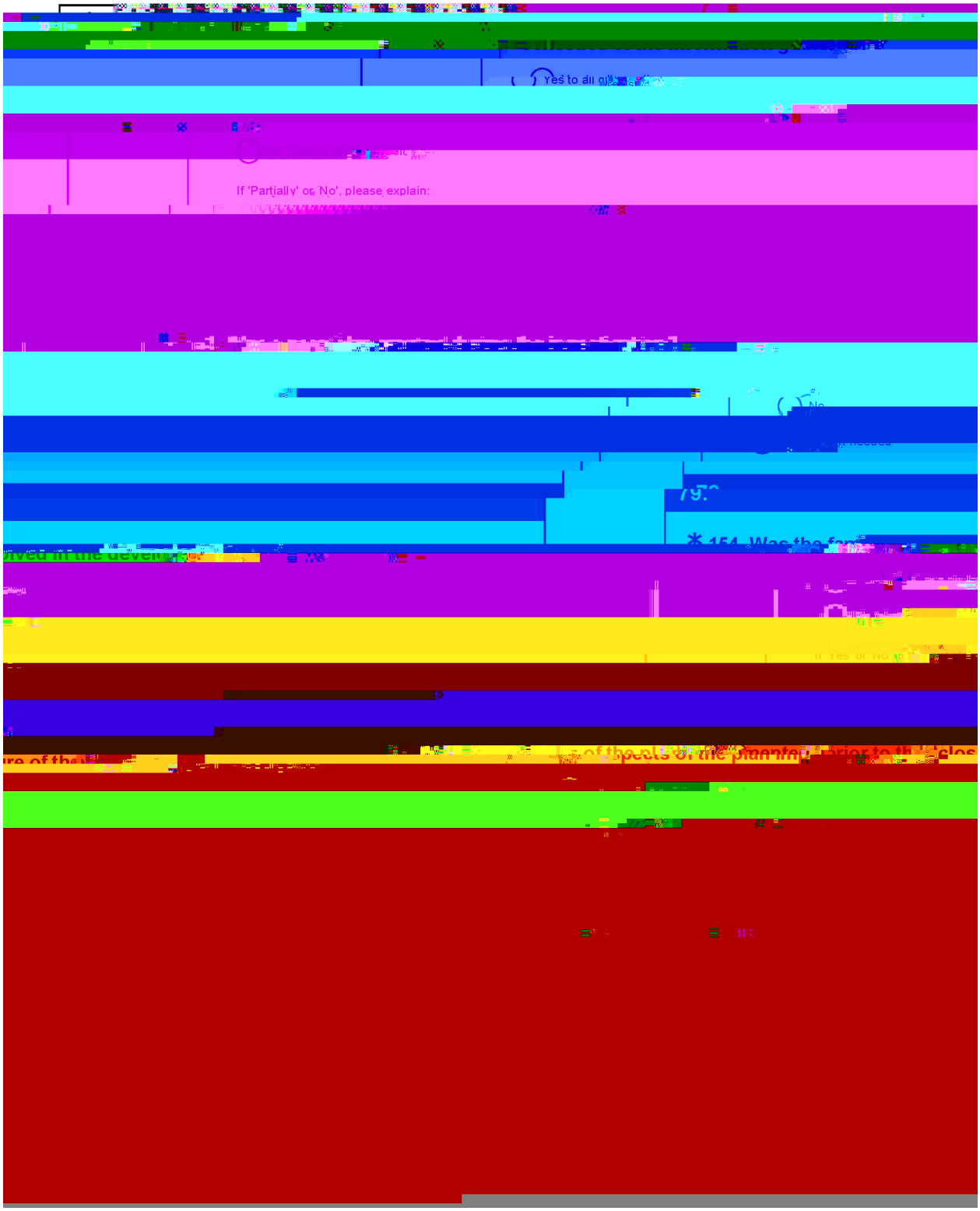

Child(ren) were seen
Other




, for all children
Yes, for
N
personnel about the child(ren)'s and siblings
mation was needed for this investigation.
Yes


72.
Treatment/evaluation
Housing assistance
Other #2


Yes
No


Yes to all
If 'Partially' or 'No', please explain:
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