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**PUBLIC HEARING**  
before  
**ASSEMBLY JUDICIARY COMMITTEE**  
on  
Child Abuse and the Family Court

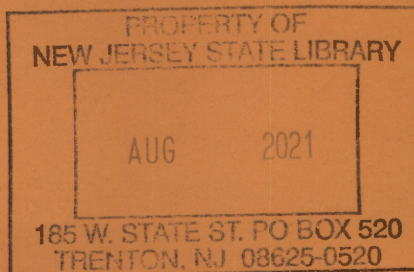
March 12, 1985  
Blue Room  
The Westin Bellevue Stratford Hotel  
Broad Street at Walnut  
Philadelphia, Pa.

**MEMBERS OF COMMITTEE PRESENT:**

Assemblyman Martin A. Herman, Chairman  
Assemblyman Eugene H. Thompson  
Assemblyman Thomas J. Shusted

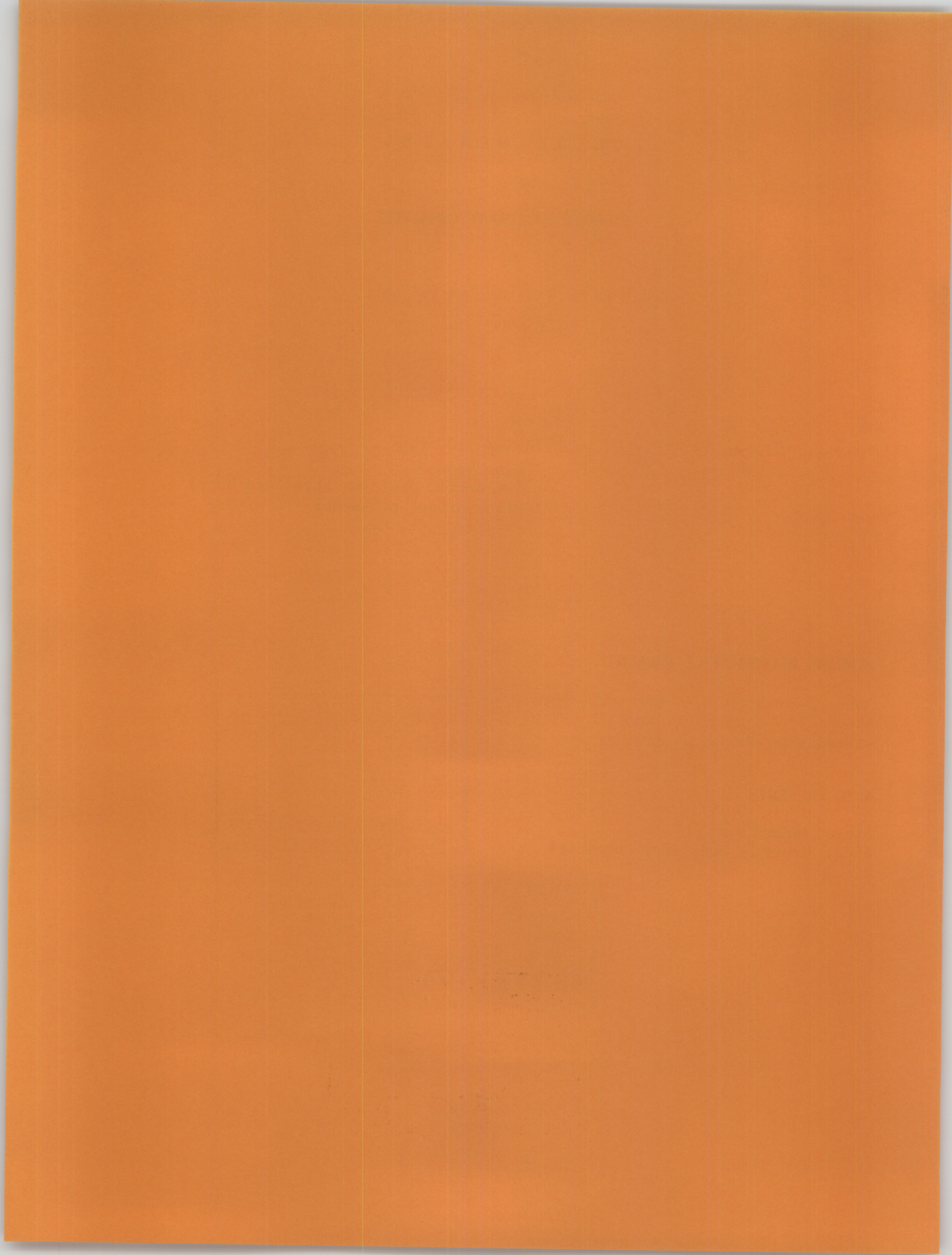
**ALSO PRESENT:**

Steven McGettigan  
Aide, Assembly Judiciary Committee



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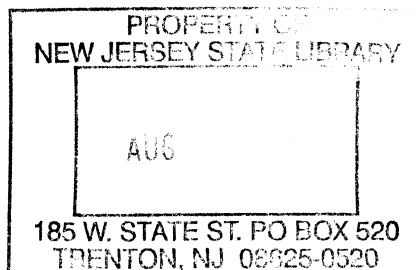






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**ASSEMBLYMAN MARTIN A. HERMAN (Chairman):** Good morning, everyone. My name is Assemblyman Marty Herman. To my left is Steven McGettigan, of our staff.

This is a very unique opportunity, I believe, for the State of New Jersey, and hopefully something that may be repeated from time to time. I have attended a number of these conferences over the years, and as a legislator, I have always had a problem. I always found that people in administrative and judicial branches of government would wind up literally talking to themselves and would rarely talk -- I see a representative from Florida -- rarely talk to the people who have to make the laws and introduce them. So, you have this intellectual merry-go-round as to what has to be done, but you never really get to the people who introduce the bills. That has been a long-standing peeve of mine, and when I talked to the Family Court Judges Association, and I said, "How about if we, in New Jersey, hold a legislative hearing to get input from experts around the country?"-- I consider all of you experts and participants in this field, so that we may, in essence, broaden the New Jersey perspective.

If I may, let me briefly tell you what that is. After a three-year intensive study involving literally hundreds of citizens in New Jersey -- a combination of committees -- we were able to implement and adopt a statewide family court system and a brand new juvenile justice code. As I said, we had the input of literally hundreds of people, with a Family Crisis Intervention Unit and supposedly all sorts of support services to follow.

Recently, our Governor -- and I am not just saying that because this is an election year; in 1985 we will elect an Assembly and the Governor runs-- Obviously, juvenile services, child abuse and family violence are topics here, as in all states, and are of great concern and public interest. Our Governor started us thinking. He announced recently that he had \$40 million, and that he would like to hire 500 new Youth and Family Service workers to establish new programs to combat child abuse, and that got me thinking. I felt there was a lot more you could do with perhaps \$40-80 million, that that was not the only answer. For instance, identifying and treating alcoholic and



drug-dependent people, putting people out as child advocates, dealing with child placement.

In New Jersey now, we are dealing with a numbers game, running people through the system. How do you get people to deal with those types of cases that take long periods of time, but don't look good on the numbers charts? But dealing with involuntary placement and contested adoptions and all the things that go around-- So really, the purpose of this proceeding today is not only to have a dialogue; in essence, this is the ultimate in committee participation, because we would really like to hear from you concerning these particular matters.

To get the proceedings started, we do have a New Jersey .350 hitter, Ciro Scalera, who represents a number of children's interests, and I know he would like to make some comments to open the Committee hearing. Then, I would like to hear from you on a raise your hand basis, and then, perhaps, have a more general discussion. At the end, down the line at the end of the year, we can report back to the Conference of Family Court Judges and share what we have done over that year, with you, perhaps, at the next conference.

Ciro?

**CIRO A. SCALERA:** Thank you, Assemblyman. It is a pleasure to be here and to testify before this Committee, wherever it happens to be holding its deliberations.

I was pleased to know the Assembly Judiciary Committee was going to take some time to look not only at issues related to the new code of Juvenile Justice, but also to look at the other code or the Child Welfare Code that does exist in our State. We have been implementing the new juvenile code for about a year, and I have submitted to you, as you know, a letter that covers an extensive range of code issues that I would hope that, at some point, the Committee could get into in more depth. I plan to just highlight these briefly this morning, and only touch on one or two of what I consider to be the more significant code issues.

We have been through approximately one year of our new juvenile code in New Jersey. As I stated earlier, before the hearing



began, I believe that when that code emerged in most of the areas -- in fact, if not all of the areas -- there was an attempt and the end result, I believe, was a balanced approach. We have read a lot, nationally, over the last several years, of State legislatures, in trying to respond to the problem of juvenile crime and juvenile delinquency, taking somewhat radical approaches or really going in one direction or another to a radical degree. I don't think that was the approach that was taken in the drafting of our new juvenile code, and I think that when there is a full evaluation, it will show that on balance, the mid-ground approach that we took in crafting a position-- I think the strong accountability as well as the desire to have early intervention and diversion for juveniles and families involved in the court process will prove to have been a sound approach.

There are some overall code structure issues that need to be looked at in depth, in the forthcoming months. One of the code structure issues deals with, to what degree should there be clearer linkages between the Child Welfare Code and the Juvenile Code, as well as other statutory provisions in the code related to education, health, and mental health? Most states have separate code provisions that control the policies that impact on that, and we in New Jersey do too. There has been very little attention paid to where there should be a greater meshing.

ASSEMBLYMAN HERMAN: Let me ask you the question that I guess I would like to ask mostly everyone who will testify here. If you had your druthers, if the Governor were to give you a blank check for between \$40-80 million, and looking at the issues of child abuse and family abuse-- If you had the ability to put \$40-80 million in your State for services, what would you do with that money? Because the spending of money is the setting of policy, which deals with this particular issue.

MR. SCALERA: That's a tough one.

ASSEMBLYMAN HERMAN: That's what we are here for.

MR. SCALERA: I think that every state, including New Jersey, has seen a tremendous increase in the reports of child abuse and neglect. That had the effect of putting a lot of pressure on State

protective services system. It meant that some of the positive development that we began to see in the child welfare agencies toward permanency planning for youngsters -- getting kids out of the foster care drift -- as we saw, in New Jersey, that some of that work had to be put aside in order to respond to the tremendous increases in the number of reports of child abuse. We did support, and we continue to support, the allocation of some of those dollars for an increased number of workers to deal with the increase in the reports of child abuse. I believe that was real, and that it did take place around the country. Nonetheless, there has to be some attention paid to the populations that have traditionally either been ignored in the juvenile justice system or the child welfare system, or that are now coming to the attention of our Family Court-- Family Division. Steve is here, I always call it the Family Court but it is technically the Family Division-- There has to be some--

ASSEMBLYMAN HERMAN: He doesn't care; he has a job so he doesn't care what you call it.

MR. SCALERA: There has to be some resources targeted toward dealing with those populations.

ASSEMBLYMAN HERMAN: Could you identify them as--

MR. SCALERA: One population is, for example, the juvenile sex offender. Another population is the juvenile who is having difficulties in terms of developmental disabilities and other problems. Still another population is generally those juveniles for whom a more intensive type of rehabilitative approach is needed, but in a non-correctional type of setting. For example, while judges may desire a certain amount of accountability in terms of the juveniles, they do not want the treatment to take place in a correctional type of setting. These would include residential types of placements through the Department of Human Services, in our particular State.

The problem has been that in neither code is there a clear allocation of responsibility for who has jurisdiction for service provisions over what type of youngster. Neither code clearly spells out who must deal with the more difficult or troubled youngster. As a result, we have a service gap or we see some degree of what is called

system ping-ponging -- kids being shuffled from one system to another system and then back to the other system. So, there is a code issue in the sense that there has to be some analysis of what provisions are needed in the juvenile code and in the child welfare code to insure that there is accountability for dealing adequately with those youngsters.

Moving quickly--

ASSEMBLYMAN HERMAN: Let me ask you another question. I would like to welcome Assemblyman Shusted. South Jersey folks made it here easier than North Jersey folks.

I had suggested in a memo to the Governor-- And I would like to open this question, generally, to those who will follow to testify. As you know, we have \$60 million proposed for new correctional facilities in New Jersey. I was wondering what your thoughts would be on categorizing some of those facilities to provide for separate-- like we do for sex offenders, to deal with those who are involved in spousal abuse. Do you feel that they might be mainstreamed or treated separately? I don't know if any other state treats them separately, as a separate population. The question I guess I am asking you and everyone who will follow you is whether you perhaps think that is a good idea, and workable; and why, or why not?

MR. SCALERA: I am not really an expert on spousal abuse, and I am going to say that right up front. I feel uncomfortable trying to answer that. If it were dealing with juveniles--

ASSEMBLYMAN HERMAN: It is just my way of getting the question open. Okay.

MR. SCALERA: If we were dealing with the question of juvenile correctional development, I could give you a response to that.

ASSEMBLYMAN HERMAN: What would be your response?

MR. SCALERA: I think that the policy that we are promoting in terms of dealing with juvenile sex offenders is not the establishment of a facility per se, but rather, to have a mechanism in place in the Department of Corrections for the assessment and development of a treatment plan, and then use a range of facilities, some of which are programs and services, some of which may be based in



a facility, some of which may not. In other words, the trend, at least for juvenile sex offenders -- where we are urging Senator Lynch, and Assemblyman Haytaian, in terms of the bill they have in -- is not to build a facility per se, but to look at another way of insuring that individual people who need a particular service get it. I don't know if you have to have brick and mortar to achieve that goal. Perhaps that same approach can be taken to the problem with some of the special needs of the people who are victims of spousal abuse-- That same approach could work there.

