

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With \$20 million, it would be hard to accomplish the state's own to-do list: hire more staff; beef up training and supervision; replace an outdated computer system so the agency can track and monitor cases; create a new public advocate for children, one with the staff and resources to be aggressive and independent. FF0tg luck.



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

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

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

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

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

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

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

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

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

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

GROWING PAINS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VERY DISTURBED

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

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

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

The judge declined and sent Sam home.

After Eddie Werner was killed, Manzie's

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

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

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

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

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

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

Venti did not file a waiver.

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

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

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

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

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

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

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

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

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

Clancy planned on a July 1 opening for Lipman Hall.

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

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

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

Smith renegotiated the contract.

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

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

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

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

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

Scalera and his staff say the program is succeeding.

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

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

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

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

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McGreevey naming panel to oversee DYFS reform

Group includes experts in education, health and social services

Monday, May 19, 2003

BY SUSAN K. LIVIO
Star-Ledger Staff

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

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

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

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

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

Juvenile Justice Commission Executive Director Howard Beyer

Human services consultant and former DYFS director Thomas Blatner

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

Retired Sen. Jack Fay

Acting Attorney General Peter Harvey

Health and Senior Services Commissioner Clifton R. Lacy

Community Affairs Commissioner Susan Bass Levin

Education Commissioner William Librera

Treasurer John McCormac

Retired Superior Court Judge Alex Menza

trying to negotiate a settlement.

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

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

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

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

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

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

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

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

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

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

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May 23, 2003

Report Blasts N.J. Child Welfare Agency

By THE ASSOCIATED PRESS

Filed at 4:22 a.m. ET

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

McGreevey Announces Bold New Initiatives to Reform DYFS

Cabinet for Children will make recommendations for improvement and evaluate implementation

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

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

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

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

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

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

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

“The real proof will be better outcomes for children, less time for children in foster care, and higher rates of reunification with their families.”

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

4. The Child Advocate Bill of 2003

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

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

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

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

5. SACWIS

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

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

The law does not presently require criminal background checks for the hundreds of adults who work with vulnerable children every day in private group homes and residential centers. This omission places children at-risk and accounts for some of the lapses we have uncovered in the care of children over the past several months. The deployment of livescan technology within state government has made the collection of fingerprints and the processing of background checks much easier and >>> uonln<</FEFSacwienv 5oces children at-risk and accounts for some of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5:13) 04-JUN-2003 08:03 John Searight (

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

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

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

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

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

Background

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

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

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

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

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

This case may well focus attention on the issue of DYFS not providing what we use to call "continuing services." DYFS, as I understand it, contracts out much of their direct provision of service after the investigation and the substantiation of neglect or abuse. My view, which may be outdated and/or rather out of fashion, is that the protective services agency should provide most of these ongoing services. They are the ones who (in theory) have the training, skills, expertise, and legal responsibility to work with resistant, abusive/neglectful families, know how to skillfully use authority, are able to assess, as the service continues, safety issues and insure protection for the child. This kind of shift to DYFS providing continuing services would require major change in function and a lot more insure protection for the child.

5:17) insure protection for the child.hy LESLlon the issue -0e A0e A0e A0e service conti..... 2.835 0 Td ()Tj /CS1 cs 0 0 1 scn (John S

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

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

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

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

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

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

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

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

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

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

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

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

The Maguire said. Tvey

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

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

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

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

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

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

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

Boy's

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A next door neighbor, who saw the boy taken away on a stretcher, said her daughter later asked Maritza Soto what happened. The mother told her the child

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

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5:19)

Foster Care in New Jersey Is Called Inept

June 10, 2003

By LESLIE KAUFMAN and RICHARD LEZIN JONES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Report finds 10% of kids in foster care mistreated

Tuesday, June 10, 2003

BY SUSAN K. LIVIO

Star-Ledger Staff

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

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

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

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

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

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

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

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

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

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

Among the examples cited in the report:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mother Charged With Murder in Death of Boy

By RICHARD LEZIN JONES NYT June 11, 2003

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

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

bruises on his body, including marks on his genitals.

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

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

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

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

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

The Division of Youth and Family Services found that Ms. Soto and her husband, Astolfo, had waited three days to seek medical treatment for

Bail for Ms. Soto, who waA0>964500,000.

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

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

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

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Jersey taps Nevada official to take control of troubled DYFS

BY SUSAN K. LIVIO

Star-Ledger Staff

June 12, 2003

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

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

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

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

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

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

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

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

Cotton is the second

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

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

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

Newark Star-Ledger

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

Troubled Child Welfare Agency Gets a New Leader

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Retired 4/1/03 Alice Carducci- Morris DO

James Dowman- Edison DO

Peggy Kehs- Cape May DO

Sharon McCobin- Hunterdon DO

Retired 1-1-03

Martha Curtis- Northern Monmouth DO

Twelve Trenton Central Office and regional officer managers/executives:

Retiring 7-1-03

Doris Jones, Acting Director

Ronald Burschini, Supervising Administrative Analyst, Contracts

Helene Levine- Administrator, District Office Operations, Southern Region

Janice Malec, Deputy Director

Bonnie Schwebel- Assistant Director, Southern Region

Barry Silverstein, Assistant Regional Administrator, Service Operations

Raymond Wolfinger

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

The Division of Youth and Family Services had been involved with the family since October 2001, when investigators found that Ms. Soto had abused and neglected the twins, then 6 weeks old. Daniel had suffered a cracked skull and broken bones. Ms. Soto

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

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

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

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

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

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

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

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

Maguire said the Soto case authorities said of new probes by DYFS. The case is BDj -44. ons led ty,nheecincisT,avolvaguire sC -12orkersText<FE

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

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

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

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

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

"The mother never sai87>>>bol0" Maguire

"Some people will be able to move with us and some won't," she said, adding, "Make no mistake - DYFS will be completely revamped to be more responsive to the children we serve."

