

Court condemns handling of child abuse allegation

Warren mom faces new hearing on whether she neglected to protect girl

BY ROBERT SCHWANEBERG Star-Ledger Staff February 17, 2005

In a ruling that criticized a judge, the state Division of Youth and Family Services and the Warren County Prosecutor's Office, a state appeals court yesterday ordered a new hearing on whether a mother failed to protect her 13-year-old daughter from molestation by the girl's stepfather, a convicted sex offender.

Although the ruling was a victory for DYFS, which sought to reopen the case, the three-judge appeals court said the agency "failed to give this family in crisis the type of attention it deserved."

It also criticized the prosecutor's office for refusing to give DYFS details of the stepfather's 1991 conviction for having sex with a different underage girl. And the court faulted Superior Court Judge Amy O'Connor for accepting the mother's story that her daughter had recanted her allegations of sexual abuse, without interviewing the girl.

In all, the 54-page opinion by Appellate Division Judge Jose Fuentes reads like a primer on how not to handle an allegation of childhood sexual abuse. Appellate Division Judges Steven Lefelt and Joseph Falcone joined Fuentes' opinion.

The ruling gives DYFS a second chance to charge the mother with neglect for allowing her second husband to move back in with her and her daughter. The stepfather has not been criminally charged.

The opinion identifies the family members by fictitious names: 13-year-old "Cathy," her mother "Linda" and stepfather "Lawrence."

The case began on May 30, 2003, when Cathy told a friend she was being molested, according to the appeals court. The friend's mother overheard and notified the Alpha Borough police.

At the police station, the court said, Cathy told investigators from the Warren County Prosecutor's Office that Lawrence would enter her bedroom several times a week between 3 and 4 a.m. and molest her.

Lawrence denied the abuse, the court said. A DYFS representative also interviewed Cathy at the police station and got her mother to agree to keep Lawrence away from the girl, the court said.

"From this point on, the investigation proceeded without any apparent sense of urgency," the opinion added.

Linda claimed that on June 9, 2003, Cathy admitted she made up the charges against her stepfather, and DYFS was informed the following day, the appeals court said. But the girl was not re-interviewed by prosecutors until December 2003 and, "inexplicably," O'Connor never got a transcript of that session, the court said.

On Oct. 15, 2003, Linda allowed Lawrence to move back in with her and Cathy after becoming "totally convinced ... that nothing happened," the opinion said. But the appeals court questioned Linda's judgment and faulted her for not notifying DYFS first.

John Zaiter, the mother's lawyer, said Lawrence has since been removed from the home by court order.

It was not until Nov. 13, 2003, that a report of a medical examination of Cathy performed the previous July was finally submitted, concluding the girl had been sexually abused, the court said. An expert witness for the mother disputed that finding.

Fuentes said the delays in investigating the case may have pressured Cathy into recanting.

"The longer the investigation by law enforcement authorities takes, the greater the pressure on the child to take action to ease the tension on the family brought about by his or her own accusation," he wrote.

He criticized the mother, saying her willingness to view Lawrence's 1991 sex conviction as a mere "mistake" displayed "either a disturbing gullibility or an irrational resistance to the truth."

That 1991 conviction "bore a striking similarity to the molestation Cathy initially described," the appeals court said. It faulted the prosecutor's office for refusing to release those files to DYFS because of "an inordinate, and in our view, puzzling preoccupation with protecting Lawrence's privacy rights."

And the appeals court faulted O'Connor for relying on flawed evidence by clearing Linda of the neglect charges based on her account of Cathy's changed story. It was a case, Fuentes said, that was "entirely dependent" on Cathy's account of what happened, and the judge should have conducted her own private interview of the girl.

Zaiter, the lawyer for Linda, said O'Connor "did a fantastic job of sorting the case out" and he was "extremely disappointed" her ruling was overturned.

Andy Williams, a spokesman for DYFS, said, "We're happy with the outcome." As for the appeals court's criticisms, he said DYFS has undertaken "very comprehensive reform efforts."

Assistant Warren County Prosecutor Howard McGinn said the decision resolves "ambiguities" in the rules governing release of information on sex offenders registered under Megan's Law. "With the direction of the court, we have no problem supplying that information," he said.

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ACNJ Responds to NJ Child Welfare Panel's First Monitoring Report

Statement from Cecilia Zalkind, Executive Director
Association for Children of NJ (973) 643-3876 3/7/2005

Re: New Jersey Child Welfare Panel's first monitoring report

The New Jersey Child Welfare Panel has produced a fair and balanced report that cites progress, but also points out serious issues that must be addressed.

The report supports our concern that most efforts have focused on process and system changes, rather than changing frontline practices that directly affect children and families.

We understand that policies must change before practice can follow. But, it is critical that we focus more directly on the business of helping children and families. So far, they haven't felt the benefits of the reform effort.

The panel's first monitoring report correctly concludes that state bureaucracy has hampered reforms. The creation of new divisions and new management positions has been carried out without clear definitions of the roles and responsibilities of these new staff and agencies.

This has created more bureaucracy, increasing the chances that vulnerable children will fall through the system's cracks.

While we share concerns over the new organizational structure, it would be a mistake to create a new cabinet-level children's department at this time. To go back to the beginning would be a colossal waste of time.

Instead, we need to clearly define job descriptions and each agency's role in protecting children and strengthening families. We also need to eliminate duplication on both the bureaucratic and case management levels. Before we fill all these new positions, let's talk about what they're going to do. The goal should be a streamlined system that responds effectively to troubled families. Let's improve the current structure so it could possibly become a framework for a new department in the future.

ACNJ also shares the panel's concerns that the court-enforceable elements of the plan are driving decisions, rather than the safety and well-being of children.

While the panel set clear priorities for moving forward, we would further narrow that list to focus on improving child safety, recruitment and retention of resource families and reducing caseload. Plus, we believe that greater accountability is a cornerstone of this effort. It has been difficult to get reliable baseline data to effectively assess how the reforms are affecting children.

We also strongly agree that efforts to create stronger community services are stalled. We need strong state leadership and funding to move that forward. Helping troubled families before children are hurt must be a top priority.

To read the Panel's full report, go to: www.aecf.org/njpanel and click on Monitoring Report.

Child welfare gets mixed marks

A New Jersey panel saw progress but also cited organizational problems.

By Mitch Lipka Inquirer Trenton Bureau March 8, 2005

While New Jersey has taken some major and necessary steps to remedy its infamous child-welfare system, bureaucratic tangles threaten success, a court-appointed panel concluded.

In its first in a series of six-month progress reports, issued yesterday, the New Jersey Child Welfare Panel expressed concern about the pace of training workers as well as a confusing organizational structure.

"Reform efforts are expected to take time," panel chairman Steven D. Cohen said. "Problems are expected along the line. This one has them."

The report praised the state for adding 260 workers, creating a statewide abuse and neglect hotline, and recruiting more than 454 new foster and adoptive homes - while still noting shortcomings in each of those areas.

While average caseloads have been reduced, the report found, some workers still have too many cases, and training for hotline operators and caseworkers still lags.

The child-welfare system works with more than 60,000 children at any given time.

Despite the significant problems still facing the state, child advocates were largely encouraged by the state's progress, and state officials said they were working to follow the panel's blueprint.

"It's been said that trying to reform a child-welfare system in as much trouble as New Jersey's is like trying to fix a bicycle while riding it," said Richard Wexler, executive director of the National Coalition for Child Protection Reform. "The report shows that the new leaders at DYFS [the Division of Youth and Family Services] and DHS [the Department of Human Services] are pretty good cyclists. In fact, I know of no other court-ordered reform effort that has made as much progress as quickly."

Still, panel members said the state must, within 30 days, take steps to give the head of the Office of Children's Services clear authority to oversee all of the elements of the numerous required changes. In addition, they said, each of the state's

regional offices - where workers are stationed - should have a single boss.

Panelists noted that five separate budget offices under the Department of Human Services all have a degree of authority over the reform effort. Cohen said that if the large bureaucracy at Human Services is unable to significantly empower its Office of Children's Services to manage the required changes, the panel could ask the court to force the state to create a separate department to oversee child welfare whose leader would be in the governor's cabinet.

Cohen said the panel, created by the 2003 settlement of a lawsuit filed against the state by Children's Rights Inc., will detail in the next six-month report the state's progress on changes to the bureaucracy, but could take action sooner if deemed necessary.

"If we don't see progress, we reserve the right to move more quickly on that, and we will, if we have to," Cohen said.

Panelists noted that top state officials had expressed desire to pursue the recommended changes. The director of the Office of Children's Services, Human Services Deputy Commissioner Kathi Way, said the state had already taken some of the actions called for by the panel.

"The organizational issues identified by the panel are being addressed through a number of changes that are already under way," she said.

Way said the administrative functions of the Divisions of Family and Youth Services; Child Behavioral Health; and Prevention and Community Partnerships would all be taken over by her office. She also said she would appoint directors who would oversee all three divisions in the local offices.

To address other concerns, Way said, the department has hired a new assistant commissioner to run the state's child-welfare training program and a new manager to run the centralized abuse and neglect hotline.

Children's Rights executive director Marcia Robinson Lowry said the bureaucratic structure that led the state to have one of the worst child-welfare systems in the nation must be quickly remedied.

"We have said all along that the current organizational structure is designed to fail children," she said. "Until there is a dramatic change in the structure, we don't see how all the state's good intentions can actually make children's lives better."

New Jersey's child-welfare system, sued by Children's Rights in 1999, drew national attention in January 2003 with the death of Faheem Williams. The 7-year-old Newark boy was found dead, the victim of abuse, after a complaint that he and his brothers were being mistreated was closed by a caseworker although they had never been seen by the worker. Faheem's death spurred the state to negotiate a settlement of the suit in June 2003. Four months later, the state was embarrassed again when four starving adopted brothers were found in a Collingswood home frequented by child welfare workers.