ASSEMBLYMAN HERMAN: Thank you very much. Do you have any concluding comments you would like to make?

MR. SCALERA: No, most of them, as I said, have been set out.

I would just like to mention two issues that have already come up in the juvenile code. As you know, you really can't evaluate something until it has had a chance to take effect. Our code has only been in effect for a little over a year, and any full evaluation now would be premature.

However, one issue is, to what extent has the availability of outside fiscal resources controlled the level of implementation in individual counties? That is a big issue in New Jersey, in terms of compliance with the new provisions in the new juvenile code. There is, again, a variance in the level of implementation and some counties have cited fiscal restraints as the reason why they have not fully implemented the new juvenile code. That needs further study.

Secondly, to what extent has the increase in child abuse reporting and its impact on the child welfare system, had an effect on implementing the juvenile code? There are youngsters who get processed under the juvenile code and in the Family Court who should be appropriately treated in the child welfare system. There are still problems in terms of securing treatment plans and placement for some of those youngsters. That is another issue. Also, in some areas, the short-term placement has cropped up as a problem.

So, those are two problems that, when you do look into the juvenile code, would be good to look at.

ASSEMBLYMAN HERMAN: Thank you very much.

MR. SCALERA: You're welcome, Assemblyman.

ASSEMBLYMAN HERMAN: Anyone else like to step forward? Don't be bashful.

JUDGE SYLVAN ROTHENBERG: I would like to testify.

ASSEMBLYMAN HERMAN: Please.

JUDGE ROTHENBERG: I may be committing a breach of judicial ethics by testifying before the Judiciary Committee of the Assembly--

ASSEMBLYMAN HERMAN: Your name?

JUDGE ROTHENBERG: Rothenberg. I am a Superior Court Judge assigned to Passaic County, Family Division. I assume I am permitted to testify, aren't I? Do you want to think about it?

ASSEMBLYMAN HERMAN: I think as a participant-- We have Mr. Yoslov here. I don't know--

JUDGE ROTHENBERG: Just a comment.

ASSEMBLYMAN HERMAN: We can have this as discussion.

JUDGE ROTHENBERG: Yes, I think that is really what I want to talk about.

You spoke a moment ago about the fact that there would be "x" amount of millions of dollars available as a result of the efforts of Governor Kean and the Legislature. The question is, how do you allot those moneys? The initial thought was to hire, if I recall, 500 and some additional DYFS workers. Now that is well and good, except for the fact that if you have that many more workers available for alleged child abuse cases, ultimately that will mean both additional criminal prosecutions and most certainly, additional termination of parental rights hearings, which will mean that additional judges will be needed. There is an absolute shortage of time. I think you accurately indicated a moment ago, though -- and I think we could word it this way -- it is apparent that everyone is concerned about the quality of justice, certainly the quantity of justice, and you refer to it as the numbers game. There is only so much time available in a given day. We recognize the backlog of these cases and unfortunately, sometimes they are streamlined because of the practical problems. Now, what happens when you have an additional 500 DYFS workers? If each one of those workers creates one case -- and I am sure it would be more than that once they become involved -- who is going to hear all these cases?

Where is the time coming from? We don't have sufficient time at the present, and if you create the additional volume in the court system, who is going to hear those cases?

So I think something should be done in consideration of either additional judges, and/or some sort of a quasi-type of hearing, perhaps one that does not involve judicial intervention-- maybe hearing officers if the situation is not as severe as it might be. Or, in the alternative, think about-- I don't want to call them traveling judges, or circuit judges-- In some counties, perhaps the problem is not as apparent as it might be in the city. It might not be statistical, I am not sure; but you might think in terms of lending judges from one county to another in order to alleviate crowded calendars.

ASSEMBLYMAN HERMAN: That certainly is a function of the AOC, and we are trying to maybe give them more judges so they will have that ability.

JUDGE ROTHENBERG: I agree. And as I say, perhaps all of these matters will not involve actual judicial hearings. There may be instances where the situations are not as severe, and they may be resolved, as I say, as a result of quasi-judicial hearings, with hearing officers, or other people trained in that network. But I think you have to give considerable thought as to how this program will be implemented, assuming you hire 500 additional DYFS workers. Where are all the hearings going to take place, and how?

ASSEMBLYMAN THOMPSON: Are you talking about the judges in the nature of the administrative law judge, as a hearing officer?

JUDGE ROTHENBERG: I don't even know about administrative law judges. They seem to have a full schedule as well.

ASSEMBLYMAN THOMPSON: I don't mean administrative law judges per se, but you mentioned hearing officers.

JUDGE ROTHENBERG: Well, persons perhaps who are trained in that particular category. They may not be judges or administrative judges, but certainly in the position to assist rather than come to an ultimate conclusion as far as termination of parental rights, whether or not there should be criminal prosecution flowing from the



complaints-- As I see it, many of these instances really need a re-education of the parent or individuals involved, rather than the criminal prosecution as such, because although there are instances that certainly warrant criminal prosecution, in many instances, it is a lack of knowledge of, or education or training in the rearing of children that creates this particular problem, more so than a criminal mind. Perhaps that might be a means or a way of resolving some of these particular problems.

I don't suggest that if a person commits a criminal act, that he or she should be excused, but there may be another avenue available. We have pre-trial intervention, which permits persons indicted on criminal matters not to proceed to trial. You may have a similar type of situation with people charged with child abuse. Depending upon circumstances, in the first instance, there may be another alternative rather than prosecution.

But again, as I say, if you are going to implement this program with the \$40-70 million or whatever it is, and hire all these additional workers, somebody ought to start thinking about how those complaints are going to be resolved. Who is going to hear them? It is as simple as that.

ASSEMBLYMAN HERMAN: May I ask you a question, Judge?

JUDGE ROTHENBERG: Yes.

ASSEMBLYMAN HERMAN: Assuming that you were to try a determination of parental rights hearing, and assuming you did not continue it from day to day to day--

JUDGE ROTHENBERG: Which we don't. We don't, because of scheduling.

ASSEMBLYMAN HERMAN: How long would the normal determination case take? What is the range?

JUDGE ROTHENBERG: I have got one now that I must have continued piecemeal for probably 20 days, with all kinds of experts. When you have people of means, and they have the sufficient basis to hire psychiatrists, and other persons -- expert witnesses -- who will testify, it can go on for any number of days. Unfortunately-- Are you an attorney, Mr. Herman?

ASSEMBLYMAN HERMAN: Yes, I am.

JUDGE ROTHENBERG: I kind of suspected that. But you know what happens in terms of scheduling. We are scheduled a month or more in advance. So, we continue two or three days, and then we interrupt that trial with different trials, then back one or two days, and then there are problems with the attorneys involved as far as their schedules, and although you have it scheduled, they are involved in another trial, which interrupts it even further, and that is a problem in itself-- There is just not enough time in a given day or week.

ASSEMBLYMAN HERMAN: What do you do with the children?

JUDGE ROTHENBERG: In those instances, they are in foster care. However, you have to consider the feelings of the parents as well. If they are out there fighting for their cause, obviously, they feel justified in a sense that there should not be a determination of parental rights, and their rights are being interfered with. And I am not suggesting a child in a foster home is benefitting. In some cases, yes; in some cases, I am not sure. So, you have to consider that as well. So, again, as I pointed out, you have to start thinking in terms of implementing whatever program will be instituted as a result of all these workers. It is just like passing mandatory jail terms, with no prisons to put these people into. You are confronting that now, and I am not sure when those additional facilities will be built, but you know what is happening throughout the State.

ASSEMBLYMAN HERMAN: We intend to use Holiday Inns, just in case.

JUDGE ROTHENBERG: Right. Well, anyway, that is my two cents worth, and I thank you for listening.

ASSEMBLYMAN HERMAN: It might be cheaper, by the way. Thank you very much.

W. DON READER: Mr. Chairman, members of the Judiciary Committee, my name is Don Reader and I am a judge in the Family Court of Stark County, Ohio. I am Treasurer of the National Council, also. Primarily, I was one of four judges who wrote the statute in Ohio, and fought it through until it became law in November 1981.

I am a little confused concerning some of the things that you have indicated. If I understand you correctly, I guess I have a couple

of questions before I could even comment. One, do you have a State-secured institution in New Jersey for children?

ASSEMBLYMAN HERMAN: Yes.

JUDGE READER: What approximately is your population?

ASSEMBLYMAN HERMAN: Do you know that, Ciro?

MR. SCALERA: (From audience) About 1,100. But they are not all in a large institutional setting; there are number of smaller, community correctional programs, maybe about 18-20, with maybe two or three of the larger, secure-type facilities.

JUDGE READER: Okay. The reason I asked that is because in 1981, under our old law, the judges in Ohio committed to the then-Ohio Youth Commission 4,920 children. This past year, in '84, we committed 2,200 children. Our average daily population is under 1,700. So, instead of committing more, we have cut it in half, to a point where our Department of Youth Services is seriously considering closing some of our treatment facilities because there is no population.

Interestingly enough, when that law passed, the opponents of the bill said the judges would load up the system. Just the opposite has occurred. Now, the reason -- and, for lack of a better term, the guts -- of that statute were up-front State subsidies to counties based upon population. This permitted courts the alternative of dealing with children in their own communities with this subsidy, and this has really created this situation. As with any other piece of legislation, we can not commit a youngster to the State if he has committed an act that would be a misdemeanor, or if he is a status offender. We have to take care of that youngster in our own community with the subsidy.

So far, I think it has worked better than we ever thought it would, because what really has happened -- and I might throw this out to you -- the kids that we are committing, the youths we are committing to the State are the most violent chronic offenders in the State. The Department really was not ready for that type of youngster. And they are not permitted, by the way, to place that youngster in a community group home or a foster home. They must keep that youngster for a minimum period of one year if the act he committed was a felony one or



two, and a minimum of six months if it was a felony three-four. However, he can attain early release with the consent of the committing court. And that has worked out very well, too.

ASSEMBLYMAN HERMAN: Judge, just a couple of questions, if I may.

JUDGE READER: Sure.

ASSEMBLYMAN HERMAN: It is always nice to get a chance to ask judges questions. Lawyers don't normally get that opportunity.

How many counties are there in Ohio, and what is the amount of the annual funding?

JUDGE READER: We are now in the process of working on our budget for the next biennial. However, the total budget for what we call our Youth Services Subsidy is around \$19 million -- statewide, we have 88 counties -- we are trying to get that up to around \$21 million, and I think we will be successful. That money is then distributed to the counties by formula, on the basis of population. No county receives less than \$50,000, and the larger counties, based upon population, of course, under the formula receive-- In my County, for example, which has about 400,000, we receive approximately \$600,000 by way of direct State subsidy.

ASSEMBLYMAN HERMAN: What is the impact of that on the State budget? Has that wound up constituting a major savings to the State? I gathered that by implications.

JUDGE READER: Oh yes. You see, if you have a reduction of 100, really 50% total-- You can send your child to Harvard, you know, for the money you pay for him in a State institution. As a result of this thing, there has been comparable savings.

When the bill was passed in 1981, our General Assembly indicated they were going to throw in another \$8 million to build another correctional institution, because they felt probably, that a population increase would happen. Well, of course, it did not.

ASSEMBLYMAN HERMAN: Is there someone we can contact, in addition to yourself, in Ohio in the Administration concerning the implementation of this County program?

JUDGE READER: Probably the best one you can contact is sitting to my left, Judge Gerald Radcliffe--

ASSEMBLYMAN HERMAN: Hi, Judge, how are you doing?

JUDGE READER: --who has written quite a bit about the Ohio plan. There is quite a bit of information relative to it.

ASSEMBLYMAN HERMAN: Maybe we can just encourage Judge Radcliffe to share that with us, if he would, in a few moments. Just a couple of other questions, if I may. I guess it's the same tune-- We are here to steal as many ideas as we can-- And that is this: If you had \$40-80 million, in addition to money for some new prisons, to deal with the issue of child and family abuse, one, how would you invest that money to deal with the programs, and two, do you think, from your perspective, dealing with family abusers or spousal abusers as a special population has any advocacy?

JUDGE READER: Let me answer the second one first. I don't think that it does. I think it must be handled through the courts. I think it can be handled--

ASSEMBLYMAN HERMAN: No, I am talking about prisons.

JUDGE READER: Oh, okay.

ASSEMBLYMAN HERMAN: Let's assume that when we send them to prison-- For instance, we have a prison that deals with sex offenders. We segregate that population. Do you think that segregating the spousal or family abuser separately -- not putting them in with the prison mainstream -- has any efficacy?

JUDGE READER: Frankly, I don't know. I guess my answer would be that I really do not know whether it would or not. I would doubt it, but it might.

ASSEMBLYMAN HERMAN: How about if you had the \$40-80 million bucks?

JUDGE READER: Uh, boy. I would put that in the subsidy program.

