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Report on New Jersey's Child Protection System

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**The Governor's Task Force
on Child Abuse and Neglect**

March 1990

REPORT ON NEW JERSEY'S CHILD PROTECTION SYSTEM

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PREPARED BY:

**NEW JERSEY GOVERNOR'S TASK FORCE ON
CHILD ABUSE AND NEGLECT**

March 1990

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EXECUTIVE SUMMARY

The Governor's Task Force on Child Abuse and Neglect was established by Executive Order on November 17, 1983. The Governor charged the Task Force to work cooperatively with local children's services, health, law enforcement, and education agencies, courts, businesses and labor unions, child advocacy groups and all levels of government. The Task Force was to work toward coordinated approaches to prevent and treat child abuse and neglect.

In the spring of 1988, the Commissioner of Human Services asked the Task Force to undertake a comprehensive study of the child protection system in New Jersey. The Task Force was instructed to focus the report on the Division of Youth and Family Services' (DYFS) role in the child protection system. The Commissioner requested an objective review of the processes and all applicable laws, policies and procedures. The intent was to get a clear picture of the current child protection system and to identify areas in need of reform.

The Task Force responded by convening a working group of 60 leading professionals, concerned citizens and others with knowledge and experience in child protection issues.

Four subcommittees on different aspects of the system were formed. These were:

- Reporting and Screening;
- Information Handling;
- Decision Making;
- Role of DYFS in the Child Protective Services System.

A SUMMARY OF THE RECOMMENDATIONS

The Subcommittees made recommendations on the following subjects:

REPORTING AND SCREENING

- 1.1 Improved information and outreach efforts to professionals in medicine and health, day care, schools, and law enforcement.
- 1.2 Increased, more appropriate sanctions on professionals for failure to report suspected abuse and neglect.
- 1.3 Uniform regulations for school personnel to report suspected child abuse and neglect.
- 1.4 Training on the statewide uniform regulations for reporting by school personnel.
- 1.5 Curriculum for educators which includes information about child abuse.
- 1.6 Training about child abuse and neglect for child care personnel.
- 1.7 Continued response to anonymous reports of suspected child abuse and neglect.
- 1.8 DYFS training for screeners on anonymous reports.
- 1.9 Notification to law enforcement authorities of malicious reports.
- 1.10 Screening role at DYFS District Offices.
- 1.11 Training for screeners.
- 1.12 Codification of screening and response policies.
- 1.13 Training for foster parents.
- 1.14 Standards for foster care.
- 1.15 Investigations in foster homes.

DECISION MAKING

- 2.1 Guidelines for supervisory consultation by case managers.
- 2.2 A survey on decision making factors.
- 2.3 Workload assessment for case managers and supervisors.
- 2.4 Development of risk assessment tools.
- 2.5 Advising clients of rights.
- 2.6 Guidelines for allegations and substantiated incidents.
- 2.7 Guidelines for substantiation findings.
- 2.8 Documentation of findings.
- 2.9 Training on new substantiation categories.

INFORMATION HANDLING

- 3.1 Initial information to alleged perpetrators.
- 3.2 Initial information to parents.
- 3.3 Written findings to parents and alleged perpetrator.
- 3.4 Findings information for therapists.
- 3.6 Procedure to contest findings.
- 3.7 Removal of information on unfounded cases.
- 3.8 Removal of information where an injury occurred.
- 3.9 Permanent information.
- 3.10 Retention of case file information.

THE ROLE OF DYFS IN THE CHILD PROTECTIVE SERVICES SYSTEM

- 4.1 Child welfare and child protection in one agency.
- 4.2 Experienced workers for intake.
- 4.3 Increased training for caseworkers and supervisors.
- 4.4 Guidelines for assessing potential supervisors.
- 4.5 Increased training for field supervisors.
- 4.6 Improved job descriptions for case managers.
- 4.7 Standards for caseload size.
- 4.8 No hiring freezes for DYFS field staff.
- 4.9 New conditions for voluntary placement.
- 4.10 Guidelines for voluntary placement.
- 4.11 Guidelines for appropriateness of placement.
- 4.12 More understandable placement agreements.
- 4.13 Voluntary placement training.
- 4.14 Tear-out sheet for Parent Handbook acknowledging receipt.
- 4.15 Efforts to prevent placement.
- 4.18 - The establishment of diagnostic and treatment centers for sexually abused
4.20 children.
- 4.21 Establishment of standard units of service for contracted services.
- 4.22 DYFS audits of contractors.
- 4.23 Use of DYFS resources beyond its mandate in contracting.
- 4.24 Creation of a entity for public information, oversight, ombudsman/advocacy
and interdepartmental policy recommendations.

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INTRODUCTION

A CHILD PROTECTION SYSTEM

Though public concern about child abuse and neglect has a long history, the idea of a governmental responsibility to protect children is relatively new. Most states enacted child abuse reporting laws and created child protection authorities in the early 1970s. In New Jersey, abuse reporting legislation was passed in 1972. The Division of Youth and Family Services (DYFS) was created in 1973 from the Bureau of Children's Services and was given the responsibility of investigating reports of abuse and neglect and providing services to the children and families involved.

From these beginnings, a modern child protection system has emerged. This system involves DYFS, numerous law enforcement agencies, prosecutors, the courts and a network of other public and private agencies. In 1990, DYFS is merely the visible tip of a large iceberg. Relationships between the various elements of the system have grown up historically and are generally somewhat informal. There is a critical need for joint, cooperative planning among the various elements of the system.

The Governor's Task Force on Child Abuse and Neglect, as a high-level body representing the disparate elements of the system, is one natural focus for such planning.

A GROWING WORKLOAD

In 1988, over 56,000 New Jersey children were reported to The Division of Youth and Family Services (DYFS) as alleged victims of child abuse and neglect. That's a child every 9 minutes of every hour of every day, day and night, for 365 days. The number of reports has gone up dramatically through the 80s. In 1982, the number was approximately 20,000. This is almost a 300% increase in reports over a seven-year period. There is wide agreement among professionals that the national crisis of drug and alcohol abuse has significantly impacted on the problem of child abuse and neglect.

A trained DYFS caseworker investigates each report. In about 38% of all reports, evidence of abuse or neglect is found. In a significant number of cases, the system will have an ongoing involvement with a family or child to prevent future abuse. Many cases will require extensive follow-up. And, of course, the most serious cases are referred to prosecutors and the courts for action.

In some instances, the investigator cannot find evidence of abuse, but finds reasons for ongoing concerns about a child's safety. An investigation can involve trying to trace an unknown woman who allegedly abused a child in a supermarket on sketchy information from an anonymous reporter. It can mean responding to a report only to find that fictitious names and addresses were given. Sometimes the allegations in a report are clearly false--the investigator finds convincing evidence that the reported incident did not occur.

The sheer size of the workload is a serious reason for concern. In an age of job freezes in State government and diminished resources generally, how can DYFS and agencies like it in other states deal with constantly expanding requirements for child protection resources? How can prosecutors and courts deal with ever increasing numbers of serious child abuse and neglect cases? Finally, how can we move from merely responding to child abuse to preventing it?

A CLIMATE OF CRITICISM

In recent years, public criticism about state child protection agencies has increased around the country. On the one hand, child protection agencies stand accused of "Gestapo" tactics--of removing children or taking other actions on slender evidence or without due regard for the legal rights of alleged perpetrators of abuse. Ironically, agencies are also accused, usually in the aftermath of a sensational and tragic child death, of failing to act soon enough.

Child protection agencies have generally stood mute in the face of such criticism. Confidentiality requirements forbid officials to discuss the cases involved. There is a growing sense that silence has a high cost--that citizens tend, over time, to form a highly negative image of the child protection system through the cumulative impact of these unchallenged criticisms.

There is a sense that child protection agencies have to do a better job of informing the public about the realities of the child protection system and the problems it confronts.

Not all of the criticism is easily dismissed. A growing number of child welfare professionals and government officials at both state and federal levels raise troubling issues about our current ways of protecting children. These issues are gradually defining a public debate.

AN OBJECTIVE REASSESSMENT

It is clearly time for an objective reassessment of the system. We need to determine what works and what needs to be fixed. We need to take a second look at our most cherished assumptions. We need to consider if current policies correctly balance the conflicting rights and needs of all parties involved in child abuse investigations--children, parents and caretakers, alleged perpetrators and other involved professionals.

The child protection system needs to be accountable to the citizens of New Jersey and their elected officials for its performance in fulfilling its mandates to protect and serve children. The current report of the Governor's Task Force on Child Abuse and Neglect is an important first step in this direction. It is a look from outside the system at child protection in New Jersey.

It is only a first step. To say that the subcommittees created by the Task Force were unable to form a consensus on some of the issues is no reflection on their commitment to the task. After 17 years of operation, there are a great many unresolved issues in child protection. Some of these issues will require considerable further study, research and negotiation before equitable resolutions can be found.

A LONG-RANGE COMMITMENT

The Task Force sees a need to maintain a long-range social policy planning effort involving all of the legitimate parties of interest.

This planning effort would include:

- Centralized social policy planning and coordination of services among the State Departments involved in serving children and families;
- Coordinated social marketing campaigns to educate the public on children's issues and address public misconceptions about child protection.

BACKGROUND

CHILD PROTECTION IN NEW JERSEY

Until the late 60s and early 70s, child abuse and neglect were generally considered private, family matters. Few abuse incidents were reported and agencies had little or no authority to intervene. In 1962, Dr. C. Henry Kempe of Colorado and a group of other concerned physicians began to lobby for federal child abuse legislation. The Children's Bureau of the then U.S. Department of Health, Education and Welfare responded by developing a model child abuse law. This model guided the development of state child abuse laws in the following years.

The federal government exerted continuing leadership. This culminated in 1974 with the creation of the National Center on Child Abuse and Neglect (NCCAN), a federal agency that continues to collect information and fund public policy planning efforts and model programs in this area.

New Jersey was early to recognize a State responsibility for child protection. In 1962, the then Bureau of Children's Services was legally authorized to provide "protective services" to abused and neglected children, and its predecessor agency went back to the turn of the Century.

In 1972, the New Jersey Legislature enacted the Child Abuse Reporting Law. This law required all citizens to report suspected child abuse and neglect, expanded the Bureau's child protection authority and set up a 24-hour hotline for citizens to report abuse. In 1973, the Bureau was renamed the Division of Youth and Family Services.

In 1974, the Legislature strengthened the laws requiring any citizen who suspects abuse to report it to DYFS and defining DYFS' responsibility to conduct investigations of all reports and to take any necessary follow-up actions.

COMPONENTS OF THE CHILD PROTECTION SYSTEM

The New Jersey child protection system includes:

- The State Department of Human Services
 - The Division of Youth and Family Services,
 - The Commission for the Blind and Visually Handicapped,
 - The Division of Medical Assistance and Health Services,
 - The Division of Mental Health and Hospitals,
 - The Division of Developmental Disabilities,
 - The Division of Economic Assistance,
 - The Division of the Deaf;
- State and Local Police and County Prosecutors;
- The State Department of Education;
- The State Department of Health;
- The Judiciary
 - The Administrative Office of the Courts,
 - Family and criminal courts,
 - Probation and parole agencies,
 - Child Placement Review Boards,
 - County Crisis Intervention Units and shelters,
 - Court Diversion Programs;
- The Department of Law and Public Safety
 - The Division of Law,
 - The Division of Criminal Justice;
- The Department of the Public Advocate
 - Law Guardian Program,
 - Division of Advocacy for the Developmentally Disabled;
- The State legislature;
- Medical professionals;
- Mental health practitioners;

- Hospitals;
- Local schools and educational professionals;
- Foster parents;
- Out-of-home placement facilities;
- Homemakers and Parent Aides;
- Domestic Violence Shelters;
- Volunteers;
- Other in-home service providers;
- Child advocates;
- County Commissions on Child Abuse and Missing Children;
- Children's Trust Fund;
- Other New Jersey citizens.

A SUMMARY OF CURRENT LAWS

State law requires that any person having reasonable cause to believe that a child has been subjected to child abuse or neglect shall report his concerns immediately to the Division of Youth and Family Services (N.J.S.A. 9:6-8.10). The failure to report an act of child abuse and neglect is a disorderly persons offense, subject to a maximum fine of \$1000, up to six months imprisonment, or both (N.J.S.A. 9:6-8.14). Those who report in good faith are immune from civil or criminal liability.

DYFS is legally obligated to protect the identity of referral sources, unless the reporter gives his permission to be identified. The Division accepts and investigates anonymous reports.

DYFS is required by law to investigate all reports of alleged child abuse and neglect and to initiate whatever steps are necessary to protect the child from risk of further or potential harm. Both Titles 9 and 30 of N.J. Statutes provide that upon receipt of a report of alleged child abuse or neglect, DYFS shall immediately take such action as shall be necessary to insure the safety of the child. These laws require DYFS to respond to reported allegations of child abuse and neglect or requests for services made either by clients or on behalf of others.

THE GOVERNOR'S TASK FORCE ON CHILD ABUSE AND NEGLECT

The 1980s saw a major change of emphasis in child protection. This change is reflected by the creation of the Governor's Task Force on Child Abuse and Neglect in 1983. We began to realize that the child protection system could not perform its mandated functions effectively without cooperation and joint planning among the groups and agencies involved in the system.

We also realized that abuse and neglect are not problems that can be solved in State offices or by children's services or legal professionals. There was and is a strong recognition that the community needs to be involved in the solutions. This need for community involvement was reflected in the initial membership of the Task Force and continues to be a high priority on the organizational agenda.

The Task Force was established by Executive Order on November 17, 1983. The Governor charged the Task Force to work cooperatively with law enforcement, local children's services, health and education agencies, courts, businesses and labor unions, child advocacy groups and all levels of government. The Task Force would:

- Study the problem of child abuse in New Jersey and recommend corrective actions;
- Mobilize citizens and community agencies to create effective programs to treat and prevent child abuse;
- Develop mechanisms to ensure early detection and appropriate services for the victims of child abuse and their families;
- Foster cooperative working relationships among responsible agencies;
- Respond to the Governor's requests for further information about child abuse.

The membership of the Task Force includes the Commissioners of the Departments of Human Services, Community Affairs, Corrections, Education and Health. The Public Advocate, the Attorney General, the Superintendent of the State Police and the Chief Justice of The New Jersey Supreme Court are also members. The Governor appointed public members including physicians, attorneys and representatives of hospitals, civic groups, child advocacy groups and social service agencies. John Stamler, the Union County Prosecutor, currently co-chairs the Task Force with the Commissioner of Human Services.

