

## Focus on reforming DYFS

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

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

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

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

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

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

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

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## State blasts advocate's criticism of DYFS

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

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

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

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

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

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

Deputy Attorney General Stefanie Brand said attorneys at Children's Rights are "grandstanding," and are "simply wrong" on the state's record of accomplishment, according to the letter filed yesterday. 4en'htt said, among risk. ThpandangFF00A0>, among

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

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

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

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

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

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

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

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

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## **DYFS needs a quick fix**

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

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

According to a report released Tuesday by an independent panel charged with overseeing the agency's progress on reforms, the state-based and neglected children

must be rectified, has reviewing which agency's progress on



## Fighting for Those Too Small to Fight Back

By ROBIN FINN    New York Times    October 14, 2005

A NAGGING cough instead of an introductory handshake?

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

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

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

The state, Ms. Lambias says, is not doing its job. She is a representative of the state, Ms. Tu3, 22005tkr/TT1 1 u41A0>>> BDC T\* ( )Tj EMC T\*

MOST children aren't as fortunate; that she feels needed by







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

"I never looked, searched, or made a call to replace Davy, no Scoppetta offered a job," the governor said."

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

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

Human Services Commissioner James Davy said he found the report helpful and hopeful. "We are pleased that 75 percent of those surveyed can see some progress in reforming the system, but we are also in conclusion that we still have a long way to go," Davy said. "We are now in the second year of this multi-year reform effort, and I am confident that, as we move forward, many of the very valid and heartfelt concerns expressed in this survey are being addressed."

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

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

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

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## Public Lives

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

By ROBIN FINN      New York Times      October 21, 2005

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

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

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

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

"But I think this is the best child welfare job in the country," he says, "and now it's time to take it to the next level: five, six, eight years we'll have a 1 Be interactcr he s ICderev"ko. ci a ld ICdime ty hver,ychild weltouch, Yeoucau

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

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

"We felt the need to get her in front of the public immediately and powerfully, and I'd do it again," says Mr. Mattin, who moves with an arduous limp because of a congenital birth defect that left one leg shorter than the other but prevent his playing second base - his role model was Nellie Fox, "a short, stubby second baseman for the Chicago White Sox" - as a Little Leaguer.

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

Except when things go wrong; in the child welfare sphere, professional miscues can have life-or-death consequences and guilt gets

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

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

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

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

Key Findings:

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

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

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

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

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

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

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

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

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



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## **Foster kin criticize biological father**

Say dead baby's dad could have sought help

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

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

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

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

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

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

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## Adversaries to continue talks on child welfare

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

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

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

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

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

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

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

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

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

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## **Ex-chief says DYFS places politics first**

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

By Mitch Lipka      Inquirer Staff Writer      Oct. 31, 2005

A couple of hundred million dollars and hundreds of new workers notwithstanding, children under the watch of Jersey



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## IN SEARCH OF ALTERNATIVES

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

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

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

Corzine would ensure the disabled had more alternatives to institutions by allowing "recipients to receive the home-based care they



school. In that class, "She'd just stand and cry and mucus would run down

taken into the custody of the state and placed with his half-brother in foster care - first with Ms. Bon47,s 788wit

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

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

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

Lawyers for the brothers sued the state because social workers who had visited their home on numerous occasions overlooked their him and his three younger

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

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

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

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

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

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

Vanessa Jackson last week pleaded guilty to allowing the boys to starve. U.S. Magistrate Judge Rose last week cleared the adoptive parents, Raymond and Vanessa Jackson, of charges of neglect.



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

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

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