ASSEMBLYMAN HERMAN: Run down and get a lot of local CD's and then work on that interest. (Laughter)

JUDGE READER: Yeah, right. Truthfully, I am a great believer that either the subsidy program, which is-- The judge appoints a committee of citizens. He appoints half the committee, the Commissioners of the County appoint the other half. Then, that group

appoints their chairman. They then review all sorts of alternative plans and community actions. You get the whole community involved in what can be done relative to these children who are in trouble. Then, the plan must be approved by the State, and it works. I think the local plan has a lot of benefit to it.

ASSEMBLYMAN HERMAN: Judge, thank you so much.

JUDGE READER: Yes, sir. Thank you.

ASSEMBLYMAN HERMAN: Judge Radcliffe, can we impose on you for a few moments?

JUDGE GERALD RADCLIFFE: Mr. Chairman, thank you very much.

ASSEMBLYMAN HERMAN: Nice to see you again.

JUDGE RADCLIFFE: Nice seeing you again.

I would just expound a little bit on what Judge Reader has called to your attention. When we talked about saving \$8 million for bricks and mortar, the speculation-- At that time, the budget request was for an additional \$13 million to operate that \$8 million additional number of beds, and of course, those issues are now moot. Of course, one of the things that is happening since they have now refined the population which may have been of interest to you-- Within the institution or the training program provided for the juveniles, we are instituting at this time two new programs consisting of 100 beds which will be allocated to those who come to the State training schools that will be utilized solely for drug and substance abusers, who likewise have committed an offense which brings them into the training program. The Director, James Rogers, has also announced the development of a new program dealing with serious and dangerous offenders who are juveniles in three categories. We in Ohio can retain jurisdiction in the State training schools until they are 21. The new program they are developing has to deal with specialized treatment in three categories, rape, armed robbery, and murder. Children who fall into those classifications will receive a specialized kind of training and therapy within the system.

The other issue of whether or not you separate population within institutions is that it deals with specific offenders-- I think you have-- if it is like every other person we look at in our system,



people who have multiple problems, one of which is, a propensity for violence only if under the influence of alcohol or other substances. Removing one cause removes the other. I think specialized treatment per se, or individualized treatment per se, is an answer. I am not sure segregating those people-- We have found, and I hate to say this because there are many people working in this field who would disagree with me, but we found that putting drug-dependent persons together in a community setting sometimes encouraged rather than discouraged the use. So, sometimes the treatment is worse than the problem. I am just saying that parenthetically because we have had some--

ASSEMBLYMAN HERMAN: Then what do you do?

JUDGE RADCLIFFE: --experiences. Well then, you see, you deal with the problem differently. You don't collect them. You deal with them individually. I wholeheartedly support Judge Reader's position that we found in Ohio that the best approach is a community approach. Formerly, in Ohio, we had a category called grant subsidy, which meant that if you had a program, you qualified for "x" number of dollars; if you had that kind of a program, you qualified for so many dollars. Now, we have what is called a modified block grant. You are given a subsidy, and you have about 13 or 14 permitted uses of that subsidy, depending on the plan that your own community develops. Now, of course, the metropolitan communities programs are much different than the rural communities and the urban communities. Each one of them is individualized; each treatment program, each involvement in the community is individualized. We are not sure we have the answer, but we are really showing some great statistics at this time.

We are moving now, I hope, into the next phase in Ohio, which is the one all the states are greatly concerned about, as I just heard when this gentleman previously testified, and that is the question of foster care drift. We implemented the laws in Ohio in 1977, and at that time we collected an inventory of the children in custody in Ohio who were there not for having committed any offense, but as a result of having irresponsible parents. We found that we had over 14,000 in custody. We implemented a new law and we set into place all the new kinds of sophisticated things that have to be done before you could

either terminate parental rights or terminate custody or what have you. We find now we have over 17,000, and part of it is because of the awareness problem. The communities are more aware of sexual abuse, child abuse and neglect, and there are more cases being reported. Our child care agencies advise us that they don't have the time nor the staff to train people how to reunite families. So we are caught up in that dilemma where we are spending more and more money and not really reunifying or keeping families together.

So we are going to be addressing that problem; we are on a task force at the present time, hopefully, trying to reach some new directives. We have some ideas along those lines which we would be glad to forward to you later, Mr. Chairman, if it would be of some interest to you.

ASSEMBLYMAN HERMAN: If I understand you, what you are really saying is that although it is important to identify and deal with issues of child abuse, there is that other side of the coin-- the inadequate funding of personnel and programs to deal with reuniting families.

JUDGE RADCLIFFE: Right. There is a large vacuum there now. If we were going to allocate the \$40 million in Ohio, I would suggest that we set up another category within these subsidies to start to develop some strong community alternatives at intake levels, so you don't really bring them into the system if you can ameliorate the problem without removing them from their home or keeping them in a family setting; and second, if you do take them in, of course, that you have a means of getting them out promptly and getting a house for them to stay in. We are using some language called sunshine laws that you in the legislative halls of America developed, and we are looking at kids that ought to be only in custody for a specified period of time, and then they are released from the system. If there is no other way of approaching the problem, maybe the sunshine concept might help us come to some conclusions on perpetuating this pervasive thing called foster care drift. Our friends in the child care groups disagree with this; they say that you should never measure rehabilitation of a child by a specific time, but I think we can set reasonable goals for achieving some results.

ASSEMBLYMAN HERMAN: Judge, under your community plan, is there any percentage of repeaters?

JUDGE RADCLIFFE: Well, under the former law, the juvenile courts committed children to the custody of the Ohio Youth Commission. They established all the criteria. Once a child was released, they established the return. It was in the executive branch of government. Now, under the new law, the return of children is somewhat similar to a parole violation. That is a judicial act. Recidivism rates and the returns have reduced substantially, because it is a judicial act rather than an executive department act.

One of the other things that is happening, and people that are a little more critical than I am, I believe, are saying things like, "You are getting them in older, so when they are repeat offenders, they are not still in the juvenile justice system." Our population in the State training schools is much older now, but we have segregated the serious and dangerous offenders. So, when the recidivism rates are down, the revocation rates are down as compared to the old system.

ASSEMBLYMAN HERMAN: That's fine. Thank you so much.

JUDGE RADCLIFFE: Thank you.

PHILIP CARCHMAN: Mr. Chairman, and members of the Committee. My name is Philip Carchman. I am the Mercer County Prosecutor from Trenton, New Jersey. I guess you could say about the Judiciary Committee, whither thou goest. This is-- I was just stopping in to say helio; this is a free shot.

I would like to limit my remarks to the specific questions raised by the chair regarding the money available, and specifically, the areas of domestic violence and child abuse. While I don't have any suggestions to dispose of the entire \$40 million dollars, although given sufficient time, I am sure I could--

ASSEMBLYMAN HERMAN: Any good prosecutor would.

MR. CARCHMAN: Well, just a little bit of staffing could wipe out the \$40 million very quickly.

In any event, I have what I think might be information which would be helpful to the Committee, at least for a small portion of the

funds. I recommend, for the Committee's review and reading, the report of the working group on domestic violence, which was a working group of members of the judiciary, law enforcement community, the various social service agencies, victim's groups, etc. In fact, one of the members of the working group, Helen Szabo, from the Administrative Office of the Courts, is sitting here in the audience today.

In any event, the report made rather specific recommendations regarding the area of domestic violence, and I think the record should reflect that through the legislative initiative in New Jersey, the State is on the cutting edge of dealing with domestic violence. I understand that the most recent statistics reflecting the 1984 figures on domestic violence are now sitting on the Governor's desk, and I am assuming that they will reflect a dramatic increase in the number of reported instances of domestic violence. As is the case with child abuse, domestic violence is not a new phenomenon in our society, but certainly the increased reporting reflects legislative initiative such as New Jersey's, as well as public awareness through the media and various other factors which allow the public to be confident that there will be a response on the law enforcement side, the judicial side, and also the legislative side to this problem.

Dealing with some specific areas in New Jersey-- One of the immediate problems that comes to mind is the limited number of resources to deal with crisis situations which take place when law enforcement is called to a domestic violence scene. While the statute does permit removal of the offending spouse from the home, too often there is a situation where there is a continuing problem which necessitates the victim's spouse, accompanied by children, finding shelter elsewhere. And while the various counties in New Jersey have developed a shelter program, I think that funds should be made available by the government to provide for various shelters, to expand facilities to allow the victims to find shelter, if on a temporary basis, and allow law enforcement -- or give law enforcement a resource so that the victim can be cared for -- for a short period of time.

In addition, the statute calls for crisis intervention teams to be developed in the various law enforcement agencies at the local

level. Unfortunately, we have found, after close to two years' experience with the statute, that there is limited funding available for these crisis intervention teams. I propose that there should be funds made available for the various local law enforcement departments to establish these crisis intervention teams. For the benefit of the audience today, these teams will not only include law enforcement officers but social service workers, clergy, etc., and while much of this will be done on a volunteer basis, there is certainly the necessity for funding in this particular area.

In terms of how law enforcement deals with domestic violence after a complaint is filed and the matter has gone into the judicial system or entered the judicial system, we are seeing, in my County -- which is the median County in New Jersey -- a necessity for additional staffing. I said it facetiously earlier, but now I say it seriously. In order to effectively prosecute these cases, there is a necessity for additional staffing, both at the law enforcement or the prosecutorial end of the spectrum, together as the judge earlier pointed out, at the judicial end. That will certainly--

ASSEMBLYMAN HERMAN: Does that include the need for more child advocates as well?

MR. CARCHMAN: Certainly. There is little question about that, and I am going to deal with child abuse briefly, in a moment.

It expands beyond that when we get into the sentencing phase, probation, etc. One of the questions that you have asked concerns the mainstreaming of offenders. I know the prosecutors generally feel very strongly that is one of the ways to deal with the problem of spousal abuse, and certainly it applies to child abuse as well. And I think our courts, certainly the Supreme Court, have recognized this; that there must be some deterrents on the part of the offender. This implies some sort of incarceration. We do, however, temper our request for incarceration by recognizing that many of the offenders who will fall within these particular offenses are not recidivists, who perhaps have not been involved before with domestic violence due to lack of reporting -- many white collar workers, many affluent and so forth and so on, so that the incarceration in terms of deterrents as to them will



be quite significant, but they are susceptible to some sort of treatment. We would strongly urge that that be an area which is explored by the Legislature to provide for some treatment facilities for the offenders, as well as providing support services for the victims.

ASSEMBLYMAN HERMAN: Do you think that they ought to be surrogated from the general population at Trenton State, for instance?

MR. CARCHMAN: Well, I think as a matter of classification, they probably would never go to Trenton State--

ASSEMBLYMAN HERMAN: Or a facility such as that.

MR. CARCHMAN: I would be reluctant to call for segregation at the first such instance. I think that our Corrections Department is broad enough in terms of facilities available, that they can find an appropriate facility for this type of offender without necessarily segregating him.

ASSEMBLYMAN HERMAN: Integrated into the population, but having more individualized treatment facilities?

MR. CARCHMAN: Absolutely.

Lastly, what is imperative -- and it was one of the strongest recommendations of the working group -- is that there be some educational process for the law enforcement community as well as the public at large, including schools and so forth. I think this would be money well spent by the Legislature.

If I may very briefly close with some comments about child abuse, I think that -- again, given the same factors -- between legislative initiatives and a very strong media blitz in the area of child abuse, we have literally seen an explosion in the number of reported child abuse cases coming into the various prosecutors' offices throughout the State. We view this, again, not as an increase in the number of child abuse offenses being committed, but as an acceptance by the public and a confidence by the public, that there will be a law enforcement and a governmental response to the issue of child abuse. I think many of the remarks I made regarding domestic violence apply equally to the area of child abuse, including the issue of incarceration. Deterrence is a critical factor in the area of child

abuse, but by the same token, again, many of the child abusers are not recidivists. They do not come in to our system with long or extended criminal records, and I think they are susceptible to treatment, so my remarks would hold true as well.

In the area of the Division of Youth and Family Services--

ASSEMBLYMAN HERMAN: Before you leave that, I think maybe that is a point that we would like to chat about for a moment. You talked about this public confidence in the system, but isn't there a corollary to that; if you get a large influx of new cases and you don't have the staffing and the personnel to deal with them, you wind up not dealing with them effectively, and that public confidence will be reversed and eroded?

MR. CARCHMAN: That is why I stepped up here and said the \$40 million can go to exactly that. I know in our office -- and I think I share this with most of my colleagues who are prosecutors -- these cases are dealt with seriously. They are dealt with in a rather special manner, and I think we well understand exactly the point that you just made: the public's confidence, which is certainly there now, must be sustained and it can only continue with an effective prosecution of these cases.

ASSEMBLYMAN HERMAN: So if we go out and hire those 500 new DYFS workers, and they do their job and they bring forward a whole bushel full of new cases, and we don't have the-- The other end of the staff is not balanced--

MR. CARCHMAN: You're wasting time.

ASSEMBLYMAN HERMAN: --we are in trouble?

MR. CARCHMAN: Yes.

ASSEMBLYMAN HERMAN: Aren't we in trouble somewhat now in New Jersey? We have done such a terrific job with spousal abuse, that our courts are now becoming overloaded in dealing with them?

MR. CARCHMAN: Oh, I think that is quite true, and I think that is one reason why the money is being made available to deal with the problem. I think there is a recognition that there is a ripple effect with whatever good programs we develop and start, and we have to follow through with maintaining the rest of the system to absorb the obligations that are imposed by the domestic violence act.