"The panel's first monitoring report correctly concludes that state bureaucracy has hampered reforms," said Cecelia Zalkind, executive director of the Association for Children of New Jersey.

"The creation of new divisions and new management positions has been carried out without clear definitions of the roles and responsibilities of these new staff and agencies," she said. "This has created more bureaucracy, increasing the chances that vulnerable children will fall through the system's cracks."

Highlights From the Report

A court-appointed panel of experts issued its first in a series of six-month reports on changes the state must undertake in order to repair its troubled child-welfare system.

Here are the main findings:

The state has taken most actions it has committed to, including hiring 260 new workers and supervisors and increasing payments to relatives who take in abused and neglected children.

Caseloads have been reduced overall, but some workers still have too many cases.

Instituting a centralized hotline to receive calls about abused and neglected children was a plus, but the hotline has problems, including inadequate training of operators.

The state's training program for front-line workers has not adequately progressed.

The department responsible for making changes to the system has a confusing organizational structure that is hampering reform efforts.

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DYFS told to speed up effort on reform

Experts impose deadline for worker caseload cuts

BY SUSAN K. LIVIO

Star-Ledger Staff

March 8, 2005

State officials must eliminate "unmanageable" child welfare worker caseloads and start moving hundreds of children out of detention centers and shelters by June 30, according to a report released yesterday on the overhaul of the Division of Youth and Family Services.

Saying the state's court-ordered effort to improve the troubled child welfare system is bogged down by a confusing bureaucracy, the New Jersey Child Welfare Panel said officials need to act quickly on a dozen changes it recommended. While acknowledging that progress has been made, the report said the five-year plan needs "a significant course correction rather than minor adjustments."

These suggestions present "a difficult challenge," the report said. "However, given the importance of these actions to the lives of children now in care and to the future of the reform effort as a whole, we do not see how any can be omitted."

The report, written by five national experts, was submitted to U.S. District Judge Stanley Chesler, who has the final say on whether New Jersey is complying with a federal settlement to revamp its child welfare system and settle a class-action lawsuit that accused the state of violating the civil rights of foster children. It is a critique of the progress made in reforms from July to December 2004.

Panel chairman Steve Cohen said he believed the 61,300 children under DYFS supervision "are in better shape" today than they were when the reform effort began.

"We continue to have the belief New Jersey can succeed in the child welfare reform effort," Cohen said. "Doing so will require a prompt response."

Kathi Way, deputy commissioner for the Office of Children's Services, who is directing the overhaul, said she believes the state can comply with most, and perhaps all, of the suggested changes.

"This is a monitoring report of the first six months on a 60-month project," Way said. "We really believe we have accomplished an awful lot in a short amount of time."

The report said the state has until June 30 to limit worker caseloads to no more than 30 families. For too long, "unmanageable" caseloads have prevented families from getting the attention they need from DYFS, Cohen said. Ultimately, the state has promised over the next two years to limit each caseworker to supervising no more than 15

families.

Way said only 139 of the 1,900 DYFS caseworkers supervise more than 30 families. In May 2004, 371 caseworkers were responsible for at least 30 families. The state has hired 260 new workers and made an effort to close cases that no longer need intervention.

The panel also concluded that the state will miss the court-mandated June 30 deadline to move an estimated 400 children out of detention centers and shelters, particularly those in need of mental health treatment.

Child welfare experts say children who have not been treated for behavioral or mental health problems often wind up in detention after committing petty crimes. Many times, they remain in detention -- where they are at risk from others charged with serious crimes -- because the state does not have enough programs to treat them.

Cohen said he expects state officials to come up with a revised timetable to meet this goal, and show some progress in finding alternative arrangements by June.

Way said she expects the state will be ready to discuss a more concrete plan to move these youngsters out of institutions when a report assessing the housing and treatment needs of DYFS children is complete by the end of this month.

Other suggestions in the report include streamlining the department's bureaucracy and hiring a consultant to evaluate mental health services for kids. It also lauded many of the state's accomplishments, including raising the monthly pay for all foster families; moving to close the Arthur Brisbane Child Treatment Center in December; and improving foster children's access to medical care.

The report drew a mix of concern and optimism yesterday.

"The report demonstrates that the state is making progress in the area of child welfare reform. However, there is much more that needs to be done," said Kelley Heck, spokeswoman for acting Gov. Richard Codey. She noted that Codey has included \$180 million for the reform in his proposed 2006 budget.

Officials at Children's Rights Inc., which filed the lawsuit, urged the state to follow the panel's recommendations. "This settlement agreement is court-ordered and if the state does not comply, it could end up back in court," said Marcia Robinson Lowry, executive director of Children's Rights.

Lowry said Human Services Commissioner James Davy should stop the "bureaucratic tinkering" and create a separate state department devoted solely to children's services: "Until there is a dramatic change in the structure, we don't see how all the state's good intentions can actually make children's lives better."

Lisa Eisenbud, director of monitoring for the Office of the Child Advocate, said she found the report "deeply concerning ... However, we are encouraged by the panel's diagnosis of the problems and generally agree with the recommendations on how to get reform on track."

Hetty Rosenstein, president of Local 1037 of the Communications Workers of America, the union representing DYFS workers, noted that areas for improvement included developing more relationships with community leaders to work with DYFS.

"We have not mastered the safety issues yet. Let's master the safety issues before we get to the niceties of community involvement," Rosenstein said.

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User-unfriendly adoption agencies

Report finds state systems discourage many prospective parents from pursuing foster kids

BY DAVID CRARY March 12, 2005 Associated Press

NEW YORK -- The backlog of children languishing in foster care could be sharply reduced if state agencies were more friendly and helpful to prospective parents asking about adoptions, according to a new report which says fewer than one of 16 adults who make initial inquiries actually ends up adopting.

The vast majority give up "not because they want to, but apparently because they decide not to deal with a system they perceive as too frustrating, bureaucratic and just plain unfriendly," the Evan B. Donaldson Adoption Institute says.

The report urges state agencies to set up hotlines staffed by well-trained employees who provide callers with immediate, encouraging responses. Throughout the process, state employees should strive to avoid alienating applicants, be cordial in broaching the issue of background checks, and provide clear information, it said.

A preliminary version of the report was circulated among adoption professionals last year, and already has had an impact. Barb Holtan, director of a new federal initiative called AdoptUSKids, said the findings prompted her program to form state recruitment response teams with the goal of providing "basic good customer services" to prospective parents.

"We recruit and recruit (parents), and then when people call they're treated less than enthusiastically," she said yesterday.

The report's lead researcher, Jeff Katz, formerly headed Rhode Island's state adoption agency. He and his colleagues surveyed more than 40 states, analyzed federal data and conducted interviews in Boston, Miami and San Jose, Calif.

"To me, it's shocking," Katz said in a telephone interview. "There are kids in foster care saying, 'No one wants me' and there are parents who want to adopt saying, 'Why doesn't anyone return my calls?'"

According to the latest federal statistics, from 2002, about 126,000 children were in foster care awaiting adoption, often for many years. About 53,000 children were adopted from foster care, in most cases by their foster parents or by relatives; Katz said less than 6 percent of the 240,000 other adults who inquired about adoption ended up completing the process.

In New Jersey as of January, there were 12,222 children supervised by the child welfare agency in foster homes, group homes, institutions, shelters and residential centers. Of these children, 10,000 are in actual foster homes. Last year, 1,300 children were adopted through the foster care system.

Katz said state agencies -- rather than spending to recruit ever more applicants -- should focus on making the process more welcoming, even during the necessary screening to weed out unsuitable parents. He said at least one state agency seemed to deter applicants by fingerprinting them at their first orientation meeting.

For foster children, "an alienating experience for a prospective parent can mean the difference between a life spent in the uncertainty of temporary homes and the loving embrace of a permanent family," the report said.

Experts not connected with the Donaldson Institute expressed empathy with often underfunded state adoption agencies, but concurred with the thrust of Katz's report.

Gloria Hochman of the Philadelphia-based National Adoption Center said states should continue recruiting, to enhance the pool of prospective parents.

"Unfortunately, the agencies don't always have enough staff," she said. "They do the best they can, but they need more focus on what potential adopters need. It takes a lot of courage to apply, and people expect to be treated with courtesy."

Holtan, an adoption professional since 1980, said Katz's study confirmed what many in the field suspected based on

anecdotal information.

"We'd say to people, 'The kids are waiting. Call us.' Then they'd call us, and we'd ask crazy questions. ... We need to see these folks as precious resources."

One adoptive mother, learning of Katz's study, said she "felt chills" because it so reflected her experiences.

Judith St. Onge, a hospital executive in Montgomery, Ala., said she and her husband have adopted seven children while living in three different states -- but six times resorted to private adoption because dealing with state agencies proved frustrating.

"We got tired of the run-around, the lost paperwork, and, in many cases, the rudeness and lack of concern," she said. "There should be easy fixes -- like having a friendly person answer when you make your first call."

St. Onge said she was often told the state's paramount concern was for the child, not the prospective parents.

"That's a false either-or," she said. "It ought to be win-win."

The Donaldson Institute's director, Adam Pertman, suggested these problems may be fueling the rise in adoptions of foreign children.

"How many times can you get hung up on before you go elsewhere?" he asked.

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Child welfare planning council wants you

By SEAN C. McCULLEN March 30, 2005 Staff Writer

VINELAND -- Last April, newly appointed Department of Human Services Commissioner James M. Davy promised a large gathering of social workers at Bridgeton's Everett P. Marino Center that New Jersey was readying to embark on the most comprehensive child welfare plan in the nation.

The county's general community had its first opportunity to get involved with that plan Tuesday night.

The planning committee of the fledgling Cumberland County Child Welfare Planning Council hosted a "roll out" meeting -- a program of testimonials, statistics and pleas for volunteers -- at the spacious Chestnut Assembly of God on Chestnut Avenue.