THE CURRENT TASK

In the spring of 1988, the Commissioner of Human Services asked the Task Force to undertake a comprehensive study of the child protection system in New Jersey. The Task Force was instructed to focus the report on DYFS' role in the child protection system. The Task Force did not address broad social policy issues, funding or other elements of the system.

This occurred in a climate of public criticism. There had been several sensational reports in the news media alleging that child protection cases were handled without due regard to the rights of alleged perpetrators of abuse. A child death case raised the conflicting concern that DYFS might be too slow to remove children from parents and caretakers--might be too careful of the rights of adults.

These concerns surfaced in New Jersey Senate hearings on DYFS. The proceedings made it increasingly clear that a study of the child protection system should be undertaken.

The Task Force responded by convening a working group of 60 leading professionals, concerned citizens and others with knowledge and experience in child protection issues.

Four subcommittees on different aspects of the system were formed. These were:

- Reporting and Screening--Chairperson Mia Andersen;
- Information Handling--Chairperson James Boskey, Esq.;
- Decision Making--Chairperson Mary Beth Pavelec;
- Role of DYFS in the Child Protection System--Chairperson Peter A. Gold, Esq.

Reports on the subcommittees deliberations and recommendations were submitted in late 1989. These recommendations are not in priority order.

SECTION ONE

REPORTING LAWS AND SCREENING SUBCOMMITTEE

INTRODUCTION

The Subcommittee on Reporting Laws and Screening met monthly from September 1988 to June 1989. Existing laws, policies and procedures were reviewed. Key DYFS staff were interviewed. The practices of other states were studied. Based on the resulting wealth of information, the Subcommittee formulated its recommendations.

The reporting and screening process is a critical element of the child protection system. If reports are not made, the system cannot begin to respond. If reports are not screened effectively, the initial response may well be the wrong one.

The primary functions of DYFS screening are to distinguish reports of child abuse and neglect from requests for service and to establish appropriate time frames for responding, based on an assessment of the risk to the child involved and nature of the report.

DYFS must ensure that reports are made, that there is an effective mechanism and process for receiving those reports, that adequate information is obtained from the reporter; and that there is an effective system for establishing priorities in responding to reports.

Cooperation among the various agencies, departments, divisions, service providers and others involved in child protection is often dependent on affiliation agreements delineating the respective roles and responsibilities of involved parties.

These agreements change with each new administration and are subject to varying interpretations. Disagreements and misunderstandings between service providers may impact negatively on the delivery of services to children and families. More coordination of effort and uniformity in practice are needed.

ISSUE AREA: REPORTING CHILD ABUSE AND NEGLECT

ISSUE: FAILURE TO REPORT BY PROFESSIONALS

Statement of the Problem:

New Jersey law requires any citizen to report suspected abuse or neglect. Unlike child abuse laws in other states, New Jersey law places no greater responsibility to report on professionals than on other citizens. The failure to report an act of child abuse and neglect is a disorderly persons offense, subject to a maximum fine of \$1000, up to six months imprisonment, or both (N.J.S.A. 9:6-8.14). This applies to both professionals and other citizens.

The law makes no exceptions--a professional must report suspected child abuse in all cases.

Due to their training and close contact with children on a regular basis, medical and health professionals, day care and school professionals, and law enforcement professionals are well situated to identify child abuse and neglect. Although the number of reports received by DYFS from these professionals is small, the substantiation rates for reports from professionals are significantly higher than rates for other types of reporters.

Under-reporting of suspected child abuse and neglect by medical and health professionals, day care and school professionals, and law enforcement professionals is a serious problem which threatens the health, safety and welfare of New Jersey's most vulnerable children.

The percentage of reports from these professionals is relatively low. In 1988, only 9.2% of all reports made to DYFS were made by health professionals. Reports from the police in 1988 were significantly smaller, accounting for only 7.7% of all reports received by DYFS.

The average statewide rate of substantiation for all reports received in 1988 was 38%. Of the reports made by health professionals in 1988, 47.6% were substantiated. A substantiation rate of 57.7% resulted from reports made by police in 1988.

Recommendations:

- 1.1 *DYFS must increase and improve information and outreach efforts to medical and health professionals, day care and school professionals, and law enforcement professionals.*
 - 1.1.1 *The Department of Higher Education should mandate child abuse and neglect information as part of the curriculum of the colleges and universities educating these professionals.*
 - 1.1.2 *Child abuse and neglect in-service training programs should be required on a regular periodic basis for continued licensure in these professions.*

Comments

The intent of these recommendations is:

- To improve efforts for cooperative problem-solving;
- To reduce the barriers to reporting by these professionals;
- To improve education and information in order to help professionals understand their unique role in reporting suspected abuse and neglect.

Several factors have contributed to the reluctance of professionals to report suspected abuse and neglect:

- A lack of knowledge and understanding about reporting;
- Fears that DYFS will fail to protect confidentiality;
- A fear of personal or professional repercussions;
- The negative image of DYFS competence;
- A lack of support for reporting by administrators or supervisors.

Outreach and information efforts are the keys to helping these professionals recognize their unique position as identifiers of possible abuse and neglect. Education and training opportunities provide positive stimulus for reporting. Increased understanding of the problems contributing to abuse and neglect, the operations of DYFS, and abuse and neglect indicators have proven effective in encouraging people to report child abuse and neglect concerns to DYFS.

Education and training are effective means to acquaint professionals with the reporting law. Professionals would learn of their legal and moral responsibility to report. They would be advised how and when to report and what information DYFS needs to effectively intervene. Professionals would be trained to observe the subtle psycho-social signs of child abuse as well as the more obvious physical signs of maltreatment.

The training should be tailored to the individual professional, his unique expertise and his exposure to and work with children. Such training provides an opportunity for professionals to ask detailed questions relevant to their profession.

Health professionals, for example, would learn to question the cause of an unusual injury. They would learn to recognize patterns of injuries which may suggest abuse. They would learn effective interview methods for questioning children about suspicious injuries. They would learn what to look for in the child's body language and in interactions between parent and child.

Training specifically directed toward mental health therapists could focus on dealing with conflict-of-interest issues between the therapist and patient. Therapists' issues regarding reporting, confidentiality, and specific patient problems should also be addressed by this individualized training.

Working relationships between DYFS and police agencies could be enhanced through further joint training efforts--DYFS currently conducts sessions for law enforcement in 21 counties. At present, the police and DYFS often duplicate efforts in intervening in matters concerning children and families. Law enforcement professionals familiar with the reporting law and the functions of DYFS are more apt to refer to DYFS and conduct joint investigations and interventions with DYFS. Joint intervention spares a family from the trauma of multiple separate investigations, allows for consistency in documentation between both investigations, and uses DYFS and law enforcement staff more efficiently.

Increased information and training for professionals would result in increased reporting by professionals and, therefore, greater protection to New Jersey's children.

Recommendations:

1.2 *New Jersey statutes should be amended so that increased, more appropriate sanctions are imposed on professionals for failure to report suspected abuse and neglect.*

1.2.1 *Community service activities or fines could be imposed with the collected funds earmarked for child abuse awareness and prevention programs.*

Comments:

The intent of these recommendations is:

- To enact a state law and create a public policy which imposes increased legal duty to report suspected abuse and neglect on professionals;
- To create a climate that encourages increased reporting by professionals.

This recommendation calls for civil or administrative sanctions, rather than criminal penalties or loss of license to practice, for professionals who fail to report.

The laws in most states place an increased responsibility on professionals to report abuse. The failure of professionals to report child abuse is a criminal offense in nearly all states, according to Katherine Bond, editor of "Protecting Children", the bi-annual magazine of The American Association for Protecting Children.

In the state of Illinois, various professionals are mandated to report, while other members of the general public are encouraged to report. Willful failure of a professional to report a situation which is later substantiated by the state's child protection agency may result in notification to the Office of the State Attorney General for prosecution. Physicians are referred to the State Medical Disciplinary Board, while teachers and school professionals are referred to the State Board of Education.

A spokesperson from the Illinois child protective services agency Administrative Office of Quality Assurance stated that there has been an increase in reporting rates since the change in their reporting laws. Persons previously inclined not to report are now reporting. In Illinois in 1987, 56.9% of the 56,035 reports received were made by professionals who are mandated to report. Of these reports, 53.6% were substantiated. This clearly illustrates the potential benefits of this policy.

ISSUE: REPORTING BY SCHOOL PERSONNEL

Statement of the Problem:

School personnel constitute one of the largest and most important sources of reports of child abuse and neglect. School personnel are second only to parents in the amount of time they spend with children. In 1988, 16.2% of all reports were made to DYFS by school personnel, and 46% of these reports were substantiated.

The N.J. Legislature responded to the emergent need for cooperation between DYFS and the Department of Education (DOE) with passage of A 2575. This legislation sought to require the DOE to work with DYFS in developing uniform policies and procedures and to require school districts to develop reporting and investigation procedures.

This legislation was vetoed and the Governor stated in his veto message of Assembly Bill No. 2575 dated November 23, 1987:

"...because of the sensitivity with which child abuse must be investigated, I believe it preferable to have one uniform set of guidelines rather than an individual agreement in each school district."

"I recommend that the Commissioner of Education be required, in consultation with the Commissioner of Human Services, to adopt rules and regulations concerning the relationship, rights and responsibilities of the Division of Youth and Family Services and day schools regarding the reporting and investigation of allegations of child abuse."

The State Board of Education adopted regulations on March 1, 1989 which establish statewide policies and procedures for public school personnel to report allegations of child abuse to the Division of Youth and Family Services (DYFS) and to cooperate with the investigation of such allegations. The code sets forth requirements for district boards of education to adopt and implement policies and procedures to address, but not be limited to, the following:

1. Immediate reporting of child abuse incidents by compensated and uncompensated school personnel to the DYFS (N.J.A.C. 6:3-5.2(a) 1);
2. School district cooperation with the DYFS in investigations of child abuse occurring outside or within the confines of the school or during school-related functions (N.J.A.C. 6:3-5.2(a)4i);
3. Procedures for district cooperation with the DYFS in investigations, interviews, and records maintenance and release (N.J.A.C. 6:3-5.2(a)7); and
4. Establishment of a liaison to the DYFS from the district board of education (N.J.A.C. 6:3-5.2(a)5).

All New Jersey public schools have been directed to conduct training regarding the policy, rules and regulations for reporting child abuse as required by N.J.A.C. 6:3-5.2(a)6 by June 1990. A training curriculum has been developed by the Department

of Education in consultation with the DYFS and disseminated to all public school districts by the county superintendents of schools. A procedure for monitoring school district compliance with the training requirement has been established.

While the code establishes specifications for local school board policies, it stops short of a uniform set of guidelines. School districts are permitted to formulate their own policies and procedures provided that such policies and procedures include the above provisions of the regulations.

Recommendation:

- 1.3 *The State Board of Education should be called upon to expand its 1989 regulations to clearly establish one statewide, uniform set of rules and regulations for school personnel to report suspected child abuse and neglect to DYFS.*

Comments:

The intent of this recommendation is:

- To ensure that all school age children in New Jersey are afforded equal safety and protection;
- To ensure consistent reporting regulations regardless of a child's school district of enrollment.

While N.J.A.C. 6:3-5.2(a)1 requires that any person who suspects child abuse report directly to DYFS, the regulations do not set forth a specific method by which the reports are to be made. The intent of the regulations could be thwarted because of local flexibility in interpretation. The purpose of the legislation was to insure immediate and direct reporting by the person who suspects child abuse or neglect and not through an intermediary.

The State Board of Education should establish a specific and direct reporting procedure for all school personnel. Establishing one reporting procedure to be used by all school personnel throughout the state, could ensure consistency among districts.

Information obtained from the American Association for Protecting Children (AAPC), a division of the American Humane Society, has indicated that such inconsistencies in reporting policies are in evidence in many states. In some jurisdictions school personnel are expected to report directly to the state child protection agency, while in other jurisdictions each school has a liaison who is

responsible for reporting. The AAPC suggests that communication and coordination between the child protection agency and the schools be emphasized when developing guidelines.

With clear administrative support and encouragement to report child abuse concerns, there would be significantly less justification for school personnel to initiate anonymous reports. While anonymous reports provide important sources of information, they are less satisfactory than other reports. In order to conduct appropriate and effective investigations, DYFS must obtain as much information as possible from the reporter. It is often necessary to contact the reporter for additional or follow-up information.

Recommendations:

- 1.4 *All school personnel and DYFS staff should receive training regarding the statewide uniform policies, rules and regulations for reporting by school personnel as required by N.J.A.C. 6:3-5.21(a)6.*
 - 1.4.1 *The training curriculum should be developed and updated regularly by the Department of Education and a statewide working group representing educational professionals (including teachers, school administrators, child study team members and school nurses), parents, local superintendents, and DYFS personnel. The curriculum should be disseminated for use to all public school districts by the county superintendents of schools.*
 - 1.4.2 *New hires must obtain this training prior to the onset of employment having direct contact with children.*
 - 1.4.3 *The Department of Education should require all presently employed school personnel to receive in-service training regarding recognizing and reporting child abuse within two years.*
 - 1.4.4 *The Department of Education should, in accordance with its recently established procedure, regularly monitor school district compliance with the required training for all currently employed and newly employed personnel. Such training was introduced in 1989.*

Comments:

The intent of these recommendations is:

- To provide school personnel with appropriate training and information in order to enable them to identify and report suspected child abuse and neglect;

- To increase reporting by school personnel;
- To strengthen the cooperative relationship between the schools and DYFS;
- To ensure through mandated training, the uniform implementation of the regulations.

Once statewide, uniform rules and regulations for reporting by school personnel are established, it is essential that they be implemented consistently throughout the state. This would be accomplished best through a mandated comprehensive training program for all school personnel and DYFS staff, including new hires and those currently employed. It is critical that the training program be relevant to the needs of the trainees.

School personnel need to be provided with appropriate training to enable them to identify and report suspected child maltreatment. Failure to report can often be traced to lack of knowledge and understanding about reporting. Increased knowledge results in increased reporting and heightened awareness of child maltreatment.

By working together to develop the training curriculum and by participating in the training together, DYFS, the schools and parents would become sensitized to each others needs and concerns. They would develop more positive cooperative relationships to better serve the needs of school aged children in New Jersey.

Recommendation:

- 1.5 *The Department of Higher Education must ensure that individuals who obtain college degrees in education are exposed to curriculum which includes information regarding child abuse, reporting, and the legal obligations of school personnel.*

Comments:

The intent of this recommendation is:

- To ensure that all school professionals receive information about child abuse and their role in reporting early in their careers;
- To ensure consistent and responsible reporting by educational professionals.