ASSEMBLYMAN HERMAN: Would it be unfair to observe that if we overload one end of funding for a particular staff without balancing the other end, we can create more problems than we are solving?

MR. CARCHMAN: I agree with you wholeheartedly. I think that is a more than accurate statement.

ASSEMBLYMAN HERMAN: We had to come to the Bellevue Stratford in Philadelphia instead of meeting in Trenton so that we can ask the prosecutor's office to work with us during the year, right?

MR. CARCHMAN: I will go anywhere you hold a hearing.  
(Laughter)

ASSEMBLYMAN SHUSTED: May I ask a question?

ASSEMBLYMAN HERMAN: Sure.

ASSEMBLYMAN SHUSTED: Mr. Prosecutor, how many of the county prosecutors now have specialized units that deal with child abuse?

MR. CARCHMAN: I believe somewhere in excess of 50%. I don't know the accurate figure; I can frankly only speak from my own knowledge about Mercer County, and we do maintain a specialized unit which includes sexual assault cases and child abuse cases. They are vertically prosecuted, they are handled specially-- In fact, we are somewhat unique in that we provide a counseling program which is run by the YWCA in Trenton as an arm of our prosecution effort to provide a support system for our victims.

ASSEMBLYMAN SHUSTED: But is there any grant money available-- federal grant money available for that?

MR. CARCHMAN: I wish there were. I have been looking, and if I can find it, we will get it. Perhaps we will just look at home for \$40 million.

ASSEMBLYMAN HERMAN: Thank you.

MR. CARCHMAN: Thank you.

ANNE DONAHUE: Good morning.

ASSEMBLYMAN HERMAN: Good morning.

MS. DONAHUE: My name is Anne Donahue. I am a staff attorney with Covenant House in New York City, which is a youth program for runaways and the homeless. So obviously, I would like to take the opportunity to put in a plug for that area.

ASSEMBLYMAN HERMAN: You have also gotten donations from my office.

MS. DONAHUE: Well, we deal with approximately 8,000 youngsters a year in the New York program alone. Of course, hundreds of those youngsters are from New Jersey. I understand that some measures are being considered in New Jersey, but I would like to really stress the importance of runaway youth provisions and funding in any comprehensive approach to child abuse.

I think the link between abuse and runaway behavior is very high, and characteristically today, children on the streets are there not because they are out looking for a good time, but more because they have fled untenable home situations or push-outs. There was a very comprehensive study done not too long ago on runaways in New York City, which found that the majority were fleeing from serious home situations. We would be happy to supply a copy of that study which was done by Columbia University.

ASSEMBLYMAN HERMAN: If you could, that would be appreciated. Thank you so much.

MS. DONAHUE: I think another point is that a runaway program is very often the first point of entry into the social service system for a youngster or for his or her family. Therefore, careful integration is crucial. Runaway youth legislation is important to establish programs and to establish their authority and responsibilities, but is it also very important to integrate those responsibilities with abuse and neglect reporting, and also coordination with the whole status offense area, which comes up frequently. I know our Institute for Youth Advocacy has done a lot of work in the area of runaway youth legislation, and would also be very happy to provide assistance in that.

ASSEMBLYMAN HERMAN: Would you just, for my understanding, explain the composition of that legislation? In other words, what is it intended to do and how does it work?

MS. DONAHUE: Okay. New York State passed a Runaway and Homeless Youth Act in 1978 which was, I think, the first and one of a very few existing acts along those lines. It basically creates

authorization for programs to take in youngsters on a very limited basis -- usually 30-60 days maximum -- and it authorizes them to provide shelter, to work with the youngsters, to attempt to reunite them with their families, and to integrate with the social service system. It also has a funding mechanism.

ASSEMBLYMAN HERMAN: Does it deal from State to State? For instance, it is quite obvious that a number of New Jersey youths run away to New York City. Does the New York legislation contemplate or include dealing with other states?

MS. DONAHUE: The New York Runaway and Homeless Youth Act does not address that issue. Now, the Interstate Compact on Juveniles addresses that to some extent, and I think, in our experience, one of the gaps in the New York legislation has been in the area of status offenders as well. The overlap in that area-- who has authority, and if a runaway program is authorized to shelter a youngster who has fled from perhaps an abusive home-- and the parents, at the same time, take out what in New York is a PINS Petition -- I guess it is JINS in New Jersey -- over who has authority and so forth.

ASSEMBLYMAN HERMAN: It used to be JINS.

MS. DONAHUE: Used to be JINS, okay.

ASSEMBLYMAN HERMAN: Now it is Families in Need of-- Changed it all around. It is no longer a one-shot basis. Everybody participates.

Well, that is very fine-- If you would see our staff afterwards -- Mr. McGettigan -- so we could make some arrangements to get some additional information, that would be appreciated.

MS. DONAHUE: Thank you.

ASSEMBLYMAN HERMAN: We certainly would like to hear from many others, if you are here and you would come forward.

SENATOR DALE E. STRATFORD: I wasn't going to do this, but the temptation is too great.

ASSEMBLYMAN HERMAN: Do it anyway.

SENATOR STRATFORD: I am Dale Stratford, a State Senator from Utah. When you are talking about \$40-60 million of fund money that could be spent, I assume this is a single allocation and is not to be built into ongoing budgets?

ASSEMBLYMAN HERMAN: We would hope that it would be built in. I am like you, Senator. Any program we give, we don't like to take away.

SENATOR STRATFORD: That is the reason I am curious if this is one-time money, or if this is program-building money.

ASSEMBLYMAN HERMAN: Hopefully, this will ongoing, into the future.

SENATOR STRATFORD: Utah has attempted in many ways to try to address the issue of child abuse. I think we have passed one of the heaviest and most restrictive child abuse codes in the nation. That is, we have mandatory incarceration, we have registration after being released from prison, we have 10-year minimums unless the courts recommend something less than that, and then it would be a five-year minimum sentence; we have gone a long way to put a lot of teeth into the programs. And yet, every program I have heard you address here today is the same thing that we have been doing, in many ways, and that is, we have reactive solutions.

I have the same problems in my State, and that is, you need to have preventative solutions on the front end. I see a lot of money being spent, and I see a lot of opportunities gone by the wayside, but I don't see anybody picking up on your public education programs. I am talking more than just public awareness. I would suggest that you take a look at some alternative solution programs to teach people how to solve violence before it occurs. Many people do not know how to handle those kinds of problems. They only know one way to resolve the problems they deal with, and that is through physical violence.

Some years ago, I participated when we had a large juvenile facility, which we have since disbanded, so we now have very small, secure facilities for juveniles. We used to have one large facility in my city that was the only major facility for holding youth. I remember one time we had what we called a "dierama." We took the kids and gave them problems to solve. One group you called the adults, one group you called the children and you gave them the problem and said, "Now you solve this particular problem." The people within the adult group really hammered on the kids to bring them around; then halfway through,



they blew the whistle, changed sides and said "All right, kids on this side, you resolve the problem now and we are going to change the rules." Well, the reaction that came back-- You thought maybe the kids had learned something from the hammer on their head; well, they had not. They hammered just as hard the other way.

I think, primarily, this is an educational problem that you are dealing with, an educational tool that needs to be addressed. And that is, if you are talking about child abuse, you need to educate people on how to solve their problems.

The thing that also intrigues me-- We have done the same thing, and I am not here to say that we are immune from this. As long as I am talking about pie in the sky and money that is available, you might take a look at this idea of incarceration and locking people up, because most of the people involved in these have occupations. They are supporting their families, and they are providing some sort of funding for those families, not in all cases, but in a good percentage of the cases. There is funding available, yet we destroy that funding base, we do away with the opportunity to support families and they becomes a State obligation-- The treatment becomes a State obligation. Everything then becomes a public awareness program that we have to pay for.

As long as you have some money available, I think you need to seriously look at some programs where you may hold the individual in the local community, or in some community where they can still provide services for their family and where they can pay their own way, rather than the State paying their way. I think we make a serious mistake in our reactive solutions to things by saying the only way we can solve that is by heavy mandatory incarceration, by total separation from the community.

I was interested when your prosecutor indicated that he thought these were the individual cases, and the deterrence was absolutely critical, and that these people were treatable. As you know, there is a large party out there that says these people are not treatable. I personally think they should be and ought to be treatable, but there are a lot of people -- and we have our

associations as you have yours -- who will tell you that these people are never treatable, that if they abuse the child once, they are always going to abuse them. Lock them up, send them away, never bring them back. And if you are dealing with that type of program, then you are going to have to make a determination whether to treat or incarcerate. If you incarcerate, you have to pay; if you treat, you may have a better chance of cutting down the costs that you have. So, I would suggest that, if you have \$40-60 million, spend it on solutions other than reactive solutions. You already have all your reactive solutions in place, and your large State, large population, large funding base. When you talk about \$40-60 million, in my State, that is a lot of money. But apparently, in your communities, that is play money.

ASSEMBLYMAN HERMAN: Well, I don't know about that. Forty million here, \$40 million there-- What did Senator Dirksen say? -- You are talking about real money.

SENATOR STRATFORD: No, he was talking about billions, a billion here, a billion there.

ASSEMBLYMAN HERMAN: Billions-- A billion here, a billion there.

SENATOR STRATFORD: For us, real money.

But I would suggest that you have public programs, I would suggest that you have school programs, I would suggest that you come up with programs that deal with alternative solutions to violence, as a problem solving solution. Like I said, I think we have played with this. We are a much smaller State, we are a much smaller area, and we deal with this, perhaps, on a different basis. Our volume is not what your volume is. But I think that the issues are still the same: does the State pay, or does the private individual, who is a part of the problem, participate in the payment of the solution?

ASSEMBLYMAN HERMAN: It's like that old idea, "pay me now, or pay me later."

SENATOR STRATFORD: It's worse than that. You are not paying him at all. But anyway, that is-- As long as I am talking about pie in the sky.

ASSEMBLYMAN HERMAN: Thank you very much.

GEORGE H. STANGER, JR.: My name is George Stanger. I am a Superior Court Judge in Cumberland County; I sit on the family part.

I missed the introductory comments, Mr. Chairman. I was upstairs in the program for Use and Abuse of Detention, and the gentleman from Houston was showing slides of his \$12.5 million detention center, and I got jealous and left.

I have some comments to address-- I am not sure whether we are limited specifically to the spending of the money--

ASSEMBLYMAN HERMAN: I think, probably within the parameters of the Chief Justice's comment about not talking about matters of policy.

JUDGE STANGER: Okay.

ASSEMBLYMAN HERMAN: Maybe what I would like to know is, just how are programs working in your particular County?

JUDGE STANGER: Can we comment on the new juvenile code? Do you think that might be appropriate, as far as what we would think, or should that be addressed through the Chief Justice?

ASSEMBLYMAN HERMAN: Probably addressed through the Chief Justice.

JUDGE STANGER: Okay.

I would think, from the experience that we--

ASSEMBLYMAN HERMAN: That was the editorial message I got.

JUDGE STANGER: Okay.

I talked to Steve about-- If there is one overriding need that we see, it is in a facility for juvenile sexual offenders. At the present time, when we have these -- and we are seeing more and more of them -- and we refer them either to the Division or ask the State Department of Corrections for some assistance, there simply is nothing available. We have children who are now in detention centers, who have been placed in foster homes who continue to have the same type of problem in a foster home. The Division then says, "We simply do not have a place for them; they are not welcome at home because of siblings."

There does not appear to be an equivalent institution similar to Avenel for either the diagnostic end or the treatment end of these

kids. We are seeing overlays from this type of child, when we go into the histories from the abused and neglected kid. We don't have any statistics at this point to determine whether or not there is any tie-in, but we simply do not have adequate treatment facilities.

ASSEMBLYMAN HERMAN: How is the Domestic Violence Act working in your County? Are you overloaded? I am just interested, because I know that some counties--

JUDGE STANGER: What we had to do was schedule hearings every afternoon for a week. We just picked an arbitrary time of 3 o'clock. Many, many days, we go until five or six. The problem that we are seeing is, with a lack of intervention -- which I believe the prosecutor spoke of -- we are seeing anywhere between 50-70% dismissals on a monthly basis during what is called, apparently, this honeymoon period. The husband, under a restraining order, is removed from the home. Even though there is a prohibition against contact, there still is the contact; there is a kiss-and-make-up, usually the wife or the girlfriend then comes into court with the husband and says, "Everything is now all right, Judge. The five days or eight days or 10 days have gone by, and we solved all our problems." And then we see them in another 30 days.

ASSEMBLYMAN HERMAN: You see them in another 30 days.

JUDGE STANGER: Yes. We are trying to -- through our County Guidance Center -- set up a program where even, if they come in and say they want a dismissal, we say, "Well, we will give it to you but we are going to wait 30 days to give it to you, and only if you go to this program."

ASSEMBLYMAN HERMAN: Do you see a need for more money for support services to deal with that particular issue?

JUDGE STANGER: Yes. Absolutely.

ASSEMBLYMAN HERMAN: Are the injuries or problems more intense than the first round in the cases that you see come back?