"In the hope of stimulating you to volunteer for service in the county's Child Welfare Planning Council, we gather here tonight," Barry Keefe, a professor of social work at Richard Stockton College who served as the program facilitator Tuesday night, said at the beginning of the meeting.

The council, while still in its infancy, is seeking those residents interested in volunteering to become foster parents, mentors, and/or baby-sitters; to teach job skills in their areas of expertise, and to offer their general support to those parents and children in need of assistance.

About 150 people attended the meeting -- a good mixture of social workers and interested, eager-to-get-involved residents, of black, white and Hispanic senior citizens, middle-aged men and women, and teenagers.

Michelle Leyman, director of the county's Court Appointed Special Advocates, or CASA, a group of volunteers who work with neglected and/or abused children, presented some powerful statistics to demonstrate the need to address child abuse and neglect in the county.

For instance, 493 county children currently are living in foster care, having been removed from their parents' or guardians' homes due to abuse or neglect, with 11 percent of those children in "the system" for more than five years.

In 2002, 48 out of every 1,000 county children were involved in cases in which allegations of abuse or neglect in their homes had surfaced, the highest rate of the state's 21 counties.

Nearly 20 percent of those cases were substantiated, the 10th highest rate in the state.

Part of the reform plan Davy spoke about in Bridgeton nearly a year ago was to create a system in which all of the responsibility for child welfare services did not fall on the overburdened Division of Youth and Family Services (DYFS).

The plan was to create additional divisions to handle varying issues facing the state's children and families, such as children's behavioral health, while leaving safety and protection issues to DYFS.

Another product of the reform plan is the Division of Prevention and Community Partnerships, which will assist the individual county councils in getting established and furthering the message that county residents can and should look out for the welfare of neighboring children.

The division's assistant commissioner, Carla Cook-Harris, was among the speakers at Tuesday's program.

"The Child Welfare Planning Council will focus on prevention. In the past, the job was to put out fires. Now, we're working to prevent fires," Cook-Harris said.

Vineland resident Evelyn DeJesus told the crowd how she and her children were saved by DYFS and other social services caseworkers after abuse in her home was reported by a neighbor many years ago. Not only did that phone call help lead DeJesus out of an abusive relationship, it spared her children from being abused.

Having previously thought of DYFS as "the enemy," DeJesus can now say, "I'm glad that somebody called. ... I thank God for that person that called, because my children were saved."

Ethan Aronoff, chairman of the planning committee for the soon-to-be-established county Child Welfare Council and coordinator of the county Human Services Advisory Council, indicated the new program is already off to a good start.

"Cumberland County is actually ahead because, unlike most of the other counties, there have already been established collaboratives in each of the three cities in the county," he said.

The collaboratives, or family centers, have been established in the neediest, most crime-riddled neighborhoods of Bridgeton, Millville and Vineland, offering support and links to services and resources for at-risk children and families. Each has been up and running for about a year now.

Leyman noted that a correlation can definitely be drawn between those neighborhoods that have high crime rates and child abuse.

The Child Welfare Planning Council will continue to move forward at its next meeting, to be held April 12 from 6:30 to 8:30 p.m. at Landis Intermediate School, 61 W. Landis Ave., Vineland.

In coming months, a steering committee, which must be at least 51 percent comprised of community members, not agency workers, will be formed to direct the council.

Aronoff estimated the steering committee, which will bring together a cross section of agency representatives, residents and individuals with expertise in a variety of different areas, including government, business, education and religion, will consist of 15 to 35 members.

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Trauma follows 'alumni' of foster care, study finds

BY PEGGY O'CROWLEY

Star-Ledger Staff

April 07, 2005

The emotional and economic scars of growing up in foster care last well into adulthood, according to a new study that shows foster system "alumni" suffer from post-traumatic stress at twice the rate of Iraq war veterans.

The findings, released yesterday, were part of the most extensive study yet of foster-care adults. While such young adults are more likely than their peers to suffer from mental disorders, live in poverty and lack health insurance, the study, conducted by the Casey Family Programs and Harvard Medical School, also identified factors that seemed to help those most successful in the group.

"We're alarmed that in too many cases, these young adults are not doing as well as we anticipated," said Ruth Massinga, president and CEO of the Casey Family Programs, the largest foundation dedicated to the more than half-million children in foster care nationwide. "We must now focus our efforts to try to change this reality for children."

The Northwest Foster Care Alumni Study interviewed nearly 500 Washington state and Oregon residents ages 20 through 33 who had spent at least one year in the foster-care system. A little more than half reported suffering from one or more mental disorders. Twenty-five percent suffered from post-traumatic stress, compared with 12 percent for American soldiers fighting in Iraq.

One-third lived at or below the poverty line or did not have health insurance. And while 84 percent graduated from high school (the national average is 87 percent), only 2 percent had earned a college degree.

Their experiences ring true for Jamillah Hawkins, 22, of Elizabeth, who entered foster care at age 3. She lived in more than 30 foster homes or youth facilities until she left the system, she said.

"I never stayed anywhere longer than three months. I had foster families who wanted to adopt me, but I always wanted to go home. I didn't know there was no home to go to. I would break the rules, act out physically -- fighting and cursing," she said.

Hawkins, who has been treated for psychiatric problems, said she still suffers depression. She is a part-time supermarket clerk with earnings below the poverty level and does not have health insurance.

However, Hawkins also has been able to make some positive changes, like other successful foster-care alumni.

Study participants who fared best did not move from home to home, received added educational services and resources when they left foster care and had a stable relationship with someone who cared about them.

In order to help children stay in a placement, Massinga said, foster families need help getting the mental health and educational services they need.

Under New Jersey's child welfare reform plan, children are given a medical and mental health screening when they enter the system so clinicians and foster parents are aware of those needs, said Rachel Modiano, supervisor of the screening program at the Dorothy Hirsch Regional Child Protection Center at St. Peter's University Hospital in New Brunswick.

The Comprehensive Health Evaluation for Children began last year and will be implemented statewide, she said.

Modiano, a psychologist, was scheduled to speak to child welfare workers at the center today about foster-care mental

health issues.

Changes also are needed for the 20,000 youth nationwide who "age out" of the system every year. In most states, that happens at 18, although a handful, including New Jersey, set the cutoff at age 21.

The study found that adults did better when they left the system with reliable resources. Researchers called upon the government to review the effectiveness of existing programs.

Hawkins earned a high school diploma while in an independent living program. When she aged out of the system, she received assistance from the Permanent Supported Housing Program, which helps pay rent on an apartment she could not otherwise afford. She is attending cosmetology school with financial aid and eventually hopes to get a degree in nursing.

The assistance will continue as long as she needs it, said Roy Leitstein, assistant executive director of youth for Community Access. The agency runs a number of programs for foster-care youth, including housing subsidies.

"If you throw them to the wolves, it's no wonder you're going to have substance abuse, mental health or financial problems," said Leitstein, a mentor for Hawkins. "The average age of a financially independent college graduate is 26."

This is why a new program for foster-care alumni provides services up to age 24, said Gary Stangler, executive director of the Jim Casey Youth Opportunities Initiative.

Staff working for the initiative, located in 12 cities across the country, cosign apartment leases, set up saving accounts and help pay for cars so clients can get to jobs. They serve as a caring, stable authority.

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DYFS ordered to respond to all hotline tips in 24 hours

Drowning of Ocean County child last month prompted change in policy

August 05, 2005 BY SUSAN K. LIVIO Star-Ledger Staff

Responding to months of criticism that New Jersey's child welfare agency has responded too slowly to allegations of mistreatment, state officials yesterday ordered workers to open an investigation no more than 24 hours after the state's child abuse hotline gets a tip.

The change in policy comes after the July 20 drowning of a 2-year-old Ocean County child in a case identified as "low risk" by the state Division of Youth and Family Services. State caseworkers then failed to visit after someone reported the girl was frequently left unsupervised.

The policy ends the 13-month-old practice of allowing DYFS workers up to five days to visit a family the hotline screeners identified as "low risk" -- a determination that required a less rigorous "child welfare assessment" instead of an investigation into abuse or neglect.

"A growing chorus of concerns, input from our workers and key advocates, an independent evaluation, as well as our own administrative review, suggests that we need to step back and review how we make decisions at the very critical

front end of our system," Deputy Human Services Commissioner Kathi Way said in a prepared statement yesterday.

The department made the announcement jointly yesterday with the New Jersey Child Welfare Panel, the court-appointed body of national experts monitoring the state's compliance with a lawsuit settlement that requires vast improvements to the child welfare system.

Judy Meltzer, a panel member, praised the state's decision "to revisit this critical aspect of the reform implementation."

Last week, the panel told the state the year-old reform effort "has not come close to meeting the state's commitments," citing in particular the "inadequate and confusing guidelines" for classifying cases.

The Communications Workers of America, the labor union representing DYFS workers, embraced the policy change yesterday after lobbying top state officials for many months to overturn it.

"In our view, any allegation that warrants the government looking into the living conditions for children deserves a full investigation with a trained DYFS worker with a reasonable caseload," said Hetty Rosenstein, president of CWA Local 1037.

"It's about time and it's not enough," said Susan Lambiase of Children's Rights Inc., the national advocacy group whose lawsuit on behalf of foster children prompted the court-monitored reform. "I think if they didn't do this, they would be in serious trouble with the panel."

The change in policy comes after two child deaths this year.

An anonymous caller reported to the hotline on July 11 that Alana Duff's mother used alcohol and drugs, left the toddler and her 12-year-old sister alone, and had failed to seek treatment for a burn on the toddler's foot. The toddler was left unattended and drowned in her backyard pool in Waretown on July 20.

In this case, the hotline screener and supervisor incorrectly coded the case as low risk, state officials say. In addition, the caseworker never visited the house within the five-day requirement for low-risk cases. The hotline screener, supervisor and the caseworker have been reassigned until an internal investigation is done, according to state officials.