Prior to commencing employment, teachers and other school professionals should receive child abuse training. This professional responsibility should be given as much emphasis in the curriculum in the schools of education as any other responsibility of a professional educator.

The curriculum should reflect that it is part of the responsibility of a teacher to help children grow into healthy, competent citizens. Abuse and neglect jeopardizes a child's entire development and every aspect of the child's life.

With such a curriculum, the new educator's questions could be addressed and his misconceptions could be dispelled. Through this education, positive patterns of behavior could be instilled before poor habits have a chance to be formed. Information offered during this formal training would then be reinforced on the job and during periodic in-service training offered to school professionals.

ISSUE: REPORTING BY CHILD CARE PERSONNEL

Statement of the Problem:

Child care personnel, like school personnel, constitute a very important source of reports of child abuse and neglect.

Child care personnel may, in fact, have even greater access to and knowledge of a child's circumstances because children often spend a greater portion of their day in the child care setting than children do in school.

New Jersey is currently involved in efforts to develop broad-based, affordable, accessible, quality child care for children. The New Jersey Child Care Advisory Council was created in 1984 and charged to make recommendations on child care policy and programs to achieve such a child care system. In addition, federal legislation has passed the Senate and is currently before the House of Representatives to provide funds to the states to enhance these efforts. Efforts to ensure the protection of children in child care settings are timely.

Recommendations:

- 1.6 *All child care personnel must be given training about child abuse and neglect to prepare them to identify and report suspected child maltreatment. Such training should be a condition of continued licensure.*
 - 1.6.1 *The Department of Higher Education must ensure that child abuse training is included in the curriculum for certification in early childhood development and as an ongoing requirement for continuing certification.*

Comments:

The intent of these recommendations is:

- To provide child care personnel with appropriate training and information in order to enable them to identify and report suspected abuse and neglect;
- To increase reporting by child care personnel;
- To ensure that all child care professionals receive information about child abuse and their role in reporting, at the onset of their careers;
- To ensure consistent and responsible reporting by child care professionals.

Child care personnel need to be provided with appropriate training to enable them to identify and report suspected child maltreatment. Very young children are particularly vulnerable in that they are often unable to express themselves. It is particularly important that child care personnel gain expertise in the behavior indicators of child maltreatment.

Increased knowledge results in increased reporting and heightened awareness of child maltreatment.

Child care professionals should be given the opportunity to learn, prior to commencing employment, about how to recognize child abuse indicators and their responsibility to report suspected child abuse.

The curriculum for certification in early childhood development should reflect that it is part of the professional's responsibility to help children grow into healthy, competent citizens. Child maltreatment jeopardizes the child's entire development.

With such a curriculum, the new child care professional's questions could be addressed and his misconceptions could be dispelled. Through this education positive patterns of behavior could be instilled before poor habits have a chance to be formed. Information offered during this formal training would then be reinforced on the job and during periodic in-service training offered to day care professionals.

ISSUE: ANONYMOUS REPORTING

Statement of the Problem:

In 1988, anonymous reports of suspected child abuse and neglect constituted almost 16% of all reports received by DYFS. In 1985, 14.7% of all reports were anonymous.

Anonymous reports have distinct disadvantages, from DYFS' viewpoint. If an agency, organization or individual chooses to report anonymously, the ability to access further information for the purpose of investigation is lost. If court action is required and the anonymous reporter has critical evidence, the possibility of his testimony is lost.

In addition, anonymous individuals who knowingly make false reports of child abuse cannot be held accountable for their actions.

Anonymous reporting may not always protect the identity of the reporter. Unfortunately, the parties involved may be able to determine who made the report based on the information contained in the report.

On the other hand, there is a good deal to be said for continuation of the DYFS policy of accepting these reports. In 1988, 20.3% of the 8,915 reports initiated by anonymous reporters were substantiated. In 1985, 24.1% of the 6,905 anonymous reports received by DYFS were substantiated. Although the substantiation for anonymous reports is lower than the substantiation for reports by identified callers, (the statewide average in 1988 was 38%), anonymous reports are of significant value in the identification of children who need protection.

A significant number of children would be at risk if DYFS were to stop accepting anonymous reports of child abuse. For example, 1988 data suggests that 1809 children would not have been helped if DYFS did not respond to anonymous reports. The numbers justify and support the continuation of the current practice. According to the American Association for Protecting Children, the vast majority of states accept anonymous reports of child abuse and neglect for these reasons.

Recommendation:

- 1.7 *DYFS must continue to accept and respond to anonymous reports of suspected child abuse and neglect.*

Comments:

The intent of this recommendation is:

- To maximize the opportunity to identify children at risk who would otherwise go unprotected;
- To ensure the safety and protection of all New Jersey children.

The Subcommittee found the arguments against the acceptance of anonymous reports insufficiently compelling to support a recommendation for change in policy.

Recommendations:

1.8 *DYFS training for screeners should be strengthened to encourage them to be especially thorough and comprehensive in gathering information from anonymous reporters.*

1.8.1 *All anonymous reporters should be encouraged to identify themselves. Rules of confidentiality should be meticulously explained to the reporter.*

1.8.2 *Anonymous reporters should be asked to call back within one week to increase access to further information as needed.*

1.8.3 *The screener should accept the caller's first name and phone number if the caller is only willing to volunteer limited identifying information.*

Comments:

The intent of these recommendations is:

- To better ensure protection to children by encouraging reports by identified reporters;
- To improve the response to anonymous reports by ensuring that the information gathered from anonymous reporters is comprehensive.

Once an anonymous caller hangs up the telephone, contact with that individual is lost. DYFS screeners can offer confidentiality as an alternative to anonymity, thus protecting the identity of the reporter from the client family. At the same time, DYFS is afforded the opportunity to re-contact the reporter, if necessary, for more information.

DYFS screeners have indicated that through skill and persistence they have been able to turn anonymous reporters around, convincing them to reveal their identity or to call DYFS back within one week.

When a reporter continues to refuse to reveal his identity, other options should be pursued with the reporter. A reporter who is asked to call back within one week may be able to provide further information about the allegation at that time. This request keeps access open to additional information. Access to further information may also be kept open if the reporter is willing to give partial identifying information to the screener.

ISSUE: MALICIOUS AND FALSE REPORTS

Statement of the Problem:

National studies suggest that 5 to 10 percent of unfounded sexual abuse reports are knowingly false. Malicious reports of abuse and neglect must be distinguished from good faith reports which upon investigation are found not to be substantiated.

Creating a climate that discourages false reporting is important because it not only limits actions that wrongly harass and defame innocent victims, but it also increases legitimate, good faith reporting for the protection of children.

Recommendation:

- 1.9 *Upon determination that there is probable cause to believe a report was knowingly false, DYFS should notify appropriate law enforcement authorities so that appropriate legal action may be initiated.*

Comments:

The intent of this recommendation is:

- To eliminate knowingly false reports of child abuse and neglect;
- To create a climate that increases legitimate, good faith reporting of suspected abuse and neglect.

While DYFS, as the state child protection agency, best knows when there is a probable cause to believe that a report is knowingly false, it should not be empowered to conduct investigations which may result in civil or criminal actions. When an investigation reveals that a report was knowingly false, DYFS should be empowered to refer such reports to law enforcement. The DYFS screener and assigned investigator are the most appropriate sources of the documentation and testimony necessary to sanction the reporter and should work closely with the law enforcement agency during the investigation.

All outreach and education should include training material regarding the detrimental effects of false reporting.

ISSUE AREA: SCREENING REPORTS OF CHILD ABUSE AND NEGLECT

General Comments

Reports of child abuse and neglect and requests for service come to the attention of DYFS in one of three ways: by telephone, by written correspondence, or by in-person referral.

Screeners are available to receive reports of child abuse and neglect at the local district offices (9 a.m. to 5 p.m. Monday through Friday) and at the Office of Child Abuse Control (OCAC), anytime. After hours, district office answering machines advise the caller to contact OCAC. Screeners at OCAC record reports, and either direct them to the attention of the district offices first thing the next working day or, in an emergency, refer them immediately to Special Response Units (SPRU), designated workers in each county who provide emergency DYFS intervention when the district offices are closed.

There is currently no uniform policy for determining which workers will act as screeners. Each DYFS district office identifies at least one worker to serve as the day's screener. Some offices rotate the screening function on a periodic basis, while other offices have workers who serve exclusively as screeners.

District offices also differ in the handling of new reports presented on open cases. In some offices the assigned worker screens subsequent reports. In other offices such calls must pass through the same screening process used for all initial reports.

Basic information is sought from the referral source to adequately identify the child and family, to identify anyone who may have additional relevant information regarding this child and family, and to pinpoint the presented allegations, concerns or service need. The screener completes a basic form, the DYFS 9-7, Initial Response/Incident Report, records the names of all family members to be listed, the family address and phone number, the child's present whereabouts, the name and relationship of any alleged perpetrator and a description of the allegation.

Directly following the report of maltreatment, the screener checks DYFS records for prior information on the child and family and meets with his immediate supervisor to discuss the content of the referral. A determination is made that the report constitutes an allegation of abuse or neglect or that more information is needed before a decision is made on the status of the report. Information is reviewed to assess whether DYFS services are warranted or whether the family may best be served by another agency or provider.

When it has been determined that an allegation of abuse or neglect has been made or that DYFS intervention is needed, the supervisor, assisted by the screener and other administrative staff, as needed, codes the case (for case assignment and statistical purposes) and assigns a field response time (the expected time frame by which a family must be contacted in person by a DYFS worker).

Case coding includes the basic categories of:

- Abuse: physical, emotional,
- Sexual abuse,
- Neglect,
- Institutional abuse,
- Juvenile problem (juvenile family crisis, juvenile delinquency),
- Family problem (homelessness, domestic violence, substance abuse, financial problems, and a variety of child and adult related physical and emotional problems),
- Adoption-related requests,
- Evaluation/assessment, and supportive services (day care, homemaker services, etc.),
- Placement services.

Field response times are assigned based on, at the minimum, the following factors:

- The age and vulnerability of the child,
- The nature of the allegation,
- The past history of abuse/neglect/family violence,
- The presence and type of family dysfunction,
- The physical environment of the family home, and number of persons occupying the residence,
- The presence of substance abuse, physiological limitations or illness in the family.

Response times fall into the basic categories of:

- Immediate/same day response (generally used for allegations of physical abuse which occurred within 24 hours of the report; often used for sexual abuse; may be used for other critical situations which cannot wait);
- 24 hour response (generally used for less critical reports of physical abuse, no injury reported, alleged incident occurred in the past);
- 72 hour response (generally used for non-critical neglect allegations);
- Response within 10 working days (generally used for requests for evaluation, service assessment, non-protective service matters).

ISSUE: ORGANIZATION OF SCREENING STAFF

Statement of the Problem:

Thirty-seven DYFS District Offices and OCAC screen cases in a variety of ways. There is no uniform and consistent process for screening and decision-making throughout the state.

Recommendation:

- 1.10 *Screening at DYFS' district offices must be done by workers whose primary job responsibility is to screen. The screening role should be performed only by experienced workers who are screening specialists.*

Comments:

The intent of this recommendation is:

- To ensure consistency in screening;
- To improve accountability by developing, implementing and evaluating statewide DYFS screening policies and procedures;
- To ensure that children in need of service receive the same screening services, regardless of their county of residence;
- To improve the quality of the DYFS' screening services.

A lack of consistency in the structure of screening staff from office to office has resulted in differences among district offices in the quality of screening services. Decisions made at this initial phase of DYFS involvement are critical to children and families in need of service. To make wise decisions, screeners require special knowledge of DYFS' responsibilities, the community and community resources.

Poor screening can result in children being left at serious risk. The information gathered by screeners determines, among other things, which families are served by DYFS, and what the field response time is. The screening function contributes directly to the preparedness of the workers assigned to the case.

Incomplete screening can result in DYFS intake systems being overwhelmed by extraneous, inappropriate cases, resulting in misuses of already limited financial and manpower resources. Consistency and uniformity are essential.

There are differing opinions as to the best way to structure the screening function at a district office. Some believe that there are advantages when all staff within an office assume responsibility for the screening function. This committee, however, determined, after evaluating all the pros and cons, that the skill and expertise of screening staff was essential to uniformity and consistency of the statewide screening function.

Recommendation:

- 1.11 *DYFS screeners at the district offices as well as at OCAC must obtain training in screening skills and community resources before assuming direct screening responsibilities.*

Comments:

The intent of this recommendation is:

- To ensure that children and families receive quality, consistent services during the screening process;
- To increase the uniformity of services to children and families throughout the state;
- To strengthen effectiveness of DYFS screeners.

DYFS screeners need specialized training to supplement training received by the general field staff. Screeners must be efficient in information gathering and processing. They must be precise, organized, able to identify key indicators of abuse

and neglect and able to set priorities. They must be clear thinking communicators and be able to write clearly and concisely. Screeners must have a thorough knowledge of DYFS and its services.

Screeners must be prepared to interface with professionals as well as reporters. They need to be familiar with their local communities, and be equipped to refer families to appropriate service providers.

Training for screeners may be seen as two components:

- Training to be provided by the DYFS Training Office, to ensure consistency in screening services, statewide;
- Training to be provided on a local, county level to enrich the screeners' knowledge of local resources, professionals and service providers.

Specialized training for Division screeners will not only increase uniformity in the screening process performed in each office, but will also increase consistency in decision-making and in the services to children and families throughout the state.

ISSUE: POLICY AND PROCEDURE FOR RECEIVING REPORTS

Statement of the Problem:

DYFS' policy and procedure for responding to reports of child abuse and neglect is clearly set forth in the DYFS Field Operation Manuals. The public does not have access to and has not been afforded the opportunity for input and comment on these policies.

Since these functions impact on the lives of New Jersey citizens, these policies should be subject to public scrutiny.

Recommendation:

- 1.12 *DYFS' screening and response policies and procedures should be codified into rules and regulations.*

Comments:

The intent of this recommendation is:

- To increase the public's role and responsibility in the development of DYFS' policies;

- To create a climate of cooperation between DYFS and the public at large;
- To safe-guard DYFS, should its rights to intervene be legally challenged;
- To protect DYFS and its personnel from allegations of impropriety;
- To increase accountability.

The Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., mandates that agencies codify policies which may have direct impact on the public. When an agency codifies its rules and regulations through publication in the New Jersey Register, the public is given the opportunity to comment on policy and offer suggestions for change.