JUDGE STANGER: No. There are mostly all assaults. I think the problem is aggravated specifically in our area because of the terrible economic conditions. I think, obviously, there is a direct correlation between our County, with the terrible economic problems we

face, and the amount of domestic violence that occurs. In speaking to other judges around the State, I think we see a different type. I think we see more violence-prone, as opposed to the harassment or the telephone calls or the bothering at the job, or things like that. But we see them, we come back and we have to deal with them after the wife or woman, in 99% of the cases, has been reinserted into the home voluntarily, and then subjects herself and the children to the same thing all over again.

The rest of what I have would deal with the Division of Youth and Family Services and their interaction. May I speak to that?

ASSEMBLYMAN HERMAN: I don't--

JUDGE STANGER: The silence is deafening. Thank you.

ASSEMBLYMAN HERMAN: Thank you, Judge.

The New Jersey system is somewhat different. We have an Administrative Office of the Courts, and there has been a long-standing rule in New Jersey that everything goes through the Administrative Office of the Courts, through the Chief Justice, in dealing with the process. Judges are rarely permitted to comment on matters of policy. That is why I was asking the question directly. So, that is why we invited all the judges from all the other states in so we could talk to them in that respect.

We do deal with our judges in the area of administration, and that is why when I was talking to Judge Stanger, I wanted to know what the impact was of some laws that we passed, not whether he thought they were good or bad laws. We are not permitted to ask them that question; they are not allowed to answer it, other than a written decision saying it is constitutional or unconstitutional.

We still would like to hear from some people. Would you step forward, sir?

Yes, sir?

KIRK PARRY: My name is Kirk Parry, and I would like to express some--

ASSEMBLYMAN HERMAN: Do we know where you are from, sir?

MR. PARRY: Yes. I am from Blue Bell, Pa. I work as a systems analyst with a data processing firm.

I would like to express some feelings that I have with reference to child abuse. I have expressed these feelings to the Congress -- I have testified there -- and to the Attorney General and the Task Force on Family and Violence, and a number of other places. I think there is a groundswell that is starting to build -- I understand from ABC television that they sense this also -- that people are becoming more aware of a certain aspect of child abuse, which has been unrecognized up to this point. I term this the American Holocaust, because I feel that it involves 10-20 million children in this country on a day to day basis. The child abuse that I am speaking of is the psychological child abuse and the brainwashing type of child abuse which takes place in family units in this country every day. ABC did a very interesting and informative program on this on "20/20," about a month ago, with reference to the situation in California that many people probably saw. For the first time, someone came out and used the terms brainwashing and psychological child abuse.

The staff at the Congressional Committee on Family Violence and Children is in complete agreement that the damage done by psychological child abuse is much more destructive and much more permanent than the damage done by other forms of child abuse. The thing that is the most devastating to me is the fact that these other forms of child abuse which we have heard a tremendous amount about, are terrible, terrible forms of child abuse, but they are just the very tip of the iceberg. We are talking about very heinous types of situations, where the child must almost be in a life-threatening situation before this is recognized as a dangerous situation to the child.

ASSEMBLYMAN HERMAN: Could you give us some graphics as to your definition of psychological child abuse?

MR. PARRY: Yes.

ASSEMBLYMAN HERMAN: I understand-- Your terms.

MR. PARRY: Okay. A situation where a child is restrained from speaking to its father. Fathers are very important to children; we all know children and we all know how important we are to those children. A father can be a good father one moment; he can go through a divorce court and the minute he walks out of the divorce court,



almost without fail, he will be termed-- considered as a quasi-criminal. There are many, many punitive statutes set up to prosecute fathers for trying to continue to be fathers to their children. So, the father steps out of the courtroom and he is almost always restrained from speaking to his child or from having a great deal to do with his child. The child wants to speak to the father-- It's like having a dog or a pet on the end of a leash and having a bowl of food over here, and telling that pet, "Well, that's your daddy over there-- that's a bowl of food. But you can't go and eat it; you can not talk to your father."

ASSEMBLYMAN HERMAN: Tell me how -- so I can get to the point, hopefully as a problem-solver -- if you were a legislator and had to vote, such as Mr. Shusted and I do in the New Jersey Legislature, what would you do to respond to the problem which you have identified?

MR. PARRY: There are many things that need to be done. First of all, children need to be included under the Constitution. The Supreme Court has specified that children are not included under the Constitution of the United States. This is a totally unbelievable situation. Children should be protected by all the laws that protect adults, and in addition, another segment of laws should be overlaid to protect them until they are old enough to protect themselves.

Also, we need laws which say that the most cooperative parent is the one that gets custody of the children, and has control of the child's path through life. This will completely invert all of the destructive forces now which are trying to prove that the other parent is the worst parent, that the other parent did this, the other parent did that-- What we need to do is say to the best parent, the guy who is out there trying to make a good life for the child, trying to make a reasonable life for this child, is the one who should have custody.

ASSEMBLYMAN HERMAN: Is there anything else you would recommend that this Committee consider?

MR. PARRY: Yes. I think, also, there be a series of laws passed that will extend the idea that the most cooperative and beneficial parent, the one most interested in having the other parent

have something to do with the child-- This concept must be extended by law into the courts, to give the judges very specific guidelines that they must follow in protecting the child's right to have two parents. The child does not have to have a parent stripped out of his life just because there is a divorce. As a matter of fact, the child's right to have two parents should be very specifically protected, unless it is such a bad situation that obviously, one parent is a harmful influence. At this point, that certainly is not the case.

The other thing that should be done, in reference to judges, is that they should be restrained from stripping a parent from a child's life, unless there is a situation like this. At this point, judges operate in divorce situations very much on personal beliefs. I have seen, in my own particular case, one judge rule one way and another judge rule exactly the opposite. It was done on the basis of personal beliefs and personal bias. This is well recognized.

ASSEMBLYMAN HERMAN: I don't really want to get into that. The point simply is, as you know, we are here -- I don't want to limit you, because we have other witnesses -- trying to get opinions dealing with the issue of child abuse and how we would structure programs to that end, as a courtesy to everyone who is here.

MR. PARRY: Right. Okay. The idea of psychological child abuse -- brainwashing -- where a parent will go in, a mother will go in, and try to convince a child that the father--

ASSEMBLYMAN HERMAN: You say there is information available that we can look at as a Committee? If you were to direct me to some studies or other information, where would you point me?

MR. PARRY: I would suggest that we have studies, that we have hearings specifically directed to the psychological and brainwashing aspect of child abuse.

ASSEMBLYMAN HERMAN: With due respect to other witnesses, if I could summarize your testimony, what you are really saying is that in some of the support service we should provide on a county-by-county basis, there ought to be more funds allocated to deal with situations of divorce to make sure that there is mutual respect for both parents.

MR. PARRY: I am speaking specifically about psychological child abuse, a term which, up until this point, has not been recognized, and about brainwashing--

ASSEMBLYMAN HERMAN: I am assuming-- I don't want to get into a whole long discussion about that, sir.

MR. PARRY: Right.

ASSEMBLYMAN HERMAN: What you are really saying is that there should be some identification of the potential harm to the child, and people who would be trained in order to recognize this and deal with it in situations such as divorce.

MR. PARRY: Yes, and I feel the Legislature should specifically, and publicly recognize this. You know, when the Pueblo was captured, and there were 10 men -- which was terrible -- who were captured by the North Koreans, and they were brainwashed and submitted to psychological abuse, the entire world was up in arms. But, in this country, we have tens of millions of children that are involved in this on a daily basis, and no one is saying anything. There is a hearing going on right now about the Holocaust, on why no one said anything. You, gentlemen, have an opportunity to say something.

ASSEMBLYMAN HERMAN: I think I understand the point.

MR. PARRY: Thank you very much.

ASSEMBLYMAN HERMAN: The point is simply that there ought to be more services to deal with children of divorce, the psychological damage that may be done to them, and how we handle that on a long-term basis.

MR. PARRY: And specific, intentional child abuse and brainwashing. It has to be recognized and you have to talk about it. You have to tell people this is a problem.

ASSEMBLYMAN HERMAN: Thank you so much. I appreciate your coming down today.

MR. PARRY: Thank you.

ASSEMBLYMAN HERMAN: Any other folks that would like to be heard? We sure would like to hear from some other guests, payees and visitors, whatever.

ROBERT A. SMITH: Mr. Herman?

ASSEMBLYMAN HERMAN: Hi.

MR. SMITH: I am an old country boy from Hunterdon County. I am sure you know where that is.

ASSEMBLYMAN HERMAN: Sure do.

MR. SMITH: I am a police officer in Readington Township. I have been there about 16 years.

ASSEMBLYMAN HERMAN: Your name, for the record?

MR. SMITH: Bob Smith, Sergeant in charge of the Juvenile Unit. Also, I am the 1985 President of the Hunterdon County Juvenile Officers Association.

We heard a lot of people speak here this morning -- judges and prosecutors -- and a few things were touched on about programs in the school system, and educating our children before they get to the problem stage, where we are trying to figure out how to spend this money. As a police officer, my thoughts might just run over here a little bit, but I must speak up.

I do a lot of things in the school system. In Hunterdon County, we have a couple of programs that I have become involved in, and we have to go out and beg for money. We have to go out and ask Rotaries and other people to spend money for educational programs on sexual abuse, missing children, drugs, and other things. I am sure you are aware of the situation in Summit, New Jersey, where they got off on a tangent with drugs in the school system. The news media took care of that as well as they do other things, and I had an opportunity to read the grand jury presentment. None of that presentment-- It was a very fine point toward educating the students and the young people of our society.

Now, money is limited. My chief limits me to the overtime that I can have to go into the system, to the PTAs, to educate people. The Hunterdon County Drug Awareness program, which is a very, very important leg in our County, is limited by funding. They do a very good job of educating our children. From working with the children in the last five years, I think I have learned more of where the need is than I have as a police officer.

The judges have their ideas and and I agree with them-- you know, overloading the system. I have been there and I have sat there

all day. As an attorney you know, you don't have your case reached or anything. But I think we can provide more educational things with some of this money, with reference to films, for instance, CBS, ABC, the California deal with the film out there-- We had to dig up \$400 to use this film in our PTA presentations. We were given \$1,000 by a local Rotary club to buy projectors and things, and to go out and educate these people.

I think the judge has a very valid point. Let's educate our younger people, and then we can look forward to where we can rehabilitate the people who are already in our system.

ASSEMBLYMAN HERMAN: I just marked down an idea that came off the top of my head-- Is there any money on a statewide basis, through the Attorney General's office or the police associations, where you have, in essence, a coordinated film or information library that can be exchanged so you don't have to go out and buy--

MR. SMITH: Some counties have their own film libraries which are financed through county funds. Our Juvenile Officers Association is four years old; we have just gotten started in Hunterdon County. Our main goal was a film library. As you know, these films are very expensive. I am very lucky to have a school system such as mine in Readington Township, where I am allowed to go into the school system to put on these programs.

ASSEMBLYMAN HERMAN: There really is no coordinated funding for that purpose?

MR. SMITH: No.

ASSEMBLYMAN HERMAN: And you really think that that would be helpful? Ciro?

MR. SCALERA: (Speaks from audience) There is a new Commission on Missing Persons that (inaudible)--

ASSEMBLYMAN HERMAN: We have commissions for everything.

MR. SCALERA: Yes, well, this one is not going to seek to build up a base statewide, but rather, push down to the counties, working with county sheriffs and some other law enforcement on such issues as getting material to the county and local units for distribution in the schools. There is going to be some initiatives in the next--

ASSEMBLYMAN HERMAN: If you had your druthers, dealing with children as you do on an everyday basis, do you think that there ought to be a coordinated effort, maybe out of the Attorney General's office or some other central division -- Human Services, or wherever it would be -- to provide coordinated funds for film and library programs?

MR. SCALERA: I think it would be essential to have a clearinghouse in New Jersey where that could be available. There was some talk that some of the money-- And by the way, not all of the \$40 million is earmarked for caseworkers. Some is earmarked for community services. But there was some talk about the Division funding such a child abuse clearinghouse. There had been such entities in our State in the late 1970s. There was an entity where films were made available statewide--

ASSEMBLYMAN HERMAN: But it obviously goes much broader than that because we are dealing with issues of drug abuse and other substance abuse, alcohol abuse. We are talking about an integrative, preventative response. I think the point that Bob Smith is making is that it is a greater panorama than that, and we don't have all the educational tools that we need to make the impact that we could if we had them. I think that is the point you are making.

MR. SMITH: In a roundabout way, yes. I mean, it is just as bad as domestic violence. We have gotten bombarded, along with our judicial system. I don't know if you gentlemen have children, but I do. And if we can educate our children, I think it is very important, and the need is there for this.

MR. SCALERA: (From audience) I think, Assemblyman, there are a number of initiatives, public and private, that the Committee would probably want to look at to see what the different entities are doing and then take a look at what might make sense.

ASSEMBLYMAN HERMAN: Okay.

MR. SCALERA: There are private organizations that have speaker bureaus and material, there are public entities that are beginning this awareness.

ASSEMBLYMAN HERMAN: It may only take putting together a master list of who is available--

MR. SCALERA: Exactly.



ASSEMBLYMAN HERMAN: --so when you send it out to the 21 counties-- See, it's terrific coming to the Bellevue Stratford. You pay 75 cents to come over the bridge and you learn all of these things. Of course, you have to pay 75 cents to get back, too.

I think that is an excellent idea. The whole idea, really -- and maybe some of you might want to take that back to your states -- is to have that type of potential clearinghouse or at least a source for it. Bob, that is an excellent thought.