The death in February of 6-year-old Phillip O'Donnell of Highland Park also raised questions about the hotline screening process. The hotline deemed tips about his mother's depression and possible neglect as low risk. Days later, his mother, Alice, was charged with drugging and smothering him.

Way, the deputy commissioner, also announced that several categories of child maltreatment classified as low risk will now get full-fledged investigations. Examples include any report of sex between children, complaints involving a family already monitored by DYFS, and allegations involving a child under the age of 7, department spokeswoman Laurie Facciarossa said.

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PRESS RELEASE: August 4, 2005

222 South Warren Street, Trenton, NJ 08625 Contact: Laurie Facciarossa Andy Williams

SRC Response Time

The Department of Human Services today announced that it plans to require that any allegation of child maltreatment be investigated by the Division of Youth and Family Services (DYFS) within 24 hours and will suspend the practice of coding some less serious child maltreatment allegations as "child welfare assessments" which currently allows workers up to three days to visit the child.

"A growing chorus of concerns, input from our workers and key advocates, an independent evaluation, as well as our own administrative review suggests that we need to step back and review how we make decisions at the very critical front end of our system," said Kathi Way, DHS Deputy Commissioner for the Office of Children's Services, which is implementing a massive reform effort.

"In order to continue to improve the child welfare system, we need to be flexible and be willing to make adjustments in mid-stream," said Commissioner James M. Davy, of the 24-hour response time adjustment. "While we do not take this step lightly, we will always make the safety of children our first priority."

Way said DHS has been in discussions with the court-appointed Child Welfare Panel on this topic since last week and worked out the framework for the change during a lengthy meeting in Trenton yesterday. Staff was notified of the impending change today and were informed that a start date for the new policy will be established within a week to 10 days.

"The Panel supports the state's decisions and their willingness to revisit this critical aspect of the reform implementation and to make changes in response to identified problems," said Judith Meltzer, who is acting chair of the Child Welfare Panel. "The ability to make adjustments along the road to reform is absolutely vital. The state's decision to err on the side of safety and require quicker face-to-face contact with children as they review screening protocols and retrain hotline staff is a step in the right direction."

In addition to the new response time guidelines for all reports, several categories of child maltreatment allegations -- which previously could have been considered child welfare assessments will now be classified by the SCR as investigations.

In addition, allegations of any kind involving a family already known to DYFS will no longer be classified as "information and referral" and will require a face-to-face response.

The state will continue to require an immediate response on the most serious allegations involving risk to children including physical and sexual abuse.

In July, DHS completed the first full year of a multi-million dollar reform effort that has resulted in a 30 percent reduction in caseload averages statewide, an 600-home increase in resource families, a reduction of adjudicated youth in juvenile detention awaiting behavioral health placements, a dramatic expansion of community behavioral health services for children and the establishment of the state's first centrally-located child abuse reporting hotline, and a gradual phase-down of the state's only psychiatric institution for children.

The DYFS shuffle

Saturday, September 03, 2005

It's bad enough that the Division of Youth and Family Services got caught putting foster care kids through a distressing and disruptive shuffle. Worse, that shuffle was how DYFS pretended to be meeting a deadline for court-ordered reform.

Child Advocate Kevin Ryan happened to be visiting a Trenton children's shelter called Angels Wings when a DYFS caseworker showed up to remove 10-year-old twin sisters. The kids were going to be separated and placed in temporary foster homes. Each would most likely be moved again, and yet again, while caseworkers searched for a home willing to take both girls, Ryan was told.

Why not leave the twins in the shelter? Because the agency is under a court order to get kids 10 and younger out of institutions and into caring homes.

Shuffling kids from one emergency placement to another was how DYFS pretended to meet the order to de-institutionalize. Ryan learned that other children had been moved two or three times.

Rational managers would have asked the court and the panel monitoring the agency's progress for a dispensation on

institutional placements. Instead, DYFS chose to play like it was carrying out reform.

An embarrassed DYFS suddenly found a family friend willing to take both twins. If a good home were available, it should have been secured in the first place. If DYFS is not getting that part of its job right, there is not much hope for reform.

DYFS had planned to close Angels Wings but won't now. Continuing to use the shelters seems prudent -- as a very short-term, emergency-only solution. But the time should come when Angels Wings and other shelters aren't necessary.

"We want to make sure that we are planning properly and making sure we make the right placement for the right reason -- in the best interests of the child," the agency says now.

Lovely words. Now do it.

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Panel faults child-welfare restructuring

Legislators insist 'chaos' has resulted but DYFS officials dispute report's conclusions

September 14, 2005 BY SUSAN K. LIVIO Star-Ledger Staff

The state's effort to restructure the child welfare system has created "chaos" in the field and continues to leave workers overburdened and ill-equipped to help children, a legislative panel said yesterday.

The Staffing Outcome and Review Panel, created four years ago to monitor the operations of the Division of Youth and Family Services, concluded in its annual report that changes launched since July 2004 have failed in the most critical areas -- to retrain the work force to more thoroughly investigate abuse and neglect, and assist families in crisis.

"There has been too much bureaucracy and too little real changes in the field," said Angela Estes, the panel chairwoman who runs Robin's Nest, a south Jersey nonprofit organization that provides housing and social services to children under DYFS supervision.

"This has put some children at risk, while leaving many parents without the support they need to safely care for their own children," Estes said. "It is time to focus on the fundamentals -- staffing, services and accountability. This needs to happen right away, or our most vulnerable children will continue to be in harm's way."

The report criticized the state for failing to sufficiently reduce worker caseloads, and falling a year behind in developing a training curriculum for the caseworkers the state has hired in the last 18 months.

The report also took issue with some of the reforms, such as the closing of all specialized adoption offices in December to streamline DYFS operations. The closure took place "before a new adoption program was fully operational in the local offices, further exacerbating a high backlog of adoption cases."

DYFS officials rebuked many of the report's conclusions and accused the panel of not giving the state credit for its accomplishments since agreeing to a court-monitored overhaul of the child welfare system in 2003.

"We agree caseloads need to come down," Assistant Human Services Commissioner Edward E. Cotton said. "But there is no acknowledgment the number of caseload-carrying workers has gone from 1,500 to 2,000 in 18 months. Or that caseloads have dropped 30 percent."

Cotton agreed the changes in the adoption system moved too quickly, but rejected the idea that children's well-being was at risk. "We have reduced the number of kids waiting for adoption, by 20 percent," going from 2,500 foster children to about 2,000 since June 2003.

The review panel, created in 2001 to ensure DYFS was getting enough money, has 13 members representing organized labor, several state departments including Human Services (DYFS' parent agency), the Legislature, nonprofit social service agencies and the judiciary.

Members of a more powerful oversight panel, created in 2003 when the child welfare system was restructured as part of a settlement of a class action suit against the state, agreed with the report's major findings, but said they hoped support for the reform remains strong.

Judith Meltzer, a member of the court-ordered panel and deputy director of a Washington, D.C., social services think tank, said she wouldn't "quarrel with the findings. ... We think it is consistent with the our message over the last several month the state needs to prioritize its work.

"But we think it would be an enormous shame to retreat from the comprehensiveness and ambitions of the plan -- a plan that was developed with broad input from people all over the state."

Susan Lambiase, associate director of Children's Rights Inc., which brought the suit against the state, said her agency would agree the reforms "are not happening the way they should be happening, but that's a leadership problem. It's not the reform plan that is the problem."

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DYFS reform draws stinging criticism

Influential panel cites 'seriously inadequate progress' that could result in a legal clash

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

A court-appointed panel of experts says New Jersey made "seriously inadequate progress" in the first year of a \$320 million plan to fix the state's failing child welfare system -- a finding that may force a legal showdown over who will control the reform effort.

In a draft report obtained by The Star-Ledger, the monitoring panel found the state is far overdue in training thousands of front-line workers at the agency responsible for protecting abused and neglected children. It also said the state still hasn't found enough foster homes for children now stuck in detention centers, shelters and facilities outside New Jersey.

"For a few of the commitments New Jersey made, the state has not taken action; for too many others it has taken actions that are late or incomplete or do not meet the test of quality and thoughtfulness," the draft report by the New Jersey Child Welfare Panel says.

This is the latest in a series of scathing reviews of the state's reforms by child welfare organizations. Just last week, a panel that reports to the state Legislature concluded the reform has prompted "chaos" among workers. The Child Welfare Panel report, however, carries the most weight because its final version will be used by a federal judge overseeing the 2003 settlement of a lawsuit that required improvements to the child welfare system.

The draft report says the state's progress from July 2004 to July 2005 was "seriously inadequate" -- a phrase that could legally trigger a request for court intervention by Children's Rights, Inc. in New York, a national advocacy group that sued on behalf of the state's 11,600 foster children.

"Six months ago, in our first monitoring report, we wrote that the reform effort was in need of a significant course correction," the draft report reads. "That conclusion remains true today, and it is increasingly urgent in view of the additional time that has passed."

The report said top managers are not consistently "reinforc(ing) the vision and purpose behind the many changes," nor are they delegating responsibilities to make the reform successful.

"The state cannot yet ensure regular face-to-face contact between workers and the children for whom they are responsible, nor can it demonstrate that children entering (foster) care are getting the medical care they need," according to the draft report dated Sept. 2.

The panel's final version of the progress report is expected soon, but revisions are ongoing, said Judith Meltzer, a panel member and deputy director of the Center for the Study of Social Policy in Washington, D.C. She declined to comment yesterday.

State Department of Human Services spokeswoman Laurie Facciarossa said the draft report was "preliminary" and expected it would change.

"There has been significant input from us in every major category. The expectation is there are going to be dramatic changes" in the final report, Facciarossa said, declining to elaborate.