Child abuse policies directly affect the public. Codifying the Division's policies and procedures would give them greater weight and protect DYFS from perceived impropriety.

If DYFS policies and procedures for case acceptance and response are challenged in a court case prior to inclusion in the Register, a judge could rule against DYFS and invalidate the policies, citing N.J.S.A. 52. DYFS' policies could be ruled unenforceable until adopted into rules and regulations.

ISSUE: ABUSE AND NEGLECT IN FOSTER CARE

Statement of the Problem:

Children in foster care have unique needs because they have been separated from their families and have often been victimized. Foster families need special preparation to meet the needs of these children.

When foster families are not sufficiently prepared, there is a potential for further victimization.

Recommendation:

- 1.13 *DYFS should provide increased training to foster parents regarding child abuse/neglect and appropriate behavior management skills.*

Comments:

The intent of this recommendation is:

- To increase foster parents' understanding of the complex problems of the children in their care;
- To better assist foster parents to deal appropriately with dysfunctional behavior;
- To reduce the incidents of abuse and neglect perpetrated by foster parents upon the children in their care.

DYFS currently requires foster parent applicants to complete a 10-hour pre-service training program, given in a group setting at each district office. During these sessions, the applicants learn about foster parenting and DYFS observes and evaluates the applicants' strengths and weaknesses as potential foster parents.

The real need for training and support for many foster parents, however, may not be apparent until a foster child is placed in their home. DYFS foster children often suffer fears of the unknown and severe feelings of loss and separation.

Rules and expectations may be new to them. They may have been abused and know only a violent family life. Many foster parents report that they were not prepared for the serious and complex personal and psychological problems that foster children present.

Far more day-to-day direction and support is needed by many foster parents than DYFS staff is able to provide. Foster parents need training and support in the areas of discipline, consistency, self image, sexuality and boundary setting. Foster parents need to learn about appropriate goal-setting and behavioral expectations.

Trained foster parents benefit by acquiring improved parenting skills which lead to greater success and satisfaction in the fostering role.

Recommendations:

1.14 *Foster parents should be held to a standard of care for the children in their charge that is higher than the standard for birth parents.*

1.14.1 *The standards by which foster parents are evaluated must be determined case by case, depending upon the situation and the needs of the child.*

1.14.2 *Upon receipt of a report of abuse or neglect, the DYFS screeners must determine if the victim is a foster child.*

Comments:

The intent of these recommendations is:

- To ensure that the special needs of foster children are met appropriately by foster parents;
- To prevent the further victimization of foster children.

Foster parents are responsible for providing care to children who often have serious problems. The reasons children enter foster care include: abuse and/or neglect, health problems, emotional problems, runaway history, delinquent behavior, absence of a parent, inadequate housing and substance abuse.

Many children entering foster care have been victimized while residing in their natural homes. The foster parents, called upon to care for children from such backgrounds, need special training and guidance around the special issues facing these children. Because of their increased vulnerability, these children often run the risk of further abuse. Their behavior may be hostile and provocative. What may be acceptable discipline for other children may be inappropriate for a foster child.

These children present special needs due to their unique backgrounds and life experiences. Foster parents must be held to a higher standard of care than birth parents. Foster parents are professional parents hired to help these children while DYFS helps their parents resume direct parenting responsibility. Foster parents serve as role models for children whose birth parents are often overwhelmed by problems.

Statement of the Problem:

When foster parents are suspected of abusing the children in their care, the allegations are investigated by the DYFS District Office that placed the child in the foster home. This investigation may present a conflict of interest for the office. Even where there is no such conflict, the appearance of conflict is damaging to DYFS.

Recommendations:

- 1.15 *Suspected abuse by a foster parent should be investigated by a Foster Care Abuse Investigation Unit, a separate and independent unit which is outside the purview of DYFS' District Offices.*
 - 1.15.1 *This DYFS unit should have a centralized administration with regional locations.*
 - 1.15.2 *All reports of alleged abuse or neglect of a child in foster care, regardless of the referral source, should be automatically referred to this investigative unit for response.*

Comments:

The intent of these recommendations is:

- To better protect children at risk in foster care;
- To eliminate the potential for conflict of interest in the investigation of suspected abuse of children in foster care;
- To protect DYFS and its personnel from allegations of impropriety.

Children are sometimes abused in foster care by the very people charged with their care. The response to reports of child abuse or neglect in foster care settings falls within the jurisdiction of the DYFS district office located in the catchment area where the foster home is located.

DYFS policy states that foster home abuse reports must be investigated by DYFS staff, other than the staff person who is responsible for the supervision of that foster home. Because responsibility is still within the DYFS office supervising the home, strong opportunity for conflict of interest exists.

Although the number of children entering foster care today has not increased dramatically, the degree of dysfunction of the children appears much more severe. At the same time, there is a critical lack of available foster home resources for the children. It is extremely difficult to find appropriate placements for many children in need of foster care. With the decrease in available foster care, DYFS is faced with a severe lack of other out-of-home placement resources. The lack of available alternatives may impact on DYFS' ability to conduct an objective determination of risk to a child who is alleged to have been abused in foster care.

It is important to develop a structure which protects DYFS staff from any appearance of impropriety. Although an investigation of alleged child abuse and neglect is conducted by a district office worker other than the caseworker who supervises the foster family, the investigating worker is an office colleague of the supervising caseworker. Personal feelings may affect the investigations. Certainly, the appearance of impropriety or bias exists.

Allegations of abuse, neglect and breach of policy in DYFS foster homes should be investigated by an independent unit that is within DYFS, but separate from direct operations. This unit would be able to operate independently and objectively, and free from placement pressures. This unit should be modeled after the Institutional Abuse Investigation Unit, which responds to all reports of abuse in institutional settings.

ISSUE: ABUSE AND NEGLECT IN INSTITUTIONS

Statement of the Problem:

An institution is defined as any facility that cares for children in the State of New Jersey, such as hospitals, detention facilities, correctional settings, public or private schools, camps, day care centers, etc. The DYFS Institutional Abuse Investigation Unit (IAIU) and the Division of Criminal Justice Institutional Abuse Investigation Unit are charged with investigating abuse or neglect in these settings. This does not include foster homes, adoptive homes or alternative care homes, all of which are under the jurisdiction of the DYFS District Offices. Abuse reports in DYFS-operated facilities, such as group homes, residential centers, or the 15 DYFS day care centers are investigated by the Public Advocates Office.

The IAIU receives approximately 2100 reports per year, 18% of which are substantiated and 50% of which are "unsubstantiated with concern."

The IAIU is administered centrally. The administrator and two screeners are located in Trenton with four units of investigators housed in the DYFS Regional Offices. Reports accepted by the screeners are sent to the region where the facility is located for investigation.

The IAIU members apply high standards in that there must be a preponderance of evidence to substantiate abuse. If a situation appears to be behavior that is not in and of itself harmful, the investigator asks questions and probes to determine if there is risk of harm or risk of future harm. The unit members do not consider themselves to be child advocates until after the determination that the child is at risk. Until then, they see themselves as advocates of the facts.

Recommendations:

No recommendations for change appear warranted at this time.

SECTION TWO DECISION MAKING SUBCOMMITTEE

INTRODUCTION

Effective investigation and assessment of reports of child abuse and neglect require standardized practices which promote and encourage thoroughness, accuracy and fairness in conducting child protective service activities. In order to maximize its ability to protect vulnerable children, DYFS must have systems for ensuring that:

- Casework staff have clear, comprehensive policy and procedures for identification and evaluation of referrals of child abuse and neglect, and for substantiation of allegations;
- Children, parents and non-parent alleged perpetrators are both informed of their due process rights and treated within the framework and philosophy of those rights;
- Protective services policies, procedures and philosophy are put into practice through supervisory oversight and involvement in critical case decisions;
- DYFS policies and practices are uniformly applied statewide.

The Decision Making Subcommittee met monthly from September 1988 to March 1989. It examined how it is determined that abuse or neglect has occurred, standards for substantiating reports of abuse and neglect, and the rights of families in regard to the protective service investigation process.

Numerous documents were reviewed by the Subcommittee to provide background, focus, and a framework for discussion.

ISSUE AREA: SUPERVISION

Statement of the Problem:

The ability of the Division of Youth and Family Services to carry out its mandate effectively depends upon:

- The oversight and involvement of its supervisory staff in decision making activities;
- The availability of useful criteria, standards and guidelines for assessing case information;

- The availability of sufficiently trained staff.

Supervisory involvement at critical decision points is not always clearly required. Although good case practice dictates, and management requires, consultation with a supervisor, the DYFS policy manual in IIC 1300, Removal From the Home, for example, notes the necessity for supervisory consultation only in regard to seeking a court order for removal and consulting with the deputy attorney general. The procedures which accompany this policy state only that the case manager is to obtain supervisory approval to remove a child from his home after the case manager has made a determination that the statutory definition of abuse, neglect, or abandonment has been met and the child is at risk of substantial injury or death.

DYFS case managers, already burdened with high caseloads, multi-problem families, and administrative demands are expected to perform critical tasks with, frequently, limited supervision and without clear guidelines for decision making. Supervisory staff are expected to assume supervisory responsibility for several caseloads, making crucial decisions many times a day in the absence of optimum guidance and necessary tools--and often without sufficient trained staff.

Related to the ability of casework staff to make decisions is the ability to see decisions through, to carry them out. The apparent or perceived lack of consistency and follow-through from district office to district office demands a closer look.

Anecdotal material from Subcommittee members suggested very different approaches and handling of issues such as foster parent investigations, removal of children from their homes, use and availability of field operations manuals and substantiation of child abuse and neglect allegations. While DYFS provides appropriate training modules for new and experienced casework and supervisory staff, there appears to be a breakdown between that training and actual case practice.

Recommendation:

- 2.1 *Procedures in the DYFS field operations manuals must clearly specify which case management decisions require supervisory consultation or approval and what the timeframes for seeking such consultation or approval are to be. The recently revised District Office Case Handling Standards more clearly and succinctly address this issue than do the field operations manuals. It is most urgently recommended that both sets of guidelines convey the importance of the supervisor/case manager interface in compatible language and with an equal weight of importance.*

Comments:

The intent of this recommendation is:

- Improved, comprehensive decision making procedures which clearly specify when supervisory consultation and approval are needed to ensure that children are neither removed from their families unnecessarily nor left at risk of harm; that such intervention as DYFS proposes will have been determined through a joint supervisor-case manager system of decision-making and accountability; and that systems and guidelines for case assessment at critical junctures are available, useful and consistently applied on a statewide basis.

Supervisory oversight is critical to the protection of vulnerable children, to public accountability to families and to the community, and to the ability of DYFS to fully meet its mandate. Without a more aggressive approach to the problem, children may be left at risk, the expectation that parents will cease harmful behavior or child care practices will not be fulfilled, and the cycle of maltreatment will continue.

The absence of consistent supervisory guidelines is a serious omission in one of the most critical areas of child protective services. NCCAN strongly urges: "Part of the supervisor's role in the assessment of risk to the child is to help the worker decide whether it is necessary to remove the child from the home, and under what circumstances the child can safely remain in the home. This is a very serious decision, and it requires careful consideration. Emergency placement of the child should only be considered as a last resort because of the serious disruption to the family unit and the emotional cost to the child. If removal of the child is necessary, the supervisor in the CPS unit should be involved in the process. Because the removal of a child is an intense emotional experience for the worker as well as for the family and the child, provision of emotional support for the worker is crucial."

Recommendations:

- 2.2 *DYFS should conduct a survey of case managers and supervisors to determine those factors which impact the decision making processes during the investigation, assessment, and removal phases of case handling.*
- 2.3 *A workload assessment should be conducted for all case managers and supervisory staff.*

Comments:

The intent of these recommendations is:

- To facilitate understanding by management of the causes for the failure to seek or utilize supervisory consensus, and to provide management with a framework for resolution of the problem;
- To assess the impact of higher caseloads and increased supervisory responsibilities brought about by the hiring freeze (which was only recently lifted), as well as the rise in substance abuse, homelessness, and AIDS, on effective casework, management, and supervision.

Recent research conducted by the Association for Children of New Jersey (1986-1988) described the DYFS system of child placement as "crisis-oriented" resulting in "fragmented and ineffective service delivery." The report, "Splintered Lives-A Report on Decision-Making for Children in Foster Care", stated that: "The findings portrayed the out-of-home placement system as a crisis-oriented, reactive system where formal planning or decision-making did not formally occur....This was true for every level of service--from initial placement to services during placement to exit from placement."

A workload assessment survey would provide management with information by which to assess:

- The amount of time needed to handle each specific kind of case;
- The service needs for each specific kind of case;
- Service gaps and problem areas;
- Areas which need revised or new policy and procedures;
- Training needs.

ISSUE AREA: RISK ASSESSMENT

Statement of the Problem:

Assessments of a child's risk influence the decision to remove a child from his home, and perhaps even provide the impetus to move for termination of parental rights in the future. The DYFS Risk Assessment Matrix is primarily useful for determining the current level of risk. It does not, however, provide the user with a system or protocol for assessing that risk level in terms of the specific family, nor

does it provide guidelines for reducing risk. The matrix addresses maltreatment of the individual child by a specific parent, but does not address the whole family dynamic or factors applicable to other children in the home.

As a consequence, risk assessment can be compromised by an inability to utilize the information which has been collected when the case manager has no objective way of knowing what level of child care and parenting is acceptable. While it is agreed that the DYFS Risk Assessment Matrix can be a useful tool to field staff, it evidences a need for overall improvement, and use should be mandatory rather than optional, as is the current policy.

Recommendations:

2.4 *Redevelopment of the DYFS Risk Assessment Matrix to ensure its usefulness to field staff by providing: direction for case planning; a means of more accurately assessing family responsibility for the harm or risk to the child; quantitative information in regard to level of risk; and a means of connecting the level of harm or risk to the appropriate kind of intervention in order to reduce harm or risk.*

2.4.1 *The DYFS Form 9-7 Initial Response/Incident Report should be restructured to be more oriented toward assessment and less of a chronological listing of events.*

Comments:

The intent of this recommendation is:

- To provide a framework for training, policy development, and workload standards;
- To assist in completing documentation necessary to comply with PL 96-272, or court-related documents;
- To ensure more accurate case dispositions and fewer errors in judgment;
- To improve accountability to families, to the public, and to management.