MR. SMITH: Thank you for your time.

ASSEMBLYMAN HERMAN: Yes, ma'am.

MARJORIE HOLT: Thank you very much.

My name is Marjorie Holt. I am an elected member of the Board of Education of Bakersfield, California. Just for reference, it is the largest elementary school district in the entire State of California.

ASSEMBLYMAN HERMAN: How do you spell your last name, please?

MS. HOLT: Holt, H-O-L-T, Marjorie.

ASSEMBLYMAN HERMAN: Thank you.

MS. HOLT: I just want to reinforce the issue finally brought to the forefront by the two gentlemen I have heard. You have a little money to spend, and it is going to your facilities already in place, new programs, and rehabilitation. You are also looking for some preventative measures. If you really want to make an impact in this State, where other states can take your lead, these resources and things are excellent.

We had clearinghouses, and we had special instructional material. We have speakers bureaus, but they were not getting the job done. You have got to start with the children. I am not talking about high school education, I am talking about kindergarten through sixth, through eighth. If you want to make an impact, you have the power. We don't, as Boards of Education, because it is a political hot potato. But if you want to make some impact, you must come into your schools and alter the curriculum.

The resources you have out there in your libraries and your speakers bureaus, I can promise you-- We have 800 teachers in our

district, and while nobody likes child abuse, nobody is prepared to take a stab at teaching it. Teachers don't like to teach what they are not familiar with or what they are not comfortable with, and trust me, they are uncomfortable. Parents are uncomfortable. We have vocal parent groups who say no, we don't want any type of awareness. What we are getting through the media, through the printed press and the video press, are Band-aids. There is an awareness coming about, but it is just in pieces. If you want to make an impact on re-educating these children, you must go to your--

We have, in our State Capital, a Superintendent of Public Instruction. I am sure you have an elected body like that. You must confront him and say, "Give us 10 minutes out of your school day, grades k-8,"-- and then-- "They have larger programs in the high schools, but not on a voluntary basis." We have some programs like this, but they are voluntary. The only parents who sign up for these programs, who allow this privilege for their children, are the parents who are caring and knowing in the home, and they are not the children we are trying to reach. The lower-economic societies we are trying to reach, and those parents do not give privileges to their children because they don't even read the notices that come home. So, if you want to make an impact, I would suggest you ask for at least 10 minutes a day in your curriculum.

By the way, there is a gentleman here -- and I am taking it home to my district -- Dr. Brooks. He is the author of two educational books. The last one-- I can't remember the name of it. But he is at the conference, and he has a program based out of Pasadena. It is a non-profit organization, where they can come into your school system and-- Anybody can teach this. It is called "Character Education." It gives the children the right and the responsibility to himself, to know that he is a person, he has an opportunity to say no, he can make his own decisions. You will see your test scores go up. They implemented a program in Modesto that was highly successful. He has had it there for two or three years. They piloted it, and it has been successful; I hope that we will start it too.

But that is where you need to go, into the curriculum. And it can't be a voluntary thing. Many teachers will use these resources because they are conscientious people, and they care. The other ones won't. It is up to you to change what is being taught.

I know it is difficult, because you are a legislative body, but you are high enough to get above the Boards of Education, because it is controversial. But if you want to make an impact on this, and I am sure you have in your State various things-- You implement mandates that say you have to have a certain amount of physical education in the curriculum, certain units of English and things like that. Just make this a part.

Thank you very much.

ASSEMBLYMAN HERMAN: Thank you very much.

Would anyone else like to be heard this morning? Yes, ma'am? This is Representative Davis, from the State of Florida.

REP. HELEN GORDON DAVIS: Yes, thank you.

ASSEMBLYMAN HERMAN: Glad you came up. I don't want to steal your thunder, but I think you have an excellent idea and I hope you share it with us.

REP. DAVIS: Thank you. I am Helen Gordon Davis, the Chair of the Appropriations Subcommittee on State Employee Salaries, which includes judges. I now chair the--

ASSEMBLYMAN HERMAN: Now I know why you are here. (Laughter)

REP. DAVIS: Not really. I think they are overworked, and I certainly think the comment about quasi-judicial hearings is a very good point.

I chair the Children and Youth Committee, and I would like to react to something before I talk about fingerprinting, which is what you just informally asked me to comment on. To the judge that was talking about the psychological abuse-- We just passed a bill, that I co-sponsored, called the Family Shared Responsibility Act. He can get a copy of it by writing to the clerk, or asking me afterwards. It does say that just because there is a non-custodial parent, that parent has the duty and the right not to abdicate any of their responsibilities, and that they should share in the child's upbringing and that we

statutorily mandate that the custodial parent may not say anything detrimental about the other spouse. I don't know how you really enforce it, but it is in the law.

I do want to talk to you for a minute about your \$40 million. Are you saying that is for child abuse investigators?

ASSEMBLYMAN HERMAN: Well, that's-- And programs.

REP. DAVIS: And programs.

ASSEMBLYMAN HERMAN: But the stimulation here was that there is a knee-jerk reaction. You hire more people, you have more problems, you develop more-- We want to know, if you had \$40 million or more, what would you do with it? That is really what I am trying to develop, to utilize the expertise of people around the country such as yourself to give us some additional ideas as to how to use that money.

REP. DAVIS: I misunderstood. I thought you were putting it into investigators-- and in Florida, we do have 650-- The Governor has asked us for another 160 child abuse investigators. What we are finding is, although we start them at \$12,500 in our State salary schedule, that is not enough to get someone with a real good M.S.W. degree. The burnout is so bad that we have a tremendous turnover, something like 200% a year. The biggest problem with child abuse investigators is that they spend an inordinate amount of time, maybe 12-15 hours a day, investigating cases, and then the cases get thrown out by the court. So they have been telling us that what we need, of course-- Right now, the welfare workers write up the cases, and of course, they are thrown out by the court for lack of proper evidence, etc. So, we are now mandating that the State attorneys write the dispositions.

At any rate, you wanted me to talk about the fingerprinting bill.

ASSEMBLYMAN HERMAN: Yes, I think that is something that other people may find useful in their own states.

REP. DAVIS: Two percent of all the child care workers in the State have been accused of child abuse in day-care centers throughout the State. Because of that, we have been asked by the Governor to formulate some kind of a fingerprinting bill for child care workers.

The question now is whether you want to include the operators, whether you want to include the owners, who may not be in the State; whether you want to include the workers, or whether you want to include everybody who comes in contact with children at a child care center. We are including everybody, every cook, every person, every relative.

ASSEMBLYMAN HERMAN: Has that bill been introduced?

REP. DAVIS: The bill has been introduced, and it is going to pass. We have almost a unanimous feeling about it.

The other provision of it is the fact that for a child abuse registry investigation, it usually costs the State about \$5 for that investigation. In order for you to mandate the access to FBI records, that will cost you another \$12, and you do have to mandate that, as you well know. So, it will cost \$17 for every single person that you investigate and you fingerprint.

Who bears the cost of it? The bill now says -- it is a preliminary bill -- that it will be the applicant or the current worker. New applicants will have to wait until that information comes back before they are hired. Also, we have delineated the kinds of crimes that will completely eliminate that person from being allowed to work in a child care center, such as any evidence of child abuse in the past. If it has been a robbery or a burglary, nothing that has anything to do with children per se, that will not be counted against them.

ASSEMBLYMAN HERMAN: I think the point that you tried to make earlier -- because I want to close out and let everyone get out on time, we always end on time -- was, in the Florida bill, it really-- Fingerprinting up front does a great deal more good than some of the other proposed statutes, which only do background investigations. This way, you know who you have, which is just as important, perhaps -- or more important -- than who you may get in the future.

REP. DAVIS: Yes, sir. That's right.

ASSEMBLYMAN HERMAN: Thank you so much. It was nice meeting you, especially since my sister has a job in the Welfare Department. I want you to give her a raise. (Laughter)

REP. DAVIS: I will.

ASSEMBLYMAN HERMAN: We are going to have a-- I want to thank you all, because I think that Mr. Shusted and I really have picked up a lot of dynamite information here this morning. We'll be back between 1:30-1:45. If any other colleagues wish to testify and let New Jersey take advantage of all you know, that would be appreciated. Again, thank you so much for being here this morning.

(Recess)

ASSEMBLYMAN HERMAN: Good afternoon, ladies and gentlemen. This is a continuation of the hearing we began this morning, sponsored by the New Jersey Legislature, particularly the New Jersey Assembly. The primary thrust of what we are about here today is to solicit views from other attendees concerning the issues of child abuse and family violence.

In New Jersey recently, our Governor has instituted a call for the hiring of 500 new Division of Youth and Family Service workers to identify and combat child abuse, and has offered to provide \$40 million in the budget for these new additions as well as other programs. What we are trying to learn from the attendees, and we did have a very large attendance -- probably most of the people who testified were already here this morning -- is from those in the audience attending the conference. Their views on this particular subject, which will find its way into legislation in New Jersey-- It's a project we are working on jointly with the International Association of Family Court Judges. We would like to offer this Committee-time to the people in the audience to come forward and be of some help to us. And as the attendance is rather down from the packed room we had this morning, certainly your views are welcome.

(Unidentified witness says lunch may not be over yet)

ASSEMBLYMAN HERMAN: Is lunch not ended yet? Maybe we can hold until then.

(Brief recess)

ASSEMBLYMAN HERMAN: My apologies to those of you who were in the room when I repeated our initial thrust, but just for the purpose of those persons now in the room, I would like to again introduce us. My name is Martin Herman, I am Chairman of the Assembly Judiciary Committee in the New Jersey Assembly. To my right is Assemblyman Thompson and to my left is Assemblyman Shusted and members of our staff.

We have undertaken, in conjunction with this program, especially with the National Association of Family Court Judges, what we think to be a unique hearing process. For many years, I have been coming to these conferences as a legislator, occasionally as a speaker, and I guess one of my greatest gripes as a legislator is that members of the executive, administrative and judiciary branches have talked to each other about what needs to be done by way of policy and implementation to deal with many of these subjects, but have rarely talked to legislators. Since I understand the constitutional scheme of things to be that we have to introduce the bills, it would be nice to talk to us. And I have always found that when I come to these conferences, I come away with just a bushel full of ideas, and a great deal of very practical stimulations that have translated themselves into legislation and a number of other positives in our State.

So, with that in mind, our Governor recently announced that he would like to hire 500 new DYFS -- Youth and Family Service -- workers, and provide \$40 million in funding for the hiring of these employees and other collateral services to go along with that. I undertook not only to establish this hearing, which will be the first of four -- the other three to be conducted throughout New Jersey -- but we established this hearing to get the views of what I think is a very broad cross-section of national experts. I think you are going to find more people in the audience who know more about this subject matter than people who are on the dais, and to be able to borrow, if you would, that expertise and have you share with us some of the concerns that have been raised.

In essence I asked, I guess, one basic question this morning, and that is, if you had \$40-80 million to deal with -- as an additional

appropriation in your State -- the issues of family violence and child abuse, how would you utilize those funds? How would you make your system and your State work better? What would you do? We had a number of dynamic proposals this morning, which, very candidly, we in New Jersey are going to go back and steal the hell out of. Our game plan is to hopefully share what we put together with this conference and report back next year exactly what the dynamics of the process have been.

So, it is with that in mind that we are honored that you are honoring us with your presence. More than that, you hopefully will honor us with a dialogue back and forth so that we can take something back to our State and hopefully, you can take something back to your State as well, as a result of that dialogue.

Do we have anybody who would like to start off? Don't be embarrassed. Yes, ma'am. Why don't you just come on up and tell us who you are, where you are from, and under that same game plan that we had-- If you had all these bucks, what would you do with them? What do you perceive are some of the problems that you think ought to be addressed, from your perspective?

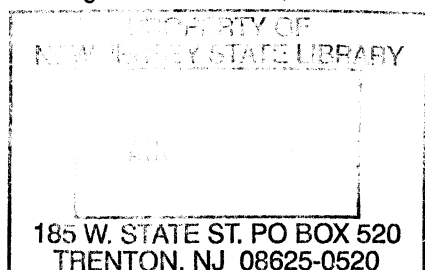
**PHYLLIS WARREN:** My name is Phyllis Warren. I am an attorney with the Law Guardian program in the Public Defender's office. My office is in Trenton, New Jersey, and I deal with four counties in the central part of the State. My job is to represent children who are the subject of legal proceedings involving child abuse or neglect.

I am not sure how to break down the money, but--

**ASSEMBLYMAN HERMAN:** Well, why don't you just tell us how you feel. You have been in the field for how many years?

**MS. WARREN:** Well, I have been doing child advocacy for about five, and I have been doing this particular thing for about a year and a half.

**ASSEMBLYMAN HERMAN:** I would really like to have your perceptions as to how-- For instance, we in New Jersey -- for the other people in the audience, by way of background -- after a three-year effort, passed a Family Court bill and a new juvenile justice code, which I guess has been a little more than a year and a





half or so in its implementation stages. What I would really like to have from you, Phyllis, is how you perceive the problem of child abuse and family violence; what, if anything, we need in addition to DYFS workers; and if you were able to be involved in the planning process, without getting involved in the nuts and bolts of \$10 million here or \$10 million there, how you would like to see the system funded and why? And you can do that in more than two sentences if you like.