Human Services Commissioner James Davy must show the court-appointed panel of child welfare experts that he is succeeding in fixing the notoriously underfunded and mismanaged Division of Youth and Family Services, responsible for several casework blunders since 2003 that have put kids in danger.

Children's Rights' attorneys could ask U.S. District Judge Stanley R. Chesler to intervene if they believe children are at risk of "immediate and irreparable harm," according to the settlement. The group could, for example, ask the panel to act as a mediator, and decide what state officials must do to get on track.

Susan Lambiase, Children's Rights associate director, declined to comment on the draft report yesterday, saying she is waiting for the final version. But based on their own observations, Children's Rights was "already dissatisfied with the progress that has been made to date," she said.

"I expect that if there are issues of seriously inadequate progress, we will trigger the dispute resolution process" and ask the panel to mediate, Lambiase said.

In its draft report the panel does give the state credit for "the impressive effort that many dedicated managers, supervisors and front line (workers) continue to make every day to help children and families." It lauds the state's financial commitment to pay for the changes -- \$320 million since early 2004. The panel also recognizes "system reform on a large scale is inherently complicated and difficult, and success always takes longer than anyone would like."

Even with those acknowledgements, the state's work doesn't measure up yet on some of the most basic functions of a child welfare agency, the report said.

These include the launch of the statewide child abuse hot-line, which "has had significant difficulties in adequately screening allegations," and the closure of specialized adoption offices, which has "seriously disrupted" progress made on finding foster children permanent homes, the report said.

Although state officials declined to comment on the panel's draft report yesterday, they defended their record last week when another board created by the Legislature released a critical assessment of their reform efforts.

Assistant Human Services Commissioner Edward E. Cotton noted the state has hired 500 caseload-carrying workers in 18 months, resulting in a 30 percent decline in caseloads. Cotton also noted that although the reform of the adoption system got off to a bumpy start, foster children have not been harmed during the transition period. There are 20 percent fewer children since 2003 who are waiting to be adopted, he said.

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Trenton, NJ 08625

Contact: Laurie Facciarossa

RELEASE: September 23, 2005

TRENTON -- Department of Human Services, Office of Children's Services Assistant Commissioner Edward E. Cotton, who has been instrumental in implementing the state's massive child welfare reform effort, has announced his decision to leave the agency effective November 1.

Cotton took over the helm of the OCS Division of Youth and Family Services, the state's primary child protection agency, in July 2003, shortly after the state signed an agreement to settle a class action suit that had been filed against the agency in 1999 by a New York-based child advocacy organization.

“Ed Cotton has worked tirelessly to improve the lives of countless thousands of vulnerable children and at-risk families in the state of New Jersey and is leaving behind a system that is significantly improved as a result of his efforts,” said DHS Commissioner James M. Davy.

During Cotton's tenure, the number of caseworkers assigned to DYFS increased by more than 500 to some 2,000 workers, reducing caseloads from an average of 22 families per worker to about 14.5 families per worker today.

In addition, Cotton launched the state's first 24-hour, fully-staffed, centralized child abuse reporting hotline, hired specially trained investigators to handle child abuse and neglect investigations, reduced the length of time that so-called “boarder babies” remain in hospitals awaiting foster placements, and implemented a sweeping new case practice model that emphasizes child safety and links families to needed services and supports.

“Our efforts to improve our child welfare system have benefited from Ed Cotton's knowledge of child welfare case practice as well his commitment to child safety and family stability,” said Kathi Way , OCS Deputy Commissioner.

Way said she expects to name an interim administrator for DYFS within the next two weeks and noted that the OCS is undergoing a significant restructuring as a result of input from the court-appointed Child Welfare Panel that is monitoring the state's reform efforts. Cotton will be assisting the new administrator to ensure a smooth transition. As a result of the restructuring, said Way, many of the administrative functions currently overseen by DYFS will be dispersed among other offices within OCS.

“Working as part of a team reforming New Jersey 's child welfare system has been among the most exciting and the most challenging assignments of my career and I have been honored to work with many energetic, committed and dedicated people during the last 27 months,” said Cotton. “But I have been in government service for more than 30 years and in child welfare operations for nearly that entire time. So I am looking forward to spending more time with my family and pursuing other career options.”

Cotton said he feels particularly proud of the DYFS field staff “who deserve credit for their hard work, their dedication and for their largely unheralded efforts to make life better for New Jersey's children each and every day.”

Before his appointment as DYFS director in July 2003, Cotton was the Administrator of Child and Family Services, for the Nevada Department of Human Resources where he was responsible for all children's programs, including child protection, child welfare, juvenile justice, and children's mental health.

Prior to working for the Nevada child welfare system, he worked for the Illinois Department of Children and Family Services for 22 years. During his tenure in Illinois , Cotton held the positions of: caseworker, child protective investigator, field supervisor, child welfare manager, ultimately rising to the position of Deputy Director of the Division of Child Protection.

He is also a single parent of four sons and has been a foster and adoptive parent for children with special needs for more than 25 years, caring for more than 30 foster children during that time.

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<http://www.state.nj.us/humanservices/Press-2005/cotton.htm>

HERALD NEWS

September 27, 2005

Officials change while DYFS stays the same

Ed Cotton has been director of the state's Division of Youth and Family Services for little more than two years. He was hired to bring change to the beleaguered child welfare agency. DYFS is under a court mandate to improve its operations quickly. So far, the only thing quick at DYFS has been the turnover of key state officials. Cotton is leaving Nov. 1.

On Friday, Cotton announced he was resigning, returning to Nevada. He had no immediate plans to work in state government. He said: "If my phone rings at 10 p.m., it's probably about a dead child. I don't want to do that anymore."

It is a hard job. It is harder in New Jersey because incompetence, neglect and poor leadership have weakened the institution.

Human Services Commissioner Gwendolyn Harris left her post after little more than two years, in 2004. Harris was the commander of the state agency that oversees DYFS when 7-year-old Faheem Williams was found dead in a container in a Newark basement. He supposedly was under the protective eye of DYFS. The incident horrified the public, and then-Gov. James E. McGreevey promised change.

Some change has occurred. It is a result of a \$320 million plan to fix DYFS, prompted by settlement with Children's Rights Inc., an advocacy group that sued the state on behalf of New Jersey's foster children.

More caseworkers have been hired and Cotton instituted a 24-hour-child-abuse reporting hot line. The hot line, though, has been criticized for not responding fast enough to tips. Caseworkers had up to five days to visit a child after a tip was phoned in. After a child drowned this summer, the lag between call and visit was changed; caseworkers must respond with 24 hours of a hotline tip.

Better? Yes. But another child died before an obvious change was made.

Cotton cannot be blamed for the system he inherited. It will take years and millions of dollars to improve DYFS. It also will take strong, continued leadership, and that has been lacking. Cotton's departure does nothing to help bring continuity to DYFS's management.

Acting Gov. Richard J. Codey is faced with a difficult task. It will be hard to bring in a new director of DYFS when his administration is ending in January. Whether the next governor is a Democrat or Republican, he will want to bring in new leadership. And that means whoever is tapped to head DYFS in November may face unemployment in January.

A court-appointed panel is monitoring the progress DYFS is making in overhauling itself. It is expected to release a progress report soon. A draft version of that report made public last week noted the slowness in training caseworkers and the dearth of foster homes for children. Many children placed in the DYFS system end up in detention centers for lack of proper foster homes.

Clearly the internal workings of DYFS are still not working well. There is no time to waste. Every month of delay means more children are at risk, regardless of the good intentions of state officials.

Cotton seems burned out by his experience in New Jersey. The bureaucracy he inherited is numbing. And he may indeed need a rest, a departure from state-run child welfare agencies.

But thousands of New Jersey children cannot walk away from DYFS. What happens to them?

Legislative Update - No Caps on Kids! September 16, 2005

Reconciliation Delayed--Thank You for Your Efforts

Earlier this week, congressional leaders agreed to delay temporarily, but not suspend, the reconciliation process. In part, they were responding to pressure from those, like many of you, who called and argued that it is wrong to cut vital human service programs at a time of such need. It is still the intent of congressional leadership, however, to pursue program cuts of \$35 billion. Your advocacy, therefore, is still needed over the next few weeks.

As you recall, September 16 was the deadline for Congress to craft legislation that would cut human service programs by \$35 billion. This is still expected to include at least \$10 billion from Medicaid and other programs, including child welfare. That action was to be followed one week later by a package of \$70 billion in tax cuts. The new deadline for authorizing committees to report their recommendations is set for the week of October 17. The Budget Committees will act on these recommendations the following week.

What We Can Expect Next:

While reconciliation has been delayed, key members of House and Senate leadership are still arguing for cuts of \$35 billion in human service programs, including Medicaid and perhaps Title IV-E Foster Care and Adoption Assistance**, along with a package of tax cuts of \$70 billion. Since coming back into session on September 6, congressional attention has been on how to provide relief to states directly hit by Hurricane Katrina, in addition to helping states indirectly effected by its aftermath. Congressional leaders envision that once they have dealt with a series of supplemental appropriations and temporary changes to programs such as Medicaid, child welfare, TANF, education, and housing, they will then have time to pursue reconciliation cuts.

Members of congress from both parties have argued for dropping reconciliation altogether because some of the programs cut by reconciliation will be the same programs providing increased funding to disaster relief states.

CWLA is continuing to work with members of Congress in opposition to a reconciliation package that would cut Title IV-E Foster Care, Medicaid, and other vital human service programs. We are also pressing the argument that, in light of the tragic consequences of Hurricane Katrina, it would be well for Congress to reassess our priorities and how we are helping our most vulnerable populations as represented by the faces of the victims of the hurricane.

Background:

In May, Congress passed a budget resolution that included instructions that direct relevant congressional committees of the House and Senate to pass "reconciliation" legislation to reduce federal spending for entitlement programs by \$35 billion. The House and Senate committees had been instructed to pass legislation to achieve these entitlement cuts by September 16. A week later, on September 23, House and Senate committees were instructed to find \$70 billion in tax cuts.