In its 1988 report: "Central Registries for Child Abuse and Neglect---A National Review of Records Management, Due Process Safeguards, and Data Utilization," the National Center for State Courts suggests that risk assessment offers "a clean and consistent process for decision making" and believes "that the process of using a risk assessment tool provides an operational definition of child abuse and neglect. Risk factors are quantified and organized." The American Public Welfare Association,

National Association of Public Child Welfare Administrators, in its publication "Guidelines for a Model System of Protective Services for Abused and Neglected Children and Their Families" notes: "It [a risk assessment matrix] provides staff with structure for decision making, and can be clearly connected to the definition, purpose, and mission of child protective services as presented in Guidelines."

ISSUE AREA: ADVISING CLIENTS OF RIGHTS

Statement of the Problem:

The case manager's ability to determine whether or not an incident of abuse or neglect is substantiated impacts the issue of due process as provided by the fourteenth amendment to the Constitution which states: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law....."

Despite a family's right to privacy, despite the right to due process, and despite DYFS policy that the parent/perpetrator is to be apprised of investigation results and related information, there is concern that there exists wide variation in regard to compliance with the policy.

The "Parent's Handbook" was developed to address the issue of advising families of their rights in regard to DYFS interventions. Subcommittee members were concerned that the handbook was not being consistently given to clients, and, when it was, appeared to be confusing at best. The handbook is not given to persons alleged to be perpetrators of child abuse or neglect, who are not also the child's parent.

Recommendation:

2.5 *All DYFS clients must be advised of their rights in regard to their involvement with the agency. That is, they must know:*

- *How DYFS is empowered to intervene with their family;*
- *What constitutes that intervention;*
- *What case findings or determinations drive that intervention;*
- *Their recourse in regard to dissatisfaction with services or case findings;*
- *What they have a right to expect from DYFS.*

This can be provided by:

- *Revision and reorganization of the "Parent's Handbook" to clearly set out at the beginning what the client's rights are. Additionally, DYFS policy should require the case manager to explain to the client specifically what those rights mean in terms of his individual situation;*
- *A leaflet or brochure which summarizes DYFS intervention insofar as an alleged perpetrator (who is not the parent) is concerned, his rights, and information identifying the District Office investigating, the case manager, and the district office telephone number. This would be developed concurrently with revisions to the "Parent's Handbook."*
- *Written notification of the reason for the investigation.*
- *Development of an appeals process and inclusion of this process in the "Parent's Handbook."*

Comments:

The intent of this recommendation is:

- That the right of a child and his family, and of perpetrators of child abuse or neglect, to fair and appropriate treatment throughout the term of DYFS intervention will be consistently and uniformly assured.
- That all DYFS clients will be assured the right to know the results of investigations of themselves or their families, what will happen to them and to their families as a result of the investigation, and, should they disagree with the findings of an investigation or with a service plan, what recourse they have to challenge either one.

Any complaint which requires DYFS investigation presents a challenge to the client's due process rights as guaranteed by the fourteenth amendment. No parent should ever be left to guess his fate at the hands of a powerful public agency, nor should he suffer the threat of removal of his child without being clearly apprised of his rights with regard to the investigation and involvement of DYFS, and of his right to refuse agency action, absent a court order.

In a statement to the Senate Committee on Children's Services (1988), Alfred A. Slocum, Public Advocate of N.J., said "Above all else, we have experienced the complexity of protecting children effectively without denying the rights and liberties of others which requires decision making well-monitored by process. Consequently, we support strengthening the due process procedures. We must examine the possibility that many parents have given up their children through voluntary

[placement] agreements which may have been entered into under duress or fear of reprisal. Parents involved in the midst of child abuse allegations may be placed in an unequal bargaining position when facing the weight of an agency such as DYFS....We need to consider that factors other than the best interest of the child, such as, the desire of parents to avoid further investigations or excessive conformity to administrative expediency on the part of caseworkers may enter into such voluntary agreements."

Assurance of due process is not limited solely to the issue of removal of children from their homes. There are many related issues created by improper or absent notification of rights to a client. Clearly, DYFS must develop and utilize a process or system for ensuring the other rights of the client.

P.L. 96-272 requires states to include in their state plans a provision for "granting an opportunity for a fair hearing before the State agency to any individual whose claim for benefits available pursuant to this part [42 U.S.C. S 671(a)(12)] is denied or is not acted upon with reasonable promptness." Such benefits are, at a minimum, services paid for with Title IV-B or E or Title XX funds or guaranteed under the state's IV-B plan. Included in the benefits are child welfare services including counseling, transportation, visitation, communication between parent and child, and other family maintenance or reunification services.

In 1987, Bixler v. Children and Youth Services of Delaware County, Pennsylvania, successfully challenged Pennsylvania's statewide policy actions regarding changes in family services plans (FSP's). The plaintiffs showed that there was no requirement (in DPW regulations) to provide "adequate notice of changes in a family's FSP or of parents' opportunity to appeal, to continue services under the current FSP pending a fair hearing decision, or to petition the committing court prior to any change in the status or placement goal of a child." Plaintiffs argued that these actions violate the parents' rights under the Social Security Act, the due process clause of the fourteenth amendment, and 42 U.S.C. [subsection] 1983.

ISSUE AREA: SUBSTANTIATION CRITERIA

Statement of the Problem:

Thorough review of the DYFS Protective Services field operations manual, as well as the Initial Response and General Policy and Procedures manuals, did not reveal any substantive material or procedures with regard to how casework staff are to assess case findings in order to make a determination as to whether or not alleged maltreatment did or did not occur.

Nevertheless, case managers are required to complete a Child Abuse/Neglect Report (K8-2) for each referral of abuse or neglect received. The case manager is expected to not only make a determination as to whether or not presenting injuries or harm

occurred as a result of child maltreatment, but is also expected to make a judgment of the likelihood of risk of serious harm, and to determine, to the extent possible, who the perpetrator was.

Recommendation:

2.6 *DYFS should strengthen guidelines by which allegations of abuse and neglect and risk to a child can be judged in order to determine whether or not those allegations, together with all other investigation findings, constitute a substantiated incident of child maltreatment.*

Comments:

The intent of this recommendation is:

- To ensure more accurate case dispositions and fewer errors in judgment;
- To improve accountability to families, to the public, and to management.

N.J.S.A. 9:6-8.9 requires DYFS to investigate reports of alleged child abuse or neglect and to make a determination as to whether a presenting situation does or does not support a conclusion that child abuse or neglect has occurred.

The decisions the DYFS case manager is responsible for have far-reaching implications both for the child and his family and for the non-parental perpetrator. Appropriate case assessment, treatment, service provision, and child protection are fully dependent upon the conclusions reached. Any complaint which requires DYFS to investigate a family presents a challenge to the self-esteem of the parent, to his right to rear his children as he desires, to privacy for himself and for his family, and to the integrity of the family unit.

While the Supreme Court has never ruled on a civil child protection matter, it has ruled in several termination of parental rights cases. Those decisions have indicated a high degree of due process protection afforded parents when their child rearing rights were invaded. In a landmark decision, Petition of Bagley (1986:340), the New Hampshire Supreme Court held that a state's central registry of substantiated cases "amounts to a deprivation of constitutionally protected liberty, since it adjudicates a status of potentially injurious consequences." It then required, in part, written notice to the perpetrator which was to include:

- Identification of the perpetrator as such;
- The nature of the report and the reasons underlying the determination;

- Perpetrator's right of access to the stored information;
- Right to challenge the determination in an administrative hearing;
- Written statement to the perpetrator if a challenged decision is upheld;

The case manager's ability to determine whether or not an incident of abuse or neglect is substantiated clearly impacts many such cases.

ISSUE AREA: CATEGORIES OF DETERMINATIONS

Statement of the Problem:

The expectation of the public, as well as DYFS management, that each investigation will result in an appropriate and accurate disposition, is contraindicated by the absence of criteria against which investigation information can be assessed.

The Division of Youth and Family Services, under N.I.S.A. 9:6-8.11, investigates reports of alleged child abuse and neglect and makes a determination as to whether or not what occurred was, in fact, child abuse or neglect. Existing DYFS policy and procedures do not specify the case factors by which a presenting situation should be assessed, nor do they provide criteria by which to determine whether those factors constitute an incident of child abuse or neglect.

Recommendations:

- 2.7 *DYFS should strengthen its procedures for substantiating reports of child abuse and neglect, and should refine its categories for the investigation findings. The Draft Substantiation Guidelines presented to this subcommittee should be adopted, insofar as intent, assessment guidelines, and general expectations of staff. Final choice of the findings categories should be precise and limited to determinations for allegations only. Suggested categories for DYFS investigation findings are as follows: Substantiated; Not Substantiated; and Unfounded.*
- 2.7.1 *DYFS should develop a standard, focused interview or investigation protocol to provide clearer and more uniform decision making. This protocol could be based on the different types of abuse.*
- 2.7.2 *DYFS should develop a concise desk reference and practice guide for case managers. The guide should be short and easy to use and should cover the primary elements of investigation, assessment of allegations, helpful reminders, relevant legal citations, etc.*

- 2.8 *The documented findings should reflect 1) whether or not the referent's allegations were substantiated, 2) whether or not other conditions found during the investigation constitute child abuse/neglect. Each determination category is to be clearly defined by DYFS. The definitions are to be entered into Administrative Code, subject to the review and approval of the public.*
- 2.9 *All field staff are to be trained in use of the new substantiation categories and the decision making criteria which is to be used when assessing all incidents of child abuse and neglect.*

Comments:

The intent of these recommendations is to:

- Provide better protection to children who may be at risk of abuse or neglect;
- Mandate case managers to document investigation findings more accurately;
- Encourage consistency among the 38 field offices throughout the state;
- Allow the public to approve and/or provide input regarding the establishment and adoption of this policy;
- Enhance and ensure the rights of all DYFS clients, not only throughout the period of active involvement with the agency, but in the future, as well.

New Jersey law requires DYFS to establish and maintain a Central Registry. In addition, the federal government has encouraged each state to establish a viable Central Registry of child abuse and neglect investigation findings. By strengthening and refining the findings categories, the validity of each investigation determination is more likely to result in more useful Central Registry information.

Clearer, more precise, findings categories will result in more accurate case dispositions, fewer errors in judgment by casework staff, and improved accountability to both the public and to management. With a stronger, more precise foundation for decision making at this stage of case handling, the client's due process rights are protected.

SECTION THREE INFORMATION HANDLING SUBCOMMITTEE

INTRODUCTION

The Subcommittee on Information Handling focused on the following issues regarding confidentiality:

- What reported information should be recorded?
- Who may receive information about the Initial Abuse/Neglect Report?
- Who should receive information about the findings of a DYFS abuse/neglect investigation?
- Should there be a DYFS policy for expunction of information?

The issue of how DYFS handles information about reports and findings in child abuse and neglect cases is a focus of public criticism of child protection. There are two powerful scenarios that recur in the statements of critics. One is the emergency removal of children from a family home without a court order. Since New Jersey law requires a court order the next day, this scenario is considerably less troubling than it might appear to uninformed citizens.

The second scenario raises issues that cannot easily be laid to rest--that of an innocent person whose reputation is damaged by an unfounded abuse investigation, whose name is recorded on DYFS records and may be released to any of a number of persons, impacting the person negatively in a number of possible ways.

What information DYFS keeps, how the information is kept and who is authorized to receive what information in the records under what circumstances--these are questions of great importance that require careful balancing of the rights and interests of various parties.

Persons clearly innocent of wrongdoing have a right to expect that their names will not be recorded and circulated to other parties in an invidious context likely to damage their reputations. Families have a right to reasonable privacy. Children need to be protected from identification. Professionals who work with a family or one of its members have a need for information about the family.

DYFS has a number of legitimate purposes for recording information. DYFS retains client information to:

- Provide a report of protective services to the Central Registry as required by N.J.S.A. 9:6-8.11;
- Provide a report to the county prosecutor as required by N.J.A.C. 10:129-1.3;
- Determine eligibility for DYFS services;
- Provide a written account of a case history, including family dynamics, assessment, interventions, and outcomes;
- Provide accurate and timely information to management to support planning, operation, and control responsibilities.

How can these conflicting rights, needs and mandates be balanced? There can, in our opinion, be no final answer. There is a need to periodically take an objective look at information handling policies and procedures and make recommendations for adjustments. The Information Handling Subcommittee was charged to do exactly that.

The Subcommittee chose a methodology somewhat different from that of the other Subcommittees. It was an approach that emphasized objectivity and ensured an examination of the most basic assumptions of the DYFS information handling system.

Rather than beginning by examining DYFS policy and practices, the Subcommittee built a model. We created a series of statements that we felt would characterize good practice in handling information. We then compared these statements with DYFS policy.

The conclusion was inescapable--though we discovered some key areas of DYFS policy that need improvement, DYFS policy generally contained the elements we defined as important in our model. We make few recommendations for change.

The only area where DYFS policy was truly lacking was in its failure to address the questions surrounding expunction adequately.

Agreements between the Subcommittee Model and DYFS Policy

The following statements are elements of the Subcommittee model found to be in complete agreement with DYFS policy:

ISSUE AREA: WHAT INFORMATION SHOULD BE RECORDED

The categories of information that were considered as appropriate to be recorded about the alleged victim were the following:

- Name;
- Address;
- Age;
- Race;
- Sex;
- Zip code of residence;
- Relationship to any other person involved in the report;
- Religion;
- Visible harm;
- Prior history of reports;
- Classification as institutional abuse if appropriate.

The District Office Screener should record all information that is reported, as well as the observations of the Screener, as all information known may be important to the family's situation. This was explored more fully by the Screening Subcommittee.

ISSUE AREA: RECIPIENTS OF INFORMATION ON REPORTS

A list was made of potential recipients or requesters of information. Their need to know initial report information was discussed. This list, which may not be all-inclusive, is as follows:

- The recipient of the report (DO Screener);
- The permanent (case) record;
- The investigative DO worker;
- The continuing DO worker;
- The foster/adoptive parent;
- The reporter of the incident;
- The prosecutor;
- A private litigator (typically a private attorney for some party);
- An employer;
- A citizen (including the press);
- The victim;
- The parent or parent surrogate of the victim;
- The alleged perpetrator;
- The permanent record in the Central Registry;

- The physician;
- The psychotherapist;
- The child's attorney or law guardian.

All reported material received should be available to the investigative DYFS District Office worker and the continuing District Office worker, as they should have all information that may be relevant to the family's situation.

All reported material received should be released to the prosecutor as required by N.I.A.C. 10:129-1.3.

All reported material received should be included in the permanent case record so there is a full and accurate account of the referral.