Harris said she met recently with Gov. James E. McGreevey to make sure she had his support to make the changes, but said she never gave him a firm number of the people she plans to relocate or fire. "I don't want favorite uncles calling up and saying don't move that person," she said.

Maguire said the department had received more than 500 resumes from people hoping to fill positions at the agency, and would be interviewing candidates "in the evening and over weekends."

DYFS spokesman Joseph Delmar said it was not clear yet how expensive these reforms would be. "Some things can be done without a price tag, and some things will require more resources. Training service agencies (to assess safety in homes) will cost."

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New Details on Failures in New Jersey Child Care

By RICHARD LEZIN JONES and LESLIE KAUFMAN NYT June 18, 2003

In the night of Sept. 21, 2002,

mistake - DYFS will b 0 73"

"It's not all that

New Jersey Sets Outside Review of Foster Care

By LESLIE KAUFMAN and RICHARD LEZIN JONES

NYT June 24, 2003

New Jersey has agreed to the creation of an independent panel to oversee the state's troubled child welfare agency as part of a sweeping settlement to a lawsuit, those familiar with the terms said.

The lawsuit, brought in 1999, accused the state of endangering the lives of its foster children. Full details of the settlement, which is expected to be announced today, were not available yesterday. But a key element is the creation of an independent panel to help develop and oversee a plan to revamp the Division of Youth and Family Services. Those involved in the settlement said that the members of the panel have already been selected and approved by the state and by Children's Rights Inc., the group that filed the lawsuit.

For years, New Jersey officials resisted the formation of an independent panel to oversee the division, despite calls from both child welfare advocates and task forces appointed by the state to examine its workings.

The failings of New Jersey's child welfare agency have long been documented. Five years ago, its inadequacies were outlined by a task force, and were brought into public focus again in January, when a 7-year-old boy was found dead in a Newark basement.

Many critics, including those inside New Jersey government, have argued that the insular nature of the division made it incapable of effectively policing itself.

In recent years, independent panels — in New York and other states — have been put in place as critical tools for making child welfare agencies more accountable.

The Annie E. Casey Foundation, a Baltimore-based child welfare advocacy and research institution, which played a significant role in overseeing a similar settlement between New York City and Children's Rights, will also play an important role in New Jersey, those involved with the agreement said.

Although state officials and lawyers for Children's Rights would not comment on the contents of the settlement, word of the agreement was circulating among child welfare officials yesterday, and most of those reached for comment expressed relief that the lawsuit was coming to an end.

"It is good for DYFS and it is good for children that the lawsuit is settled," said Hetty Rosenstein, president of Local 1037 of the Communications Workers of America, which represents social workers. "It isn't good to be in an adversarial process. Now there can be movement forward."

Ms. Rosenstein said she would reserve final judgment on the effectiveness of the lawsuit until she saw what new resources the panel could bring to the table for things like attracting more foster care parents, improving institutions for children and hiring new workers.

In 1999, Children's Rights, a child advocacy group in Manhattan, sued New Jersey, arguing that the quality of its foster care was endangering children. As part of discovery proceedings, child welfare researchers hired by Children's Rights were given extensive access to state files and found that one in 10 children in foster care were abused and one in 5 did not receive proper services for their medical needs.

The researchers also found that youth and family services did not thoroughly investigate charges of abuse. In nearly 60 percent of cases where the state found no abuse, it should have, they said.

The lawsuit took on increased significance for state officials in January, when the body of Faheem Williams, 7, was found in a basement along with two of his brothers, who were emaciated. An outstanding allegation that the children were being abused had not been investigated when the division closed the Williams family file 11 months earlier.

Since Faheem's death, Gov. James E. McGreevey acknowledged that the agency was in need of transformation. He has already taken several steps in that direction in recent months, including moving the abuse investigation unit out of the Division of Youth and Family Services and into a separate office of child protection and hiring a veteran reformer from Nevada, Ed Cotton, to head the agency. Mr. Cotton arrives in July.

However, it is uncertain if Mr. Cotton's role will be affected by the new panel. It was unclear exactly what role the panel would play, whether it would be more extensive than the role of the panel in the New York settlement, with the right to help set policy for the state, or would simply oversee it, like the New York panel did. New York was also sued over its child welfare policies but it came to the settlement table with a plan already crafted by the head of the agency.

The independent panel's main role in that case, in the so-called Marisol settlement, was to make sure the city was making a good-faith effort to meet its targets. Within two years, the city greatly increased its ratio of child care workers to foster children and made other improvements so that

the panel dissolved itself.

"In Marisol they were just overseers," said Ross Sandler, co-author of "Democracy by Decree," which discusses the history of public policy made by court order. "If, in this case, the panel will be setting policy, the state has lost partial control of its own agency and must dance to the tune of the monitors."

Others said that the panel's autonomy was crucial.

"If you're going to advocate for children, you can't have an entity overseeing government that's in government," said Dr. Anthony D'Urso, an author of a 1998 report that found that New Jersey's child welfare system was flawed.

Dr. D'Urso said that the independent monitoring of the division that had been agreed to in the settlement was long overdue. He said that he
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