\$11 billion of the entitlement cuts must come from programs under the jurisdiction of the Senate Finance Committee. While the budget resolution assumes that most of these cuts will come from the Medicaid program, the Finance Committee will make the final decision about which programs to cut. The Finance Committee has jurisdiction over many programs that provide funding for child welfare services, including Title IV-E Foster Care and Adoption Assistance, the Social Services Block Grant (Title XX, SSBG), and Temporary Assistance for Needy Families (TANF). In the House, it is up to the Energy and Commerce Committee to decide how to make the \$10 billion in cuts in Medicaid. Additionally, the House Ways and Means Committee, which has jurisdiction over Title IV-E Foster Care and Adoption Assistance, SSBG, and TANF, also has directions to make cuts of \$1 billion.

Capping federal foster care funding will put children's well-being at risk. If federal foster care funding is capped, a state cannot draw on greater federal funding for foster care services when the demand increases due to circumstances beyond their control, e.g. the methamphetamine crisis. Allowing states to take a capped amount of federal funding or block grant may seem harmless, however, states making this choice may face decisions such as reducing foster care payments to foster parents, decreasing the per diem paid to private providers caring for these children, or changing policies that prevent abuse--resulting in more abused or neglected children placed in foster care. Further, if this proposal is intended to serve as the major reform to child welfare financing that is truly needed, it falls far short of addressing the deficiencies documented in the Child and Family Service Reviews.

On August 5, U.S. Department of Health and Human Services Secretary Michael Leavitt sent the Administration's Medicaid legislative proposals to Congress. These proposals specifically call for ways to reduce federal Medicaid support for children in foster care or otherwise involved with the child welfare system.

When Congress enacts cuts to the Medicaid program they will give serious consideration to these proposals advanced by

the White House to reduce federal spending for Medicaid by restricting the use of Medicaid targeted case management (TCM) and rehabilitative services for children in the child welfare system. The text of these proposals can be found at <http://www.cwla.org/advocacy/nocapsonkids.htm>. TCM services ensure that children's needs are assessed, a care plan is developed, referrals are made to needed services, and care plans are monitored and services are delivered. The White House proposals suggest that Medicaid should not pay for these services because they could be paid for with other federal funds, including Title IV-E Foster Care, SSBG, and TANF, or with state or local programs. However, many states report that they do not have the state or local funds--or the use of federal funding such as SSBG or TANF--to make up for the loss of these federal Medicaid funds. States also report that the services provided by Medicaid to address the health and mental health needs of children in the child welfare system cannot be paid for with Title IV-E funds.

Congress may also consider another White House proposal to reduce the level of federal funding for TCM services to the Medicaid administrative matching rate of 50%. Currently, the federal matching rate for TCM is as high as 80% in many states. This change would start on October 1. The White House proposal also calls for a cap on Medicaid administrative expenses.

Newly released data from the Urban Institute indicate that 961,000 children enrolled in Medicaid were in foster care at some point in 2001. In that year, states spent nearly \$4 billion in Medicaid funds on children in foster care. At least \$700 million of these Medicaid funds were used to provide TCM and/or rehabilitative services. These funds are in addition to other supports such as Title IV-E Foster Care and Adoption Assistance

Adding to already tight fiscal constraints, Congress is also poised to pass another reconciliation bill that calls for \$70 billion in additional tax cuts. Committees with jurisdiction over tax issues would have to pass legislation to implement these cuts by late October or early November.

For more information, visit CWLA's No Caps on Kids! Campaign website or contact Tim Briceland-Betts, CWLA Senior Government Affairs Associate, at bricebet@cwla.org or 202-942-0256.

** Title IV-E Foster Care and Adoption assistance is currently an entitlement program, which means that it is available to anyone who meets the program's strict eligibility criteria. The federal government reimburses each state for a percentage of the overall cost of the program. A reduction, or the capping or block granting, of Title IV-E funding would reduce the federal government's commitment to share the costs of caring for these abused and neglected children. The amount of money a state would receive from the federal government would be fixed, regardless of a state's expenses, as a result of a capping or block granting Title IV-E.

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URL: <http://www.cwla.org/advocacy/update050916.htm>

Feud simmers over legal fees in boys' starvation case

BY SUSAN K. LIVIO Star-Ledger Staff October 04, 2005

Now that the state has agreed to pay \$12.5 million to four brothers who nearly starved in a South Jersey foster home, a behind-the-scenes dispute broke into the open yesterday over how much of the money will go to lawyers.

The executive director of Children's Rights Inc., Marcia Robinson Lowry, who is legal guardian for the three youngest brothers, yesterday signed a \$7.5 million settlement with the Division of Youth and Family Services that also guarantees them free medical care until age 21 and extensive tutoring. The boys' oldest adoptive brother, Bruce Jackson, 21, will receive \$5 million under a settlement his pro bono attorney, Michael Critchley of West Orange, accepted last week.

The \$12.5 million is the largest ever paid out by the state's child welfare agency, and ends a lawsuit filed in May 2004 on behalf of the four boys, who were deprived of food and medical care in their foster and adoptive home while DYFS was supposed to be monitoring them.

What remains unresolved, however, is how much money will go to pay the minor children's attorneys -- an issue that made settlement talks contentious for months.

Yesterday, the friction between Lowry and Human Services Commissioner James Davy went public. First Lowry said the state had "dragged its feet in agreeing to acceptable terms. We repeatedly had to threaten trial to secure an acceptable deal."

Davy angrily denied that, saying the state had offered the \$12.5 million package in March. "The one issue that held up negotiations was the plaintiffs' demand that their out-of-state attorneys get the same amount of money the boys were getting for legal fees," he said.

Davy said the law offices of Emery, Celli, Brinckerhoff & Abady of New York anticipated getting a one-fourth share of the three younger boys' \$7.5 million award.

In the agreement signed yesterday, the parties left it to U.S. Magistrate Joel Rosen in Camden to decide how money the attorneys should be compensated. But Davy said the state will challenge any award it deems unfair.

"We want the boys to get the money, not the lawyers who have done minimal work," Davy said, noting the case almost immediately went into settlement talks.

Lowry insisted the payment of legal fees for the law firm was not the only sticking point, but declined to discuss the negotiations in detail because of confidentiality restrictions.

Instead, she raised fresh concerns about the quality of the boys' care.

Since the boys have been removed from their adoptive parents, who are charged with abusing and neglecting them, Lowry said one of the boys "moved from one foster home to another." The children now live with foster families who want to raise them, yet "DYFS has not taken the steps to get them legally adopted," she said.

Part of the settlement calls for \$185,000 in tutoring and educational services. That was included, Lowry said, because a consultant she hired to evaluate the brothers feels they are not getting the attention they need.

The settlement requires the state to provide 10 hours a month of "cognitive" therapy, which helps improve memory, language and thinking skills; one hour a week each of occupational and vocational therapy; and four hours a week of tutoring.

"We have real concerns about how the state has handled the care of these children since they were discovered in such dire circumstances," Lowry said.

When Collingswood police removed the four adoptive brothers from Vanessa and Raymond Jackson's home on Oct. 10, 2003, none weighed more than 45 pounds. Their teeth had rotted, they had distended stomachs and their ribs and collar bones were visible, authorities said. The boys said they believed they had eating disorders, and had survived on little more than pancake batter.

Vanessa Jackson, the brothers' adoptive mother, is facing trial on aggravated assault and child endangerment charges. Her husband died last year following a stroke.

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Child welfare panel issued a pink slip

State opts for 1 person to monitor overhaul

BY SUSAN K. LIVIO October 08, 2005 Star-Ledger Staff

State officials have decided to dump a court-appointed child welfare oversight panel that has consistently criticized New Jersey's overhaul of its troubled system to protect children from abuse and neglect.

State Human Services Commissioner James Davy yesterday informed the New Jersey Child Welfare Panel that it will be out of business once its contract expires Dec. 18. The move comes just days before the panel is expected to give New Jersey a lousy progress report on its \$320 million reform effort.

Davy had the option to extend the contract with the panel of national experts, assigned by a federal judge to monitor the state's reform of the child welfare system as part of a lawsuit settlement. But in a letter obtained by The Star-Ledger, Attorney General Peter Harvey, acting on Davy's behalf, essentially says thanks, but no thanks.

"The Department greatly appreciates the Panel's assistance during the planning phase and the initial 18-month monitoring phase," Harvey's letter said.

Instead, the state will exercise its option to replace the panel with a single monitor that will be chosen jointly by the Human Services commissioner and Children's Rights Inc. of New York, the advocacy group whose civil rights lawsuit against New Jersey's child welfare system forced the court-monitored overhaul.

The state's decision will end an arrangement that has been increasingly contentious since the spring, when the panel stepped up its criticism of the state's work. The panel began monitoring the state's work in July 2004.

The panel's first progress report in March said the state's effort to fix its failing child welfare system required a "significant course correction" to get it moving in the right direction. In July, the panel refused to give Davy a reprieve from a June 30 deadline to complete a series of changes, which includes reducing worker caseloads, improving worker training, and moving children out of detention centers and shelters who belong in foster care or a mental health treatment facility.

On Tuesday, the report the panel is scheduled to present to U.S. District Judge Stanley R. Chesler in Trenton is expected to be the most critical to date, saying New Jersey has made inadequate progress since the overhaul began in July 2004. It may open the door to allow Children's Rights to ask the judge to intervene.

Children's Rights Associate Director Susan Lambiase said her organization doesn't agree with the state's decision to disband the panel.

"The panel has been serving a valuable role, and we prefer the panel stay on rather than start with someone new," she said.

Laurie Facciarossa, Davy's spokeswoman said, "From the state's perspective, it makes more sense to work with one person. There is a clarity of direction you get from a single individual as opposed to different opinions you get with five individuals. Our understanding is single monitors have worked out well in other states."