In response to a private litigation inquiry, no information may be provided without a court order. N.I.S.A. 9:6-8.10a provides for the court to make a determination about further release.

In response to an employer or potential employer inquiry, no reported information may be provided without a court order, except in cases of institutional abuse/neglect where the institutional administrator is advised of a referral in order to take actions to protect the child.

The general public may only receive reported aggregate statistical information, such as statistical summaries of the types of incidents, the municipality or the county of the incidents, the relationship of reporters to victims, the relationship of victims to other parties, institutional or non-institutional nature of the reports, and the date and the time of the incidents. This is consistent with DYFS policy and the law and retains the confidentiality of client information.

Reported information received may be released to a therapist or other treatment professional working with the victim or family when there is a demonstrable need to know.

ISSUE AREA: RECIPIENTS OF INFORMATION ABOUT FINDINGS

After an institutional abuse/neglect investigation, the institution should be informed of the findings so that they can take corrective action and provide a safer environment for the children.

In cases identified as institutional abuse, the institution may be informed of information necessary for the care, treatment, or supervision of the child if a determination is made that the conduct was not institutionally sanctioned.

After an institutional abuse/neglect investigation, information may be released to the court for litigation purposes. Information may be released for institutional personnel hearings that are judicial or quasi-judicial upon the determination of a court. This is consistent with the law permitting release to a court for determination of an issue before the court.

The Legal Base

The release of child abuse/neglect information is restricted by N.I.S.A. 9:6-8.10a, which follows:

9:6-8.10a. REPORTS AND INFORMATION OF CHILD ABUSE REPORTS; CONFIDENTIALITY; RELEASE

- a. All records of child abuse reports made pursuant to section 3 of P.L. 1971, c 437 (C. 9:6-8.10), all information obtained by the Division of Youth and Family Services in investigating such reports including reports received pursuant to section 20 of P.L. 1974, c. 119 (C.9:6-8.40), and all reports of findings forwarded to the central registry pursuant to section 4 of P.L. 1971, c. 437 (C. 9:6-8.11) shall be kept confidential and may be disclosed only under the circumstances expressly authorized under subsection b. herein.
- b. The division may release the records and reports referred to in subsection a., or parts hereof, to:
 - (1) A public or private child protective agency authorized to investigate a report of child abuse or neglect;
 - (2) A police or other law enforcement agency investigating a report of child abuse or neglect;
 - (3) A physician who has before him a child who he reasonably suspects may be abused or neglected;
 - (4) A physician, a hospital director or his designate, a police officer or other person authorized to place a child in protective custody when such person has before him a child who he reasonably suspects may be abused or neglected and requires the information in order to determine whether to place the child in protective custody;
 - (5) An agency authorized to care for, treat, or supervise a child who is the subject of a child abuse report, or a parent, guardian or other person who is responsible for the child's welfare, or both, when the information is needed in connection with the provision of care, treatment, or supervision to such child or such parent, guardian or other person;

- (6) A court, upon its finding that access to such records may be necessary for determination of an issue before the court, and such records may be disclosed by the court in whole or in part to the law guardian, attorney or other appropriate person upon a finding that such further disclosure is necessary for determination of an issue before the court;
- (7) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;
- (8) Any appropriate State legislative committee acting in the course of its official functions, provided, however, that no names or other information identifying persons named in the report shall be made available to the legislative committee unless it is absolutely essential to the legislative purpose;
- (9) Any person engaged in a bonafide research purpose, provided, however, that no names or other information identifying persons named in the report shall be made available to the researcher unless it is absolutely essential to the research purpose and provided further that the approval of the director of the Division of Youth and Family Services shall first have been obtained. Any individual agency, court, grand jury or legislative committee which receives from the division the records, and reports referred to in subsection a., shall keep such records and reports, or parts thereof, confidential.

RECOMMENDATIONS

ISSUE AREA: RECIPIENTS OF INFORMATION ABOUT REPORTS

Statement of the Problem:

In making determinations regarding confidentiality, the Committee wanted to assure:

- That those who need information about what has occurred in the reporting process, for professional or service delivery reasons, can gain access to that information;
- That the privacy of all persons involved in the reporting and follow-up investigative process be protected to the maximum extent feasible.

In balancing these interests, the Subcommittee has attempted to distinguish the types of information that are needed by each potential recipient. In preparing this report the Subcommittee has focused on each potential recipient of information and the type of information which he or she may receive. It should be noted that in some cases a court order might require the release of additional information, but where such release is not otherwise authorized, such order should, in most cases, be resisted by the Division.

Recommendations:

- 3.1 *In order to protect the alleged victim and to ensure that no investigation is compromised, DYFS may delay providing summary information to the alleged perpetrator about the type of incident, the specifics of the incident and the date and time of the incident. Other information, including the identity of the alleged victim shall not be released without a court order. The rationale for this suggestion is to provide policy that gives information to the perpetrator, but protects the victim.*
- 3.2 *The parent or parent surrogate of the victim and the victim's legal representative may be provided reported specifics of the incident, the time and place of the incident, and, if necessary for the protection of the victim, the identity of the alleged perpetrator. When the parent is the alleged perpetrator, proceed as for 3.1.*

Comments:

The intent of these recommendations is:

- To ensure that parties of interest receive initial information about reports in accordance with their rights and their need to know;
- To protect the confidentiality of information in reports.

ISSUE AREA: RECIPIENTS OF INFORMATION ABOUT FINDINGS

Statement of the Problem:

The committee considered whether abuse/neglect findings should be released to the parents, the alleged perpetrator, the child, the child's therapist, the institution and court (in institutional abuse cases), and third parties to whom the perpetrator may want information released. Each was discussed in terms of the need to know, the law, and confidentiality for the victim.

Recommendations:

- 3.3 *A written statement of the findings should be sent to the parents of the child, the alleged victim's legal representative and the alleged perpetrator. The findings should be shared with the child at the discretion of DYFS based upon the child's age and maturity, but the findings must be shared with the child victim whenever he or she was made aware that an investigation was being conducted. The parents, the alleged perpetrator, and, when appropriate, the child have a need to know this information as they are directly affected by the findings.*
- 3.4 *When a child is known to be in therapy, the worker should discuss the abuse/neglect findings with the child's therapist so that the therapist may provide assistance to the child in relation to findings.*

Comments:

The intent of these recommendations is:

- To ensure that parties of interest receive information about findings of reports in accordance with their rights and their need to know;
- To protect the confidentiality of information in reports.

The Task Force was unable to reach a consensus as to whether the findings and other information about the perpetrator should be released to any third party upon the request and written authorization of the perpetrator. The law only permits release to specific third parties. It was felt that the alleged perpetrator had a right to know the findings but a general sharing of this information to third parties may have a negative impact upon the child. It was discussed that when the allegations are unfounded, the alleged perpetrator may want to let others know of this conclusion, but there is the risk of information about the child being inferred. Release of information by any person having a right to that information necessarily impinges on the privacy rights of others involved in the case.

ISSUE AREA: EXPUNCTION POLICY

DYFS reports referrals and investigations of abuse/neglect to Central Registry pursuant to N.J.S.A. 9:6-8.11. This reporting is done via computer and DYFS offices use this information for assessments when a new referral is made and when foster, adoptive, and day care applicants are evaluated.

DYFS currently retains computer information indefinitely with no differentiation with respect to retention of its investigative findings. There is concern that names of alleged victims and alleged perpetrators are retained in the computer when the DYFS investigation concluded that the reported incident was totally unfounded.

There are other cases in which injury was found, but abuse or neglect was not confirmed. It is important for DYFS to retain this information for a period of time to see if there are further referrals or a pattern of injuries, but this information is not needed indefinitely.

DYFS has no specific policy for contesting its investigative findings. There is concern that if an error is made, persons would have their names listed in the computer as victims and perpetrators with no recourse for correcting the information.

These issues have been at the heart of public criticism of child protection. It is of great importance that they be fairly resolved without compromising the ability of the agency to keep information required to protect children.

Recommendations:

- 3.6 It is recommended that DYFS develop a mechanism whereby a DYFS investigative finding may be contested in a timely manner, to ensure due process.

- 3.7 It is recommended that after making the report to Central Registry, DYFS remove all but statistical information on the computer about the alleged victim, family, alleged perpetrator and, if applicable, an institution when a DYFS investigation concludes that an incident did not occur, (i.e. unfounded). This is to provide protection for the individuals named in an unfounded report.
- 3.8 It is recommended that after 5 years DYFS remove all but statistical information on the computer about the child, family, alleged perpetrator, and, if applicable, the institution when a DYFS investigation concludes that there was an injury, but:
- It was not found to be abuse or neglect, or
 - The perpetrator is not known or not confirmed.
- 3.9 It is recommended that DYFS permanently retain on the computer information about the victim, family, perpetrator, and, if applicable, the institution when a DYFS investigation concludes that abuse or neglect did occur.
- 3.10 It is recommended that all information be retained permanently in the client case file for a fully accurate record and accounting of service activity regarding the particular client.

Comments:

The intent of these recommendations is:

- To ensure fair treatment of the subjects of unfounded reports;
- To ensure the integrity of client information.

An unfounded report of child abuse may do serious damage to an innocent person--it may impact negatively on his family, his standing in the community and his job, particularly in cases of institutional abuse. DYFS cannot ultimately protect even innocent persons from some of these impacts. Every effort should be made to ensure fairness.

SECTION FOUR CHILD PROTECTIVE SERVICES SYSTEMS SUBCOMMITTEE

INTRODUCTION

The Child Protective Services Systems Subcommittee was charged with reviewing the child protection system and assessing the role of DYFS in the system.

In its review, the Subcommittee studied the following six major issue areas which were believed to be critical to child protective services in the State of New Jersey:

- Service Delivery Options: Child Welfare Services vs. Child Protective Services;
- Continuity of Case Management;
- The Use of Voluntary Placement Agreements in Child Protective Services;
- Regional Diagnostic and Treatment Centers;
- DYFS as a Service Contractor;
- Public Information, Oversight and Interdepartmental Policy Development.

Subcommittee research efforts included examination and discussion of an extensive body of literature.

Information was also presented to this Subcommittee by representatives of DYFS Central Office units, including Bureau of Research and Quality Assurance, Office of Contract Administration, Office of Personnel, Central Office Foster Care Unit, and Office of Policy, Planning and Support.

The Subcommittee Chairman also met with staff from the American Bar Association and The National Center for Child Abuse and Neglect in Washington D.C. to discuss the issues. The Chairman also attended each Senate Committee on Children Services hearing on DYFS and reviewed the transcripts on these proceedings.

ISSUE AREA: SERVICE DELIVERY OPTIONS: CHILD WELFARE SERVICES VS. CHILD PROTECTIVE SERVICES

General Comments

In New Jersey, child welfare services (CWS) such as foster care, residential placement, provision of homemakers, child care, day treatment, etc., and child protective services (CPS) such as child abuse investigations, crisis response, emergency removals, etc., are both the responsibility of DYFS. The administration of each county and/or District Office is responsible to establish a mechanism to address both functions. Some offices, for example, utilize a speciality system in which there are workers who perform exclusive functions (e.g., screening/intake/initial response, general services, residential placement, permanency planning/foster care processing, etc.). Other offices utilize a generic system in which one worker is assigned to each case and follows that case from its inception (screening/intake, emergency response, initial service request), through its assessment and service provision, to successful case closing.

All District Offices throughout the State, no matter which system or variation is utilized, share one thing in common: caseworkers who provide child welfare services to client families also address emergent child protective service concerns regarding those very same families.

Statement of the Problem:

Child welfare services and child protective services are provided by the same agency which contributes to the following:

- An inherent conflict when one person plays both the "good guy" (service provider) and the "bad guy" (investigator). Tension is created by each new investigation which makes it near to impossible to build a trusting client-worker relationship.
- Worker morale is affected. Workers lack clarity of job function, they are asked to be "all things to all people," to develop expertise in numerous areas.
- One agency may provide only one point of view, while two or more agencies may provide differing insights and professional opinions. With child welfare services and child protective services functions together, a child protective services investigation on an open case may not be conducted with sufficient objectivity. There is no outside, objective individual, an investigator from another agency, to intervene, interview family members, and in the process, analyze the effectiveness of the service plan and child welfare services intervention.

- Child protective and child welfare services compete for limited resources and manpower when one agency controls both functions.
- Child welfare services often is inadequately funded, taking a back seat to child protective services.
- Priority setting may be conflictual for the worker who is called on to provide both services. Abuse investigations and/or crisis intervention tend to take precedence over permanency planning, transportation and the provision of other vital support service functions. Pre-scheduled meetings or responsibilities (e.g., a supervised parent-child visit scheduled weeks in advance) may distract a caseworker from addressing a sudden allegation on another open case.

There are many advantages to the current system which include:

- When one caseworker from one agency, such as DYFS, provides both child protective services and child welfare services, there is a continuum of service delivery. Even under a "specialist" District Office delivery system, supervisory and administrative staff provide a consistent mind-set to ensure that a family's needs are appropriately and adequately addressed. Gaps in service delivery are minimal, in that case transfer from one program to another usually occurs within one office (i.e. intake to general supervision).
- When one agency is responsible for both functions, an objective view may be achieved. One overall agency is not vested in perpetuating any one service to the possible detriment of the child or family (e.g., If foster care was provided by a private contract agency, that agency and its service providers may be financially vested in keeping a child in foster care, whether or not continued out-of-home placement is, in actuality, in that child's best interest).
- When one assigned worker from one agency performs both functions, intervention can be consistent and comprehensive rather than diverse and fragmented. When the agency receives additional allegations of child abuse concerning a client family, the assigned caseworker, who is responsible for both child protective services and child welfare services, is equipped to investigate. The family already knows this worker, rather than being visited by a stranger. If the involved agency is only permitted to address child welfare matters, then the family must be reassigned to the child protective agency or a dual case responsibility system must be developed. Such a system could be quite burdensome, while "gray area" referrals could defy any prearranged inter-agency agreements.

Recommendation:

- 4.1 *The current system of service delivery which uses a combination of child welfare services and child protective services, should not be changed at this time.*

Comments:

The intent of this recommendation is:

- To allow the State of New Jersey to improve the current service delivery system through the implementation of the other recommendations in this report.

To date, no national experts-- CWLA, APWA or the American Humane Association-- have agreed on the best organization for the states to deliver child welfare and child protective services. The Subcommittee believes that the advantages to New Jersey's current system are not outweighed by its disadvantages and the disadvantages that would be created by any comprehensive radical re-organization.