MS. WARREN: It would take a lot more than two sentences. I'll try.

We have seen a connection between child abuse and other forms of family violence. I think a majority of the kids that we represent are imbedded in families in which there has been violence between the parents, between the mother and the boyfriend. We have cases in which we have evidence of three generations of family violence of different kinds, between siblings and between parents, parent and child-- that kind of thing. So, I think it is true that it really is inter-generational. When there is abuse between the parents, sometimes the child even inadvertently becomes a victim, and we have cases in which that has happened. Not intentionally -- to injure the child, the child has been--

ASSEMBLYMAN HERMAN: Can everybody hear Phyllis, by the way? Can you just speak into the mike?

MS. WARREN: Can you hear me now?

ASSEMBLYMAN HERMAN: Why don't we do this. Why don't you move your chair to the side, and we won't find it impolite -- you will be speaking to the audience as well as to us. Doesn't it work?

I just want you to speak as if you are speaking across the table so everyone can hear. We will also appropriate money for mikes so that we can take testimony that everyone can hear. Go ahead.

MS. WARREN: In a lot of cases involving abuse--

ASSEMBLYMAN HERMAN: Excuse me, is everyone here now? All right. Go ahead.

MS. WARREN: --where the mother has not been the perpetrator, but has sort of been the victim, we found that there are real fears that she has in terms of dealing with her own life, and one of the

problems she faces is economic dependency, among others things. And also, the lack of a place to go when she herself is abused. In many instances, she is incapable of protecting her own children. I think services that would be provided to women to enable them to be more economically independent, and also more assertive and better able to protect their children would be beneficial to the children even if the services were not directly provided to the children. That would include employment opportunities whenever women are unable to get jobs and also battered women's shelters, where the mother and the children can go in case there is abuse by the boyfriend or the father.

I think women's services are an essential part of any program. In terms of services for kids, I think that we have seen a problem of availability, with appropriate services of all kinds for children. Going along with that is just the necessity for having to wait-- The delay involved in having to wait to get children enrolled in day-care programs that really-- Speakers today have testified to how it really creates a lot of harm for the child; the delay is really psychologically very damaging.

ASSEMBLYMAN HERMAN: Are there enough of these programs around? In other words, is the problem in getting into these programs that there is not enough spaces in the programs?

MS. WARREN: Right. There are not enough programs, and so that causes the delay. They are just not available, especially specialized programs. Children with special kinds of problems-- and most of the children that we see have, as a result of the abuse, or maybe just as a concomitant or maybe some other cause, neurological problems, educational problems, psychological problems, physical problems-- developmental delays of various kinds that necessitate special kinds of services for children, and they just are really not all that available. So, in addition to-- I do think it is a good idea to have DYFS workers. I think it is very important, because time constraints make it impossible, in a lot of cases, to really do an effective job, even when the caseworker is very willing to do so. Purchasing private services would be a very good addition to that.

ASSEMBLYMAN HERMAN: What type of deficiencies do you think we have in our State as far as purchase of private services-- those areas which are most critical, that there is not enough funding for?

MS. WARREN: Various kinds of day care. For example, there are day-care programs -- and I am only familiar with certain counties, so I can't speak for the State -- that are very intensive, and they allow the parent to be present. This does a couple of things: it enables the people there to observe the parent interaction with the child, and they can make better reports to the courts as to the progress of the parent, for one thing. So, it protects the child.

It also is a kind of transitional service, so that if the child has been placed initially in foster care, and the plan is to return the child home, in that interim period, there is a kind of a-- It is like a halfway house, if you will, so that you don't just go from total foster care to total parental care without knowing how the parent and child are going to relate to each other or whether the parent is capable of dealing with the child, especially, let's say, if the child has made an accusation against the parent. So, it enables workers to deal intensively with the parent, and provides a focus for that work. It is done where there are a variety of professionals in a single setting, so you have coordination which you would not have if you were going to get psychological therapy in one place, and some other kind of program somewhere else. In some of the programs, you have educational experts, psychological experts, nursing care, social workers with different backgrounds and so forth-- So you have a variety of people looking at the same interaction between parent and child, and that, I think, is very helpful, too.

That is one kind of thing; the other would be specifically designed for kids who show certain kinds of problems. There are programs that are developed for kids with developmental delays, and they, maybe, could not go to a normal day-care program, preschool or after-school. Those kinds of programs are very expensive and few and far in-between.

ASSEMBLYMAN HERMAN: Let me ask you this, if I may. Getting down to the nitty-gritty of practicing-- We all know that if you

have more complaints, you need more court time. Getting to your perception of the system, I assume that in your counties, you have noticed an increase in the number of domestic violence complaints?

MS. WARREN: Well--

ASSEMBLYMAN HERMAN: Are you involved in any of those?

MS. WARREN: The only thing I do is child abuse.

ASSEMBLYMAN HERMAN: Let me, perhaps, then, tailor that question-- I assume that end also deals with child placement -- involuntary child placement and custody -- and those other situations where the court asks you to come in to be the child guardian, right?

MS. WARREN: Right.

ASSEMBLYMAN HERMAN: So, it is basically those two. How about adoptions?

MS. WARREN: No.

ASSEMBLYMAN HERMAN: Just the child custody?

MS. WARREN: (affirmative response)

ASSEMBLYMAN HERMAN: And the involuntary placement?

MS. WARREN: Right. Anything involving an abused child.

ASSEMBLYMAN HERMAN: Let me ask you this about the hearing process. Is there enough court time, in essence, to deal -- I notice you are smiling -- and because it is a very important part of the package, we really want to know what your perception is. We all know that New Jersey judges, without being patronizing, are among the hardest-working judges in the country. But, as far as court time and these types of cases are concerned, I would like to know if you think that they are really getting the amount of time that they need and the priority that they need?

MS. WARREN: No, I don't.

ASSEMBLYMAN HERMAN: And would you tell us why, and perhaps give us some examples? I am not asking you to name judges, but those type of examples, for the purpose of our record, will make it helpful for us to go back and say that we need more Family Court judges. I talk to my colleagues in the Assembly, and they say, "What? More judges?"

MS. WARREN: Well, first of all, in a number of counties, there are just certain days designated for handling these cases, even though they are supposed to be seen on a priority basis. So, you know, if you miss one week, it is another week and then another week if you get any adjournments. They are not scheduled in-between, and that is a problem.

ASSEMBLYMAN HERMAN: Would you tell me about how, for instance, the normal-- There is no normal situation, but in essence, what is the average time for trying one of these cases, from beginning to conclusion?

MS. WARREN: Well, I don't think I can do that, because--

ASSEMBLYMAN HERMAN: Because they are so bifurcated and so split up?

MS. WARREN: Yes. It varies so much from county to county, number one, and then just from case to case, because most of our cases never get tried. Over a course of several months, most of the time we are able to settle. When there is a trial--

ASSEMBLYMAN THOMPSON: Is that because of the caseload, or is that because of the-- What I am saying is, are the courts too crowded, or are you dealing with the merits of the charges? You are dealing with child abuse, right?

MS. WARREN: Yes.

ASSEMBLYMAN THOMPSON: Why aren't they tried? What is the reason?

MS. WARREN: Well, there are a lot of adjournments granted, which I think is a problem in granting them too easily, without showing good cause. It is also connected to services. You'll say you want a report from an expert and it is a very complicated process, so maybe it will take you a month to see the doctor, and then the doctor goes through several sessions, and then there is a report, so the whole thing takes a long time. In the meantime, you do get the delays, so in some sense, it is connected with social services, the provision of the services, and the evaluation of the services.

ASSEMBLYMAN HERMAN: On the other hand, it is the inability to try from beginning to conclusion.

ASSEMBLYMAN THOMPSON: One of the frightening things -- and I was an attorney with the Welfare Board-- When you have a child abuse case and all of a sudden the judge will send for the guardian, the law guardian, who knew nothing about the case-- and it seems like there was no coordination between the DYFS worker and the law guardian. I want to ask you this question. Would you favor a team concept, where you had a law guardian, a DYFS worker, a welfare attorney and a welfare worker, probation officer and various support services that stay with one case to the end, and then they make the final decision? Do you think that is practical, under our system, or do we need to make some changes? Because, you see, we passed a bill dealing with the Family Court--

ASSEMBLYMAN HERMAN: Why don't you let her answer the question?

ASSEMBLYMAN THOMPSON: Yes.

ASSEMBLYMAN HERMAN: Okay, answer that question.

MS. WARREN: I don't know if it is practical. I mean, if you can do it-- We have a lot of the changes of personnel where the person who enters is not the same person who exits with the case, so there is a tremendous staff turnover not only in DYFS but in other kinds of social services as well.

ASSEMBLYMAN HERMAN: Do you have enough child guardians at the present time, to handle your caseload adequately?

MS. WARREN: No.

ASSEMBLYMAN HERMAN: And what will the impact of 500 new DYFS workers do to that caseload?

MS. WARREN: It is going to really stretch it, because there are going to be more cases. It is going to put pressure on all other things connected to child abuse.

ASSEMBLYMAN HERMAN: So we are going to really try to stretch more justice with less time, for more people? I may even use that again; that's not bad. (Laughter)

MS. WARREN: One of the things that has been good about, for example-- I am not even sure I answered your question.

ASSEMBLYMAN THOMPSON: I just said-- the concept, you know, dealing with maybe a team concept.

MS. WARREN: It is a good idea; it should happen. There should be more coordination, which is another thing that I think was talked about, and it has been pretty well acknowledged. In many places, there has been a lot of lip service paid to the coordination, but in a lot of places that I see, it does not exist. This has repercussions not only for the Family Court proceeding, but for the criminal court proceeding as well. There needs to be a lot more joint cooperative effort, and maybe training sessions between, let's say, DYFS workers and law guardians and prosecutors, police and everyone involved. I think a lot of times they work at cross-purposes.

ASSEMBLYMAN HERMAN: Tell me your perception -- I am not looking for county, I am not looking for name of a judge-- but as far as these kinds of cases are concerned, the obvious need of judges to deal with sheer volume in our court system-- Is there a growing frustration among the judges and the people that work with us everyday, as to the ability to get the job done?

MS. WARREN: Yes. There is tremendous frustration, that is definitely very characteristic of everyone involved.

ASSEMBLYMAN HERMAN: Given your choice with the dollars, how would you resolve or mitigate that frustration?

MS. WARREN: Can you be more specific with it?

ASSEMBLYMAN HERMAN: Yes, in other words, do you think--

MS. WARREN: You mean, the judicial system versus--

ASSEMBLYMAN HERMAN: The judicial and the support systems-- Do you think more money put into the system for more judges, more law guardians, more private contracts, more this and that would alleviate part of that frustration, or is it just the subject matter itself that creates the problem?

MS. WARREN: It's both. And the money would definitely go to help alleviate one aspect of it. But I think there could be some streamlining in the judicial process without that much cost. We do need additional judges, but there are some things that--

ASSEMBLYMAN HERMAN: Where do you see a surplus? For instance, I have Mr. Yoslov sitting here, making notes assiduously, keeping it right up there in his head-- If he had to make some

recommendation as to streamlining the process without streamlining justice, what would you suggest?

MS. WARREN: Some of these, I think, might require a court rule change. I am not sure they could be done legislatively, but I would like to--

ASSEMBLYMAN HERMAN: Well, that's all right. The point is, if you have something off the top of your head that we can pass along, we are not shy.

MS. WARREN: There are too many delays, and it is not only attributable to the absence of available social services. They are just granted, and cases are continued, continued, continued, and the child remains in limbo. I think that--

ASSEMBLYMAN SHUSTED: In your judgment, who is primarily responsible for the delays?

MS. WARREN: It varies. Sometimes it is the defense attorney for the parent, sometimes it is the judge. Sometimes it is just-- For example, in New Jersey, the court has the authority to hear a case of child abuse if the child is not present, so long as the law guardian is present. But, judges don't like to do that, so the case will be continued. Now, we could say, "Well, this case should be heard because there is a law guardian present," but the case will probably not be heard until the parent is present. So, there is some judicial discretion involved there, too.

Sometimes it is the DYFS worker, if they have reports. It really does vary.

ASSEMBLYMAN HERMAN: Do you find these cases sometimes get "back-burnered" because of their sensitivity?

MS. WARREN: I would say, mostly--

ASSEMBLYMAN HERMAN: Having their druthers, they drutner not?

MS. WARREN: I would say, in terms of sexual abuse, yes. Sexual abuse cases could just get put off indefinitely, because of the nature of them-- because it is so difficult. We have kids-- I went to the child victim as a witness. It is very sad, because you know, kids who are three, four, five years old, have to go through the same thing over again, talking to strangers. It's pathetic, it is tragic, really.



ASSEMBLYMAN HERMAN: Do you think videotaping will help that?

MS. WARREN: I think videotaping is very important. I think that videotaping, without some sort of special expertise, may not be worth it. I just went through a couple of transcripts in which the prosecutors' offices had investigated cases and interviewed children, but due to the quality of the tapes, they probably would not be useful and would prohibit use in a criminal procedure. So, I think there needs to be training and some kind of clinical expertise in how to interview children, and how you can ask a leading question without necessarily putting ideas into their head, and making it clear that this is really from the child, rather than the interrogator.

Well, I would say so far, in every case involving a child's sexual abuse that I have had, the child has been credible, and yet, there is a handicap in using him because of what has happened preceding the child's going into court-- statements that may have been made to somebody else.