Facciarossa said she was surprised to hear Children's Rights criticize the state's decision. "They never told us it would be disruptive," she said. "They suggested the name of an independent monitor," whom Facciarossa declined to identify.

Lambiase said their first option was to keep the panel, and declined to reveal any details from confidential negotiations. "There is no name on the record currently that both sides have agreed on," she said.

Panel Chairman Steven Cohen could not be reached for comment last night.

It is no secret among state child welfare officials there is a strained relationship between state officials and the court panel, which serves as both the state's adviser and monitor. Closed door meetings have degenerated into shouting sessions, they say.

The souring relationship was demonstrated in a letter Cohen sent to Davy in July over a dispute about the panel's interest in hiring a new technical advisory team Davy did not want.

"Disagreements between the state and the panel are to be expected; they are inevitable in a relationship of this kind," Cohen wrote. "What distresses us so -- and what none of us has experienced before, in many years of work in equally intense efforts across many jurisdictions -- is an effort of this kind to discredit not only the panel's integrity but other good and conscientious people and organizations who are willing to engage in this difficult work in the public interest."

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Child advocacy group wants faster progress on DYFS reform

By GEOFF MULVIHILL The Associated Press 10/11/2005, 5:30 p.m. ET

TRENTON, N.J. (AP) — A children's advocacy group on Tuesday said it might ask a federal judge to intervene in New Jersey's child welfare reforms if there isn't a change at the top of the state's Human Services Department soon.

The announcement came Tuesday as a report was released faulting reforms in some key areas of the state's Division of Youth and Family Services.

At a hearing on the report in U.S. District Court, Susan Lambiase, associate director of Children's Rights Inc. informed the state and Judge Stanley R. Chesler that she was seeking expedited mediation.

The state has three days to respond to the request, Lambiase said. That would be followed by 10 business days of talks involving her New York-based organization, which sued to force reforms to DYFS, and the state. The talks would be mediated by the New Jersey Child Welfare Panel, the same group of five experts who delivered Tuesday's damning report.

Lambiase said that if the mediation does not produce results, her group would sue the state, possibly asking for a judge to oversee DYFS' reforms more directly.

"It's been 18 months here and they haven't gotten the job done," she said.

After the hearing, Lambiase and Marcia Robinson Lowry, executive director of Children's Rights, said that they were seeking major changes in the ways the state is going about reforming DYFS.

Lambiase said a change in leadership or creating a new Cabinet-level child welfare agency might satisfy her organization. Either of those actions would mean that Human Services Commissioner James Davy would no longer be in charge of the reforms.

"This isn't about me and it isn't about creating a new bureaucracy, it's about systemically and methodically achieving the goals that have been set as part of this massive reform effort -- and we are doing just that," Davy said later in a written statement.

Speaking in court, Davy and Assistant Attorney General Stefanie A. Brand defended the strides made in turning an agency widely agreed to be in shambles in the right direction over the past two years.

"There is progress," Brand said. "It certainly doesn't do any good to the children of the state to blow up the entire reform

effort midstream."

The report, which found faults ranging from how child-welfare workers are trained to how well policy changes are communicated through the agency, also found the agency had improved on many fronts. It has hired hundreds of caseworkers, reduced caseloads and started a telephone hot line for child-abuse complaints.

However, the report found "significantly inadequate progress" in 14 areas among dozens it covered.

Brand said that some of those were reporting problems that will be fixed when the agency switches to a better computer system and that others have already been fixed or in the process of being fixed.

"Just one year into our effort, we are well on our way," Davy said.

Judge Chesler praised the efforts made by the state so far and said he is awaiting the next progress report, expected in February or March. He said he would prefer not to see more litigation over the reforms.

Lowry stopped short of saying she specifically wanted Davy out. "The issues really go beyond any one person," she said, adding that the mediation should be focused on broad issues rather than only the details of the reforms

"The concern is that the state has had a number of plans on paper, some of which have looked OK, some of which have not," she said. "We have lost faith in their ability to implement our plan in a constructive way.

Children's Rights has pressed for years to have the child welfare agency separated from Human Services, saying that the bigger agency has too many layers of bureaucracy.

Human Services officials have said it makes sense to have the agency be part of a larger one because it can get more federal funding that way and more easily share resources with other parts of the agency, including the arm that administers Medicaid.

Kevin Ryan, the state child advocate, said the child welfare system could be improved or flounder under either structure.

A change in direction could be imminent anyway with a governor's election only three weeks away.

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The panel's second monitoring report may be found at:

http://www.aecf.org/njpanel/NJ_Monitoring_Report_II.pdf

DYFS gets last chance to fend off federal takeover

Fearing state cannot guard the kids in its care, watchdog steps in

BY SUSAN K. LIVIO Star-Ledger Staff October 12, 2005

A national child advocacy group set the stage for a possible federal takeover of the state's child welfare system yesterday, telling a judge it has lost confidence in the state's ability to protect more than 11,000 of its most vulnerable children.

Armed with an expert panel's report saying the state had made "seriously inadequate progress" in the first year of a court-ordered reform, Children's Rights Inc. ordered a 10-day mediation process that gives the Department of Human Services one more chance to defend how it is implementing the \$320 million reform.

If the mediation fails, Children's Rights could ask U.S. District Court Judge Stanley Chesler in Trenton to declare the state is not doing the job and appoint a special master or receiver to take control of children's services from Human Services Commissioner James Davy.

"We know it's a drastic step, but the children we represent have suffered long enough," said Children's Rights Associate Director Susan Lambiase. "We've lost confidence in the state's ability to get the job done."

Children's Rights' decision to call for mediation -- allowed under the court settlement of a lawsuit on behalf of foster children -- stunned state officials.

After the hearing, Davy predicted mediation would "detract from the reform and detract from children." He also called the maneuver "a little overly dramatic" and accused Children's Rights of "playing to the audience" -- more than a dozen news organizations that attended the hearing.

Dropping a phone book-sized notice of filing on the table where Davy and other state officials sat in court, Lambiase served the state with legal notice she was invoking emergency mediation because the expert panel's report suggested children under the care of the Division of Youth and Family Services are at risk.

The New Jersey Child Welfare Panel, the same group that yesterday issued the report criticizing the state's reform effort, will serve as mediator. Citing statistics from the panel report, Lambiase said only 24 percent of foster children get the required monthly visit from their caseworker, and the number of children who live in shelters remains unchanged a year later at 400.

"Our clients -- the children who are entitled to these reforms -- need to be regularly visited by their caseworkers," Lambiase said. "They need medical services on a timely basis. They need to live with families and not institutions. They need to live close to their families and not out-of-state."

A request by Children's Rights to declare that the state was failing would prompt a trial. Chesler, who approved a class-action lawsuit settlement two years ago on behalf of the 11,000 children in foster care, also has the option to order the state to make changes rather than taking the more drastic step of appointing someone else to take over the child welfare system.

Chesler said he remained convinced the overhaul of DYFS could succeed. He called the panel's report both a "report card" and "constructive criticism" that should help guide the massive overhaul.

But he also issued a terse warning: "If we are back litigating this reform plan in this court, with lawyers on both sides trying to persuade me about various facts one way or another, I will tell you ladies and gentlemen, you will have failed."

"If I have to reach that point, I will," Chesler added. "I am personally committed to do everything to make this plan a success."

Davy vigorously argued the \$320 million reform effort has already benefited kids.

"Reading this report would suggest things are worse than ever. It's easy to forget where we were before this reform began," Davy said.

The commissioner said the state has hired 600 more front-line caseworkers, and relatives who act as foster parents now get the same monthly stipend foster parents receive. He also noted that juvenile detention centers no longer house teenagers who belong in foster homes or group facilities. Last year, 200 such teens were in the detention centers.

The Child Welfare Panel's assessment of the state's performance, however, took sharp aim at the quality of leadership, without naming Davy and his deputy in charge of Children's Services, Kathi Way. Its 89-page report said upper-level

managers have not "reinforced the vision and purpose behind the many changes under way," leaving much of the implementation to workers in the field.

"New Jersey has made progress it can be proud of in many areas," panel Chairman Steven Cohen said. "We know very well this is hard work, that it takes time. New Jersey's plan is ambitious, and inevitably, mistakes are made along the way. Nevertheless, the overall conclusion is there has not been enough progress overall. Left on its current track, the state unlikely will be able to meet its goals."

In some areas, the panel gives the state credit for making progress, even if it didn't get the job done on time. In June, the state still had a backlog of 800 incomplete child abuse investigations into foster homes, schools and day care centers. But by September, the state had cut the backlog in half. Yesterday, Davy said the backlog is down to 125 cases.

Cohen agreed Children's Rights' request for mediation thrust everybody involved "into uncharted waters."

One prominent labor leader said she hoped mediation would enable the parties to scale back the requirements of the plan itself.

"I do think part of the problem and the confusion is the plan is so massive," said Hetty Rosenstein, president of Local 1037 Communications Workers of America, representing DYFS workers in Central and North Jersey.

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Agency Still Fails New Jersey Youth, Report Says

By RICHARD LEZIN JONES and TINA KELLEY New York Times October 12, 2005

TRENTON, Oct. 11 - Two years after New Jersey embarked on an ambitious plan to improve its troubled child welfare system, the state is still failing to provide the most basic services.

Workers are not monitoring children regularly. Children have failed to receive regular checkups or have their medical records updated. And the efficiency of the adoption process, a problem that other child welfare systems have addressed to great success, is still lagging, leaving children to languish in foster-care limbo.

The findings were among those in a report by an independent panel charged with monitoring the court-ordered overhaul of New Jersey's child welfare agency, the Division of Youth and Family Services. The long-awaited report, which was released on Tuesday, found that the state has largely failed at putting key measures in place to fix the overburdened system and keep children safe.