ISSUE AREA: CONTINUITY OF CASE MANAGEMENT

General Comments

Often the quality of service provided to a child and his family is based on abilities, qualifications, experience, dedication and energy of the assigned DYFS caseworker, with the assistance of his immediate supervisor.

The Governor's Task Force Working Group posed a series of questions regarding field staff training, turnover, job qualifications, job descriptions and functions, etc. The following information was provided by the DYFS personnel office:

DYFS caseworkers, titled Family Service Specialist I, II, or III, are assigned to Division District Offices at a ratio of 1 Supervisor (Supervising Family Service Specialist II) to 6 caseworkers. Staff allocation per District Office around the State is based on factors such as:

- Number of referrals received;
- Size of district office caseloads active under 13 months;

- Size of population receiving public assistance in each county;
- Size of single-parent population.

DYFS caseworkers perform three major functions:

- Intake (child protective service investigations, crisis intervention, initial case acceptance and processing);
- Support (caseworkers who do not carry caseloads but provide support to clients and staff, including foster home finders and facilitators, court liaisons and placement review coordinators, administrative assistants, etc.);
- Case Management (responsibilities include general supervision, ongoing service provisions, case planning, new CPS investigations and crisis intervention, as needed, on open cases, out-of-home placement services and follow up, etc.).

In some offices, the same worker may perform all three functions or the functions may be assigned to separate workers or separate units of workers.

The support function is stable in most offices. If the county has more than one District Office (i.e., counties of Hudson, Passaic, Essex, Union, Middlesex, Monmouth and Camden), the support function may be located in the county administrative unit.

The intake function is governed by DYFS' legal mandate to initiate a timely response to child abuse and neglect allegations.

Investigations and crisis intervention demand prompt casework attention.

The case management function is the most flexible, due to its generalized responsibilities and tasks. Case managers may be assigned to intake if the need arises.

In each District Office approximately two-thirds of the actual staff, or two-thirds of the person hours, address case management while the remaining one-third addresses intake and support.

Of the 38 District Offices statewide, only 6 at present do not have separate intake units.

The majority of intake units in the remaining 32 District Offices statewide are headed by well-seasoned supervisors. Ideally, intake units should be staffed by experienced CPS workers as well. In reality, however, due to accompanying pressure, stress and overtime demands, intake often is an unwanted job; therefore, in many offices, intake units are staffed by new workers.

In at least one office, financial incentives have been offered: all intake workers have been promoted to Family Service Specialist II's. In another office, the intake function is rotated every two years among all field staff who have been with DYFS for one or more years. Other offices utilize other incentives or mechanisms to ensure that intake units are adequately staffed at all times.

When cases become backed up in the intake unit, offices may shift staff from other units to provide assistance. Systems may need to be introduced, temporarily, to rotate incoming cases to all field staff to share the mandate of initial response. DYFS draws the majority of its first line-supervisors, titled Supervising Family Service Specialist II (referred to as Assistant Supervisors in-house), from casework field staff. SFSS II's are required to have, at a minimum, 3 years professional social work experience, servicing high-risk child abuse and neglect families.

Caseworkers may become "assistant supervisors" by meeting the job requirements and filing for and passing a Civil Service test. If a certified listing is not available for that title from the Department of Personnel, the District Office may need to hire or promote a supervisor provisionally. Once the test is given and the list of individuals who passed is certified, the provisional supervisor may then be appointed to the position, pending completion of a six month probationary period. If that individual did not pass the test, however, or ranked low on the list, he may be replaced by a high ranking individual from the certified list. The three individuals with the highest score, interested in pursuing the position, must be interviewed in order to appoint one of them to the available post.

New supervisors receive a 9-day training course to introduce them to the job and to sensitize them to the complex work responsibilities of middle management. The Division's training office offers this course two or three times yearly, depending on turnover and need. On average, 10 persons make up a training class. The DYFS training office offers follow-up projects for additional skill development as well.

At present, neither the Department of Personnel nor DYFS offers a written pre-service assessment test, screening mechanism or formal instruction to prospective employees or individuals seeking promotional opportunities prior to position appointments.

Recommendation:

- 4.2 *Inexperienced case managers should not serve in intake units. Any exceptions must be approved by DYFS Regional Office administration. (See recommendation 1.10)*

Comments:

The intent of this recommendation is:

- To strengthen DYFS intake/initial response;
- To better serve children at risk;
- To avoid the stress to new case managers which the intensity of initial response can produce.

In many instances, the skills required of a worker responding to a child protective services allegation are intensified because these cases are often in crisis. Workers are required to make vital decisions, and they must make them very quickly. Using unskilled workers in these situations places the child and the caseworker at risk. The risk to the employee is physical in only some situations, but in many instances the mental stress contributes to burnout. For an inexperienced worker, the risk is intensified.

Recommendation:

- 4.3 *DYFS should increase formal training of field staff at the various caseworker levels and supervisor levels which should be periodic, ongoing, and mandatory.*

Comments:

The intent of this recommendation is:

- To ensure that DYFS caseworkers and supervisors are initially and periodically trained, to equip them with the necessary knowledge and skills to perform their jobs;
- To keep staff up to date on new theories and practices in the field.

Ongoing, periodic training can reduce job stress as well as increase skill and knowledge. Job stress is reduced when the trainee's own knowledge and skills are reinforced and when the trainee feels more capable of doing the job with the new skills and knowledge gained. Planned time off from the routine also reduces stress.

Recommendations:

- 4.4 *The Department of Personnel and DYFS should develop guidelines to assess the casework skills and abilities of individuals who apply for supervisory positions. Each candidate should be carefully assessed and screened by local DYFS administrators, to assure that they are capable of assuming leadership, making decisions, and are experienced in exercising good judgment and common sense.*
- 4.5 *DYFS should provide additional training for individuals who are preparing to hold the title of Supervising Family Service Specialist II (field unit supervisor). Elements of this training curriculum shall include skills development regarding time management; priority setting; delegation; staff development and evaluation (based, in part, on case record review); goal-setting (for cases under DYFS supervision, the unit being supervised, the supervisor himself, and personal/professional growth/stimulation for subordinates); and decision-making.*

Comments:

The intent of these recommendations is:

- To strengthen the DYFS field supervisor position so that there is more production and job satisfaction in that position;
- To strengthen the DYFS field supervisor position so that case managers will be more likely to get appropriate guidance and support;
- To strengthen the DYFS field supervisor position so that qualified case managers may see promotion as an alternative to leaving the agency.

Field Supervisors have the most direct contact with case managers and are responsible for all the cases in their case managers' caseloads. They not only influence the movement and outcome of cases, but, pertinent to the issue under discussion, guide and support the worker. Positive and appropriate supervision greatly influences the amount of stress a case manager can tolerate, how he tolerates that stress, and therefore, how long he might remain in the job. The supervisor's skills help the case manager develop his or her own skills, as well.

Statement of the Problem:

Staff turnover at the case manager level (11% vacancy rate for 1989) causes interruptions in service delivery to families and results in a significant proportion of case managers being newly hired and inexperienced. The rate of staff turnover is affected by the related stress, such as:

- Large caseloads;
- Complexities of the problems and skills required to solve the problems;
- The supports and guidance case managers receive from supervisors;
- Low pay.

Recommendations:

- 4.6 *Civil Service/Department of Personnel job descriptions for the three levels of DYFS case managers (Family Service Specialist III, II, and I) should be reworded and clarified, to be more specific as to the responsibilities of and differences between the three positions. DYFS should apply these definitions consistently throughout all the district offices in the State.*

Comments:

The intent of these recommendations is:

- To add meaning and substance to the DYFS case manager promotion ladder;
- To add prestige to the DYFS Field Service Specialist title and series;
- To provide a promotion route for talented field staff, to encourage such staff to remain in field positions, rather than pursuing supervisory posts or positions outside of DYFS merely to increase salary potential;
- To increase the duties, responsibilities and productivity of higher paid case managers;
- To promote equity in salary and job responsibilities between case manager staff serving the various DYFS District Offices.

Experienced and skilled staff will be more likely to remain with the agency if they have clearly defined responsibilities, receive appropriate recognition and are equitably compensated for their efforts.

Recommendation:

- 4.7 *DYFS should establish a standard for caseload size in New Jersey. The standard should be based on input from national organizations and state child protective service agencies. DYFS District Offices should be staffed to reflect that standard.*

Comments:

The intent of this recommendation is:

- To establish an acceptable number of cases for which a case manager should be responsible;
- To provide case managers, DYFS administrators and client advocates a standard for measuring work load;
- To provide a standard of measurement when reporting to the legislature regarding the Division's ability to meet the public's needs for child welfare and child protective services.

Throughout the country, social service professionals are attempting to establish workload standards which address not only caseload size, but also the many other variables which impact service delivery. By establishing valid workload standards, DYFS will have a better basis for staff allocation, for prioritizing case management objectives, for establishing reliable cost projections and for monitoring both individual and agency performance as measured against the established standards.

Recommendation:

- 4.8 *Hiring freezes should not be imposed on DYFS field staff. Funds should be made available from the State Treasury to hire, train and maintain adequate child protective services field staff at all times, in accordance with the adopted caseload standard.*

Comments:

The intent of this recommendation is:

- To ensure mandates are met to provide quality services to clients in a timely manner.

DYFS is required by law to support family life and protect vulnerable children. It cannot meet its mandate without sufficient resources. The mandate is not lessened when staff and resources are diminished.

ISSUE AREA: THE USE OF VOLUNTARY PLACEMENT AGREEMENTS IN CHILD PROTECTIVE SERVICES

General Comments

Children are removed from their natural homes or placed into substitute care in one of two ways: with parental consent or by court action.

In New Jersey, caseworkers from the Division of Youth and Family Services place or remove children by:

- Voluntary Agreements with caretakers;
- Emergency removal, pending a court order;
- Securing a court order.

DYFS uses a voluntary placement agreement, The Foster Home Agreement Between the State of New Jersey Department of Human Services Division of Youth and Family Services and Parent(s), Legal Guardian, or Caretaker (DYFS form 10-3), to secure the agreement of a parent and to inform the parent about placement.

Statement of the Problem:

DYFS encourages the use of the Voluntary Placement Agreement as the preferred vehicle for authority for placement regardless of reason for placement. As a result, over 75% of all placements are effected through voluntary agreements. Only one state uses voluntary placement more often.

Title 30 authorizes the agency to petition the Family Court for an Order of Custody as a vehicle for placement, after a parent has refused to apply. Offering the parent the opportunity to sign the Voluntary Placement Agreement first sometimes gives the impression that the agency is coercing the parent to sign the agreement.

DYFS' policy on using placement as a service alternative is not sufficiently clear nor applied with consistency statewide. Voluntary Placement Agreements are not time-limited, providing the Division with authority for maintaining the child in placement indefinitely.

Recommendation:

- 4.9 *Voluntary Agreements should expire after six months and should be re-executed only after an actual hearing before the Child Placement Review Board or Court.*

Comments:

The intent of this recommendation is:

- To avoid the appearance of coercion of parents by DYFS;
- To afford the parent and child due process;
- To provide protection for children by giving the court authority over placements made due to risk to the child.

Recommendation:

- 4.10 *DYFS should draw up guidelines for the institution of the proposed change recommended above.*

Comments:

The intent of this recommendation is:

- To guide Division staff in implementing changes in policy;
- To provide greater consistency in the protection of children;
- To limit the authority of the agency for continuing placements without a court order.

Recommendation:

- 4.11 *DYFS' policies and procedures should be revised and enhanced to contain more adequate guidelines for determining when placement is the appropriate service alternative. Such criteria would take into account elements such as: alternatives to placement; the consequences of each alternative (placing the child vs. keeping him in the home); risk to the child (physical as well as psychological); the availability of supports to the child and family; the nature of the family dynamic; time factors (i.e., the degree of urgency to act now); the*

anticipated duration of the placement/family separation (i.e., short term vs. long term); the case goal; and the service plan. The policy should require full and specific documentation of the reasons for placement based upon the above criteria.

Comments:

The intent of this recommendation is:

- To prevent the unnecessary separation of children and their families;
- Provide statewide guidance for improved decision-making;
- Limit the duration of the placement;
- Provide documentation of reasons for placement regardless of the authority for that placement (voluntary or court ordered).

It is the public policy of the State of New Jersey that the preservation and strengthening of family life is a matter of public concern and DYFS is required by law to provide welfare services toward that end. It is, therefore, appropriate to clarify and strengthen policy in this area.

Statement of the Problem:

The voluntary placement agreement form as now written is too difficult to understand for many parents. Even when a case manager has carefully explained placement, the placement process, the reason for the placement, parents are often confused or ill-informed about their legal rights with regard to placement: why the placement is happening and what it will mean for the future.

Recommendation:

- 4.12 *DYFS should change the language in the voluntary placement agreement to be understandable at a third grade reading level. The Spanish version should be written at an equivalent reading level.*

Comments:

The intent of this recommendation is:

- To provide case managers with a document that facilitates their explanation of placement;
- To enable members of the general public to understand the content and wording of voluntary placement agreements;
- To enable parents to give informed consent when signing a voluntary placement agreement.

The signing of a voluntary placement agreement can have far-reaching psychological, legal and financial repercussions. DYFS has an obligation to ensure that parents can comprehend what they are signing.

Recommendation:

- 4.13 *DYFS should take immediate steps to ensure that all workers and supervisors are trained in the content, implications and the uses of the voluntary placement agreement.*

Comments:

The intent of this recommendation is:

- To improve case work skills;
- To ensure that parents' rights are respected when voluntary agreements are presented;
- To facilitate consistent application of policy and consistent case practice in all DYFS District Offices.

Casework staff should be familiar with:

- The full content of the voluntary placement agreements;
- The law, as it applies to out-of-home placements;
- DYFS policy, procedures and philosophy regarding out-of-home placements.

Recommendation:

- 4.14 *DYFS should develop a "tear out sheet" at the back of the "Substitute Care for Your Child -- Parents Handbook," DYFS form 18-33, to be signed by the parent/caretaker upon receipt from the DYFS case manager. The handbook should be provided to the parent/caretaker whether the child was placed by a voluntary agreement or by a court order.*

Comments:

The intent of this recommendation is:

- To document that parents were provided a copy of the handbook;
- To enable DYFS supervisors to monitor whether the case managers in their field units followed this procedure.

Although the document "Substitute Care for Your Child -- Parents Handbook" provides the information a parent needs, there is no method for verifying that parents have received the document. The tear off sheet provides a simple way to document and monitor the occurrence of this important procedure.

Recommendation:

- 4.15 *Upon rewriting the voluntary placement agreement, add a clause to address the federal requirement that reasonable efforts to prevent the placement must be made before a placement is initiated by DYFS.*

Comments:

The intent of this recommendation is:

- To ensure that parents are informed about the agency's responsibility to make reasonable efforts;
- To afford parents the opportunity to hold the agency accountable for providing preventive services.

Parents need to know that there are alternatives to placement, that placement should not be taken lightly, and that they are entitled to services to prevent placement.

ISSUE AREA: REGIONAL DIAGNOSTIC AND TREATMENT CENTERS

General Comments

DYFS' Mission Statement embraces the following four principles of service delivery:

- An individual, family and community approach to services;
- An individual, family and community assessment process;
- A unified service system; and
- Advocacy.

The unified service system principle emphasizes the need for partnership among agencies. By working together, agencies can maximize the resources available to families. No single agency can fully address child abuse and neglect. Title 30 gives DYFS the power to work with public and private agencies so that programs may be developed, fully utilized and coordinated for the protection and care of children.

The Subcommittee is in agreement that these are ideas that should be supported and encouraged.

Statement of the Problem:

Sexually abused children require specialized, comprehensive medical and mental health diagnostic and treatment services. The current availability of these services is inadequate to meet the need throughout the State.

Recommendations:

- 4.16 *The Task Force should support the creation of three (3) regional, and ultimately local, diagnostic and treatment centers capable of responding to the medical and mental health needs of sexually abused children and their families.*
- 4.17 *Initial programs should be established in institutions affiliated with medical centers which have demonstrated track records in the multidisciplinary approach to the evaluation and treatment of sexually abused children and their families.*
- 4.18 *An advisory board should be established to ensure operational consistency, quality assurance and optimal communication among the three centers and to coordinate a research program.*

4.19 *A DYFS liaison should be established to provide assistance in the intake process in each center.*

4.20 *A court liaison should be established to provide assistance to children and families involved in family, civil or criminal court proceedings.*

Comments:

The intent of these recommendations is:

- To evaluate and treat child sexual abuse;
- To serve as the foundation for eventual expansion to a statewide network;
- To be resources for the region and act as catalysts for resource development within their given regions;
- To provide outreach in the form of training and consultative services designed to fill gaps within given communities and support the development of local therapeutic resources;
- To provide consultation on a daily basis, 24 hours each day;
- To develop and implement research protocols to analyze the centers' clinical approach and outcomes and to further advance understanding of the nature and impact of child sexual abuse;
- To be accessible to all child victims of sexual assault (regardless of whether the assault is intrafamilial or extrafamilial);
- To offer practicum opportunities to graduate students in psychology and social work in attendance at State Universities;
- To be primarily evaluative in nature with a 2-3 month limit on diagnostic therapy as necessary to complete an assessment and develop treatment recommendations.

Although any form of maltreatment of children is intolerable, the reality is that some forms are more readily recognizable and require less specialized skill to diagnose and treat; whereas others, such as child sexual abuse, are much more complex and difficult to validate and ultimately treat. In fact, the reports of sexual victimization of children are increasing at an alarming rate, while the specialized resources needed for effective investigation and intervention are severely limited in

New Jersey. The development and implementation of Regional Diagnostic and Treatment Centers could address these service gaps in our child protective services system.

Diagnostic and Treatment Centers will improve coordination and communication between components of the child protection system, enhance multidisciplinary decision-making efforts, and hence improve the diagnostic assessment of and treatment for child sexual abuse in the State of New Jersey. A comprehensive diagnostic assessment will result in more effective intervention, with more focused services to victims and their families. The center will provide the essential support for DYFS case managers and law enforcement investigators, and allow shared responsibility and improved professional interchange.

ISSUE AREA: DYFS AS A SERVICE CONTRACTOR

General Comments

Title 30 gives DYFS broad authority to contract, N.J.S.A. 30:4C-4.(i) enumerates the Division's power under the law, to promulgate rules and regulations for the provision of payment for services rendered by private agencies or institutions to children under its care. This section of the law, in essence, gives DYFS authority to contract for services for children.

The three types of contracts negotiated, implemented, and monitored by DYFS include:

- **Local Open Purchase**
Contracts to obtain special services identified in case plans for DYFS clients such as psychological therapeutic services, child day care services, and transportation. These contracts are generally initiated at the District Office level and are processed by the DYFS regional contract units.
- **Community Purchase of Service**
Contracts which provide an assortment of services and meet the needs of eligible individuals and/or families in a community. Families serviced through these contracts may not necessarily be under the direct supervision of DYFS District Offices. Social Services Block Grant dollars provide the bulk of the funding for these services. Homemaker, legal services, and child and adult day care are examples. These contracts are administered by DYFS' Regional Contract Units.

- **Statewide Contracts**
Contracts that apply to substitute care for DYFS clients whose case plan calls for out-of-home placement, or contracts for services that cross regional lines and are used by various District Offices regardless of their county location. These contracts are administered in Statewide Operations, Central Office, Trenton.

Division contracts reflect the following general service categories:

- Intake;
- Initial crisis;
- General case management;
- Protective services case management;
- Adoption services case management;
- Community development;
- Employment related;
- Health related;
- Housing related;
- Legal;
- Psychological/therapeutic;
- Transportation;
- Companionship;
- Home delivered meals;
- Homemaker;
- Day care - children;
- Day care - adult;
- Day care - family;
- Day treatment;
- Independent living;
- Adoption (subsidy);
- Shelters;
- Foster care;
- Group homes;
- Teaching family homes;
- Residential treatment;
- Other substitute care settings.

Child protective services investigations and certain case maintenance activities, however, are not "contracted out" to provider agencies.

The agency's "philosophy" on contracting reflects a concept that it is more efficient and cost effective to contract out for services than to administer services directly. This tenet is further illustrated by DYFS' philosophy of case management, in which caseworkers serve as "service brokers" rather than direct service providers, whenever appropriate and possible.

In Fiscal Year 1990, it is anticipated that DYFS will award over \$184 million in contracts, including state aid contracts, social service block grants, and special appropriations. These funds will be dispersed throughout approximately 1,200 individual contract agreements reflecting approximately 2,700 service components.

DYFS has an Office of Contract Administration located in Central Office, Trenton and four regional operations offices. Each region has a business office which includes a contracting unit. Contracting staff deal directly with the provider agency regarding contract negotiations, monitoring, renewals and terminations. There are a total of 51 staff directly involved in contracting, of which 7 are supervisors and the remaining 44 are contract administrators.

Statement of the Problem:

DYFS does not utilize a consistent "unit of service" when contracting for services from other agencies or providers, nor does it have standardized rates for the units of service, except for child care. This makes it difficult to measure the level of service being provided through individual contracts and impossible to obtain an accurate aggregate picture of all the services provided through Division contracts and to specifically determine what the dollars bought, how much service was delivered and to whom services were rendered.

Recommendation:

4.21 *DYFS, in conjunction with the Department of Human Services and the State Human Services Advisory Council, should establish standard units of service and standard rates which should be used for all contracted services.*

Comments:

The intent of this recommendation is:

- To provide the contract agency with clear expectations;
- To provide the Division with a standard for measuring compliance and managing contract utilization;
- To provide a standardized unit for gathering aggregate data.

As a public agency, DYFS is accountable for the utilization of the resources provided to it by the legislature. Establishing standard units of service and standard rates for service will provide the Division with a mechanism for more responsible and accurate fiscal accountability.

Statement of the Problem:

DYFS does not directly conduct program or fiscal audits of its many service contracts. Rather, DYFS monitors its contracts by reviewing audit reports which are submitted by provider agencies to the Department of Human Services. These reports often are not an effective tool for determining contract compliance.

Recommendation:

4.22 *DYFS should conduct its own audits of its contracts. Division staff should be increased to enable the Division to perform this function.*

Comment:

The intent of this recommendation is:

- To provide an objective, relevant and sufficient audit for appropriate accountability.

To allow the contract agency to conduct its own audit or to purchase its own audit gives the appearance of a conflict. If DYFS is responsible for fiscal monitoring, then it needs to have the ability to perform audits.

Statement of the Problem:

DYFS contracts for services beyond its primary mission. The development and administration of contracts for services and populations other than child welfare and child protective services detracts from DYFS' ability to perform its mandates.

Recommendation:

4.23 *The Department of Human Services should formulate a task force to study the issues and take corrective action.*

Comment:

The intent of this recommendation is:

- To ensure that DYFS is utilizing its resources for the purposes for which they have been designated.

As a public agency, DYFS is accountable to the public to utilize its resources effectively and efficiently toward the ends stipulated in Titles 9 and 30 of New Jersey Statutes.

ISSUE AREA: PUBLIC INFORMATION, OVERSIGHT AND INTERDEPARTMENTAL POLICY DEVELOPMENT

General Comments

Currently, oversight of DYFS activities consists of reviews by a number of agencies on two levels. There are agencies responsible for monitoring and assessing systems, procedures and operations of DYFS and agencies responsible for review of individual cases.

Oversight of DYFS' systems, procedures, and operations is a responsibility of:

- The State Legislature - on selected issues;
- The Office of the Governor;
- The Department of Human Services including its Office of Auditing;
- DYFS Board of Trustees;
- The DYFS Quality Assurance Office;
- Federal Program and Fiscal Auditors;
- Child Placement Advisory Council and other public bodies involved with services and programs for children.

Individual Cases of DYFS involvement with particular children and families are the concern of:

- Family Court;
- Child Placement Review Boards;
- Public Advocate and its various divisions, including the Office of the Public Defender;

The public learns about DYFS and its policies and services through the news media, Division and Department-generated public service announcements or recruitment materials, word of mouth and direct experience.

DYFS' policies and procedures are developed internally, guided by federal and state legislation.

Statement of the Problem:

Public Information

The citizenry of this state has a limited awareness of child protection and child welfare issues and the State laws and agency policies which have been enacted to address those issues. The public, due to lack of information, can neither reap full benefit from nor make initiatives to change these laws and policies.

It is difficult for the press and New Jersey citizens to get information about the system from a knowledgeable source outside of DYFS. There is at least the perception of bias if all information about DYFS policies and programs emanates from DYFS itself.

Oversight

There are several entities with some level of responsibility for oversight, but very little coordination and many gaps. The system could benefit from a more comprehensive approach and a concrete mechanism for translating the recommendations of oversight bodies to action.

Specific concerns regarding oversight include the following:

DYFS has a Quality Assurance Unit, located in its Central Office, which annually evaluates the performance of field offices dispersed throughout the State. The State legislature, on occasion, holds public hearings regarding DYFS intervention, concentrating on particular issues. The agency's overall performance, however, is not formally studied and reviewed by an external public authority on a regular, ongoing basis. In addition, DYFS itself determines what area of intervention its Quality Assurance Unit will study next.

The current system for conducting financial and program audits of DYFS service contracts--by the Department of Human Services' Office of Auditing and the DYFS Regional and Central Office Contract Administration Units--could benefit from a more comprehensive approach.

Ombudsman in State Government

There is no one, clearly identifiable resource in State government from outside the Department of Human Services which is available to New Jersey residents to advocate for their individual needs and guaranteed rights, as parents, concerned family members and/or on behalf of a child when a State agency intervenes in their family life in the name of child protection.

Inter-Departmental Policy Development

The service delivery system to the children and families of New Jersey is disjointed. One cause of this fragmentation is the process by which laws and policies in this area are developed and implemented. Currently, there is no interdepartmental or multidisciplinary entity with sufficient experience and insight in this area to provide policy development and program planning recommendations.

Recommendation:

- 4.24 *Create, through a multidisciplinary task force and subsequent legislation and appropriation, an entity in State government in, but not of, the Department of the Public Advocate. This entity should be responsible for coordinating and/or performing some vital functions which are either currently being performed, or should be performed, by some of the diverse and separate agencies, divisions, and departments which comprise the unofficial child protective services system operating in New Jersey.*

Comments:

The intent of this recommendation is:

- To provide to the citizenry of this State relevant information and/or service referral; inquire as to the quality, type and reason for services provided by State agencies; and receive advocacy/ombudsmanship when a State agency may have initiated an unreasonable or unfounded course of action against an individual's best interest/inherent rights;
- To encourage the development of programs which address the needs of children and their families who have "fallen between the cracks" of existing programs;
- To provide oversight to children's and family services from outside the purview of any Department responsible for the service delivery;

- To enable an entity from outside the Department of Human Services to audit DYFS/other State agency service contracts, to assess compliance, quality programming and financial accountability; and to review audits conducted by DYFS/other agencies toward this end, as necessary;
- To encourage and enable an interdepartmental, multi-disciplinary effort to develop State law and public policy regarding issues relevant to the needs of children and families residing in the State of New Jersey.

It is in the best interests of the citizenry of this State to be informed regarding child protection and child welfare issues and to be able to access this information promptly and easily.

In addition, this entity can be a clearly identifiable resource in State government which is available to New Jersey residents, to advocate for their individual needs and guaranteed rights, or to address their inquiries regarding child protective/welfare services, no matter which public agency intervened in their lives.

The entity can reduce the confusion and diversity caused by the present disjointed service delivery system in New Jersey. Recommendations for policy and program planning will be able to take place on an interdepartmental level.

The entity would receive, investigate and respond to complaints about elements of the child protection/child welfare system. If substantiated, the complaints would be referred to appropriate agencies for civil or criminal action.

The entity could conduct program audits and other reviews of the effectiveness of the various elements in the child protection system. These could theoretically include program audits of DYFS, institutions with which DYFS contracts and programs in other Departments.

The entity would be responsible for making recommendations on statewide policy development and program planning. In discharging its duties under this function, the entity, having obtained information from each of its components and from other elements in the system, could make policy and planning recommendations in a comprehensive and cost-effective fashion. Our child protection system would benefit most from having each of these four functions performed by a single coordinating body.

The existence of an entity performing the four key functions discussed above--public information, oversight, ombudsman/advocate and inter-departmental policy recommendations--focuses the State's energies and resources on pro-active measures. Merely creating an office of child advocacy or an ombudsman alone, without implementing the other three functions, would by definition be "reactive" and cause us to expend more of our resources and energies on individual cases and complaints, rather than on the system as a whole. Implementing this proposal permits policy makers and program initiators to directly convert the information learned in redressing individual complaints to the development of effective statewide service programs.

New Jersey's citizens must and can more directly benefit from the individual and collective activities of each of the independent State government entities operating in the field of child protective services.