Citing the report, lawyers representing foster children in a class-action lawsuit against the state asked a federal judge to intervene in the reform effort, setting the stage for a possible court takeover of the system. The state and the panel have 10 days to try to forge an agreement to forestall a takeover.

The panel found that New Jersey officials have not met the most critical terms of an agreement that settled a lawsuit against the system in 2003. In a federal court hearing in Trenton where the report was released, lawyers for Children's Rights Inc., the Manhattan advocacy group that settled the suit with the state, said the group had lost faith in New Jersey's ability to repair the broken system.

"The children deserve more than they have gotten," Susan Lambiase, associate director of Children's Rights, said in court. "A lot of time and money has been spent. The state is unable to do the job the children need and deserve without a major course correction that just hasn't come."

The report was the second of three periodic evaluations of the state's efforts to revamp its child welfare agency. In the two years since agreeing to sweeping changes, the state has poured more than \$300 million into the effort.

Throughout the 89-page report, members of the panel go to great pains to detail the modest but measurable ways in which the system has improved, including the hiring of 600 caseworkers and the end of the longstanding practice of warehousing mentally ill foster children in detention centers.

But in other areas, like eliminating excessive worker caseloads and putting new training techniques in place, the report concluded that the state's performance has been lacking. The panel found that the state had made "seriously inadequate progress" in 14 key areas, taking no action in addressing some problems while doing too little to resolve others.

"As a result," the panel wrote, "the overall progress of the reform effort is considerably less than the court and the citizens of New Jersey could reasonably have expected."

Of 909 children placed with foster families from April to June of this year, only 260 - or 29 percent - of those who should have received medical exams did so, the panel found.

That figure was particularly alarming in light of the case of the Jackson siblings, four adopted brothers who two years ago were found to have been starved for 13 years. The boys were supposed to be monitored by the state and yet none had made regular doctor's visits. This month, the state settled a lawsuit filed on the boys' behalf for \$12.5 million.

"One of the areas that I'm most concerned about is the fact that there remains an insufficient safety net for children with health care needs in this system," said Kevin M. Ryan, the state's child advocate. He added, "It remains possible today that there are children in the child protection system whose imminent medical needs are not being addressed."

The panel also pointed to the slowness of adoption as a problem. When it comes to placing children in adoptive homes, the state actually did a worse job in June 2005 than it did in January, according to the report.

"New Jersey's ability to 'provide timely, specialized, high-quality adoption services' has decreased rather than improved during this monitoring period," the panel wrote.

In court on Tuesday, James M. Davy, commissioner of the state's Department of Human Services, which oversees the child welfare agency, argued that there were no grounds for court intervention. While Mr. Davy acknowledged that the system was still far short of its goals, he said that the state had done all it could to meet the standards established in the settlement agreement by the interim deadlines.

"I am not going to tell you that the child welfare system in New Jersey is fixed," he told Judge Stanley R. Chesler, before adding that officials remained committed to reform.

Aides to Acting Gov. Richard J. Codey said that while he was still reviewing the panel's findings, the state remained dedicated to overhauling the system. "And getting results," said Kelley Heck, a spokeswoman for Mr. Codey.

Ms. Lambiase's request set in motion a series of steps that could lead to the agency being placed in receivership. Under the terms of the settlement agreement, both Children's Rights and the state will engage in 10 days of mediation which will be administered by the panel that released Tuesday's report.

"We'll figure out if we can reach agreement about significant course corrections, and if we can't, we will go to the court for enforcement," Ms. Lambiase said in a telephone interview after Tuesday's hearing. "There are lots of possible remedies. The most drastic would be receivership, which we haven't ruled out."

Other possibilities, she said, included the state appointing experts to address areas of particular concern or elevating child welfare to a separate cabinet-level agency in the hierarchy of state government.

During Tuesday morning's hearing, Judge Chesler said that the state had reached "a critical point in this reform plan." He said that arguing the case in court would mean that two years of hard work and taxpayers' money would have been wasted.

"If we get to the point where, in fact, we are litigating this reform plan, what I will tell you ladies and gentlemen is that you will have failed," he said. "If I have to reach that point, I will."

Judge Chesler said that he believed the report left room for the state to fulfill its pledge to make reforms. He said he looked forward to the panel's third and final report in December, after which the state - which has had a contentious relationship with the panel in recent months - will ask that the group be disbanded and a single monitor be appointed. The panel was formed shortly after the 2003 settlement and has been monitoring the state's progress for about a year.

"The report does not challenge the commitment of the commissioner or the department to achieving reform," he said. "It does not brand the reform effort as a total failure."

The panel was sharply critical of the system's leaders, saying they have not done a consistent job of helping front-line workers understand the most basic components of the reform effort. Last month, Edward E. Cotton, the division's leader, announced his resignation.

"The panel came down hard in its report about leadership and organizational issues that seem to be completely undermining the reform effort," said Ms. Lambiase. "And we don't want this effort to be wasted. We think the job can get done, but the clock is ticking, and time is running out."

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Children's welfare in N.J. faces new fight

Advocates and a state panel say the system has foundered. A rights group has invoked a 10-day mediation process.

By Mitch Lipka Philadelphia Inquirer Staff Writer Wed, Oct. 12, 2005

TRENTON - New Jersey is failing in more than a dozen key areas in its commitment to repair its disastrously broken child welfare system, a panel overseeing the effort told a federal judge yesterday.

The state's leadership was faulted by both the New Jersey Child Welfare Panel and the advocacy group Children's Rights Inc.; a lawsuit by the latter led to the settlement that created the overhaul plan.

Children's Rights said the failings are so profound that it exercised its right under the settlement to begin a 10-day mediation process to decide the direction of the overhaul. If that fails, the state could lose control of its child welfare system.

Just months after the settlement was reached in 2003, the depths of the problems with that system were brought home by the plight of the four Jackson brothers from Collingswood. State child welfare workers repeatedly visited the home of their adoptive parents without noting their poor health conditions. The boys were seriously underweight and extraordinarily small for their ages. All gained weight and height soon after being removed from the home.

The state, which yesterday defended its efforts, has until Friday to respond to Children's Rights' claims that it has failed to meet its obligations under the settlement before the mediation begins.

The oversight panel chaired by Steven D. Cohen of the Annie E. Casey Foundation would serve as mediator.

The problems with the state's progress cited by the panel include:

Caseworkers not seeing children under the system's purview often enough.

Sending children out of state for care.

Putting youngsters in institutions.

Leaving children in shelters.

Failing to provide adequate medical care to children.

"We have lost confidence in the state's ability to get the job done," said Susan Lambiase, associate director of Children's Rights.

The practices of sending children out of state, putting children younger than 6 in institutions, and leaving them in shelters were all supposed to stop, under the plan.

Children's Rights' posture and legal maneuver mark a dramatic shift from sentiments expressed after the 2003 settlement of its suit against the state for its treatment of foster children. "We were here in the summer of 2004 with great hope," Lambiase said.

The landmark settlement - which permitted the state to draft its own plan and, with Children's Rights, pick a monitoring panel - was greeted with enthusiasm by all sides. Many observers and experts said the plan was perhaps the most ambitious overhaul ever undertaken.

Likewise, James Davy's elevation by then-Gov. Jim McGreevey to commissioner of Human Services was embraced by the group as sending the right signals and putting the right person in charge.

Now Children's Rights wants different leadership and a complete change in a bureaucracy it says is so bogged down it can't react quickly enough or send clear enough messages to enable workers to do their jobs effectively. The Child Welfare Panel also sees the bureaucracy at Human Services, by far the state's largest department, as an obstacle to success.

To complicate matters further, the 18 months of monitoring by the panel - lauded by U.S. District Judge Stanley R. Chesler for its expertise and unbiased commentary on the reform effort - is due to end in December. The panel could be retained by the state and Children's Rights, but Davy has said he does not want it to remain.

Instead, Davy said the state is allowed to, and would prefer, a single monitor to oversee progress. Chesler, who is presiding over the implementation of the settlement, said he was looking forward to the panel's report of progress made through December. He urged both parties to avoid litigating issues of the overhaul effort, but they appeared headed in that direction nonetheless.

Davy defended the state's progress, noting that while the pace isn't what everyone hoped for, a lot of good changes have taken place.

"It is important to remember where we were - to appreciate how far we have come," Davy told Chesler. "And, although we readily acknowledge that we have a long way to go, we have come very far indeed," he said. "And our unwavering commitment to the principles of this historic reform effort will deliver us to our ultimate goal - a child welfare system that consistently keeps children safe and families whole."

Cohen, the panel chairman, acknowledged that the state has made significant progress in many areas, including increasing its staff, recruiting more foster families, and securing more than \$200 million in extra funding.

"The work of repairing a system of this size is difficult," Cohen said. But, he noted, the momentum and support for the overhaul are flagging and the state is experiencing "a significant amount of disorder in the field."

"The plan that New Jersey put together is an ambitious one," Cohen said. "It is inevitable in the course of implementation some things will turn out to be hard to do. The fact that something is hard to do should not mean the state retreats from it."

He added: "The leadership has not been successful to date."

Fellow panel member Judith Meltzer pointed out that state officials had agreed to the plan and could not claim that anyone had imposed the terms of it upon them.

Kevin Ryan, director of the state's independent Office of the Child Advocate, said that if Chesler is forced to intervene, he could put the child welfare system in the hands of an outside party, have its operations be reported to a special master, or dictate progress that must be made at the risk of penalty.

It is clear, he said, that the panel has played a valuable role and its findings show that the overhaul effort requires a "course correction." That should involve some change to the bureaucracy, including creating a separate children's services department that reports directly to the governor.

Human Services "remains a very complicated bureaucracy," Ryan said.

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Statement by Commissioner James Davy in Federal District Court on October 11, 2005:

<http://www.state.nj.us/humanservices/Press-2005/CommissionerDavyRemarkst.pdf>