ASSEMBLYMAN HERMAN: As far as child sexual abuse cases, if you had your druthers, again, with an ability to be a policy maker, what type of programs do you think we don't have that we do need, that you would like to see?

MS. WARREN: I would like to see training of judges in child sexual abuse in general, and in child development in general. I think that there is just a reluctance to believe that children are experiencing these things, whatever the judges say to the contrary. A four year-old-- "You can't tell me this child remembers this stuff, I can't believe it; how could that be?" I think there really needs to be a tremendous amount of training for the judges in this area. The other areas are fine; when it comes to neglect or abuse, there is no problem.

ASSEMBLYMAN HERMAN: Does anyone else have any other questions of Ms. Warren?

Phyllis, thank you very much.

MS. WARREN: Could I just say one more thing?

ASSEMBLYMAN HERMAN: Yes, surely. Please take your time.

MS. WARREN: One of the real problems we have had, too, is that most of our kids do get returned home, but in the meantime, there

is really very little contact between the parent and the child. Sometimes it is less than an hour a week, sometimes it is a lot less than an hour a week. I think that some of whatever is appropriated by the Legislature should be expended towards increasing children's access to their parents--

ASSEMBLYMAN HERMAN: How about more money for just children at risk at home, rather than pulling these kids out? In other words, how about more money to help with children's services to help out after they are placed back in?

MS. WARREN: Yes, definitely.

ASSEMBLYMAN HERMAN: Isn't that one of the anomalies of the system, that they don't get the children's services until they take them out and place them somewhere else?

MS. WARREN: Yes. Like the crisis nurseries. They should be available to people with very young children, regardless of their circumstances, because they are the ones who are most likely to be abused and they are at the age when they are least likely to be able to defend themselves. Usually, it is done in a moment of anger, and their frustration is so great that they strike out at the child. They would be available to parents who drop off their children-- no questions asked, and protection for the child at the same time.

ASSEMBLYMAN HERMAN: Let me ask you a very personal question if I may. How do you survive the process, emotionally?

MS. WARREN: It's hard. It's hard. But, you know, we do see some good things happening, in some of our cases, notwithstanding all of the problems.

Another thing that is interesting is that the "Y" -- I think it is in the Mercer County area -- has just recently established a program whereby young, school-age children are able to be dropped off before school, at the time their parents go to work, and then to be left there after school, until their parents come home from work. Kids, prior to this being available-- Children who might have been left at home, whose parents were both working, would have been considered neglected, so those kinds of programs -- and it is a nominal fee in the morning; they do provide transportation to the school --

would help kids from being neglected, as well. And that would be a preventative program like you were saying also, which would be very good if it were instituted in other places.

ASSEMBLYMAN HERMAN: That's interesting. Pass that on.

ASSEMBLYMAN THOMPSON: Does the office require the parents then to undergo a mandatory battery of psychological testing in case of child abuse?

MS. WARREN: Does it require the parents--

ASSEMBLYMAN THOMPSON: In other words, in a child abuse case, your job is to protect the rights of the child who has allegedly been abused. In the whole process of the makeup, is there anything that forces the parent to undergo some type of testing by psychologists, and is it mandatory or voluntary? How do you make the final decision on returning that kid back to the home, based on testing and other things?

MS. WARREN: First of all, the testing is not mandatory, but in most of the cases where the child has been abused or neglected, the court will order that the parents undergo a psychological evaluation when the court thinks it is necessary, and in most cases, it is necessary. So, the parents generally undergo some kind of evaluation to determine what their mental status is, what their emotional status is, and whether or when the children should be returned home.

How do we make that determination? We interview the kids and try to meet as many people involved as possible. We talk to the DYFS workers. The court has reports of one or more experts, the parent has most likely been required to follow through in a program that was established by the person doing the evaluation, such as parenting skills or homemaking services, to see how well they follow through and to observe the parent when visiting the child, if it is a supervised visitation in the DYFS office-- how did the interaction go, how does the child respond to the parent; basically, an evaluation of the parent's overall functioning. All of those things would be taken into consideration, as well as considering the wishes of the child, and based on the above, the feeling that the child will be protected from abuse or neglect if returned.

But one of the problems that I think is the most difficult, as the law guardian, or probably as anybody in this case-- especially when the judge who make the decision returns the child home when there may not be any more abuse, but the absence of abuse does not mean that the child is going to a perfect home. And in a lot of cases, you have to return the child home, even where it can not be a very good family life, but it does not meet the statutory definition of abuse, and the harm of keeping the child in foster care might even be greater than the harm to which the child may be subjected by leaving it home.

ASSEMBLYMAN THOMPSON: Nothing is perfect, but is there anything you could suggest to us so that we could tighten up that process? This morning I heard on the radio that a woman drowned a three year-old kid in the tub. It is impossible to prevent it, but I think what we need to do is perhaps tighten up some of these things that we need to foresee.

ASSEMBLYMAN HERMAN: I guess the answer to that is, as you know, in the new code we provided for the court, or whoever is returning the child to home, to make a determination on the record that they believe the child won't be at risk any longer. Do you feel that is working, or should there be some other standards we should deal with?

MS. WARREN: No, I don't think the standards would make all that much difference, because I think, no matter what, that is what it comes down to, no matter how it is phrased-- that everyone really tries to figure out what would be in the child's best interest, and will the child be at risk if he or she returns home? I think that would happen anyway.

ASSEMBLYMAN HERMAN: Thank you very much.

MS. WARREN: Thank you.

ASSEMBLYMAN HERMAN: We certainly would like to hear from people from some other states, to share with us some of their views as to how to improve the system in New Jersey, and how to deal with the issues of child abuse. Please don't be bashful-- How many people do we have from states other than New Jersey, here? (audience members raise their hands) Why don't you come up and perhaps share some of your ideas with us?

**DAVID SAUNDERS:** My name is David Saunders, I am from Elkhart County, Indiana. I don't really know what you have in New Jersey with regard to the judiciary. I just talked to a gentleman over here who said you do not have juvenile referees, so apparently, your judges are judges of courts of general jurisdiction and hear all the cases.

One of the things that has happened in Indiana -- and it is not universal in the State -- within many of the counties is that while we have, of course, left jurisdiction vested in the judges of general jurisdiction, there has also been money appropriated by some of the counties, and hopefully, it is coming in on a statewide basis, for juvenile referees to be appointed.

The main advantage I see to that is that you have a person who is working in the juvenile court system who will over a period of time -- and hopefully, a shorter period of time than normal -- develop a certain level of expertise. When you have the judges in courts of general jurisdiction, the statutes say that cases in which dependent-neglected or delinquent, or custody of children are involved, they are to take precedent over other business of the court. As a practical matter, that is impossible to implement, I believe, when you have judges in courts of general jurisdiction who are trying to work into their schedule matters that the Legislature seems to think -- and I personally agree with -- should have high priority. So, one of the things I guess I would do, if I had the money to spend, is that I would try to get legislation passed that would allow you to have a specialized body of judges or referees within the State, who would then be able to spend their time not only hearing the cases -- which would also stop some of the problems I hear concerning the ability to schedule cases in when you need to schedule them in-- Not only would it give you more court time, but it would also give you somebody who would have the time to develop a sense of expertise in handling juvenile matters. That is not to say that your judges of general jurisdiction can't do that. It is just a matter of how many hours there are in a day, or how many there are in a week, for a judge to do.

One other thing I think that does, though, is attract -- if you have that specific classification of judges or referees -- people who have a specific interest in juvenile justice, and I think you can improve things by leaps and bounds, so to speak, if you give judges the luxury, if you want to call it that, of being able to spend all or most of their time on those matters.

With regard to representation of children, I understand you have some kind of law guardian or guardian ad litem program. In Indiana right now -- well, I can only speak for my County -- we have a full-time guardian ad litem that is separate from an attorney for the child. A guardian ad litem's responsibility is to do or to propose to the court what that person thinks is best for the child, as opposed to the attorney, whose responsibility is to do what the child wants, if that can be determined. Under the present system in our County -- as I said, we have a full-time guardian ad litem -- one of the places where I see you can save money and still provide a guardian ad litem is to not have a guardian ad litem or an attorney appointed for the child until after the fact-finding hearing, because I think the major value of a guardian ad litem or an attorney for the child has to do with dispositions that the court may have to make. I really don't see where a guardian ad litem or attorney for the child has a great deal of value at a fact-finding hearing, because that is not really-- Until you find that the child is in need of services, it really does not give the guardian ad litem that much to do.

But I would say that a good expenditure of funds would be the additional judges and the guardians ad litem. There is an additional program that we have that is not funded by the State. It is called court-appointed special advocate. That is a volunteer program. I presume that if that were funded by the State, you might be able to get some more people, but even if it is not funded, it might be the kind of thing that your Legislature could at least suggest.

ASSEMBLYMAN HERMAN: Is that statutory in Indiana or is this just a county program?

MR. SAUNDERS: There is a bill right now that I believe will make it statutory in Indiana.

ASSEMBLYMAN HERMAN: What does that do? What does a court-appointed special advocate do? The function.

MR. SAUNDERS: Okay. The function of a court-appointed special advocate is to investigate the circumstances surrounding the child-- the family, to try to make sure that the child gets the services that the child needs. It sort of overlaps with the responsibility of the caseworker for the Department of Public Welfare. As the lady who testified awhile ago said, social service workers as a general rule have a larger caseload-- Most of them have larger caseloads than they can handle adequately.

ASSEMBLYMAN HERMAN: Is this a one-on-one situation, Dave?

MR. SAUNDERS: CASA?

ASSEMBLYMAN HERMAN: The court-appointed--

MR. SAUNDERS: Yes it is.

ASSEMBLYMAN HERMAN: In other words, you can't-- You have one, that child is your charge until that is discharged-- that is all you have?

MR. SAUNDERS: That's right.

ASSEMBLYMAN HERMAN: What are the types of person who are appointed as volunteers to do that? What backgrounds, and all of that--

MR. SAUNDERS: It really is a cross-section of people. There are a lot of women who are involved in it, women whose children either are grown or are in school during the day. Most of them come from, I would guess, probably upper middle class. You have to be a little careful that you don't just have a bunch of do-gooders who want to get involved in the system just for personal gratification. But there is a program there where they do the screening of the applicants, and there is training. They are, for example, made aware of what services are available for children.

ASSEMBLYMAN HERMAN: What County are we talking about?

MR. SAUNDERS: Elkhart County.

ASSEMBLYMAN HERMAN: Pardon?

MR. SAUNDERS: Elkhart County. E-L-K-H-A-R-T.

They are made aware of what programs are available. They spend time with the juvenile referee in learning what the juvenile code says, what it means, and how the court interprets it; they spend time with me, as the attorney for the Department of Public Welfare, learning how cases are presented, why we do certain things, and it is really a good program. As I said, there is legislation on the floor right now, I believe, which would make that statewide.

There are probably nine CASA programs in the State of Indiana right now. Nine different counties have them.

ASSEMBLYMAN HERMAN: And your evaluation of the program? What do you think of it?

MR. SAUNDERS: Our local program is an excellent program. I think children get better services, and every time I talk about this with caseworkers, there is this feeling of-- I hesitate to use this term, but I will: paranoia. It is like somebody is looking over their shoulder, and I guess I don't see that as a bad thing. Part of our whole system of taking care of children is to have some--

ASSEMBLYMAN HERMAN: It's a turf problem. "I went to school for this, it's my job, and who are you?"

MR. SAUNDERS: Right. When there is a write-up in the newspaper about the CASA, for example, I can expect to hear about "somebody second-guessing us again" when I go to the office of the caseworkers. But I don't see that as a problem; I see that as protecting children and getting the services to them if the program is properly administered.

ASSEMBLYMAN HERMAN: Ciro, do you have a comment on it?

MR. SCALERA: (From audience) We have one CASA demonstration project in Bergen County, Assemblyman. When we take this process throughout the State, I believe we will hear the State Child Placement Advisory Council is currently reviewing a proposal of working in a concept of CASA's with the Citizen Review Boards we have, and perhaps developing some type of proposal. So, I believe at a later meeting of this Committee, you may get some evidence on that. It is a model that is being used in a number of states, and has proven that it can be an effective tool for individual advocacy for a particular child.



ASSEMBLYMAN HERMAN: That's very interesting. Dave, do you have any other comments you would like to make? Thank you, because you brought to our attention something that is happening in one County in our State that we were not aware of, and as I said, we are here to borrow all the good ideas we can get. Hopefully, we will be able to reciprocate. Maybe at the end, we will save a few minutes -- maybe I can sort of summarize some of the things that have been brought to our attention during the day that might be of interest to the rest of you, so that we could quid pro quo this a little bit.

I would like to hear from some other folks, so why don't you please come up? It is almost shameful, all the good ideas we have had here today.

SUSAN GILHOOLY: My name is Susan Gilhooly and I am from Chester County, Pennsylvania.

ASSEMBLYMAN HERMAN: Could you spell that last name for us, please?

MS. GILHOOLY: Yes, it is G-I-L-H-O-O-L-Y.

I just wanted to underscore a couple of things that the gentleman said before, and then mention a couple of suggestions for legislation.

I am a Chester County Master. I am a referee; I hear delinquency and dependency cases. We do have the system, in Pennsylvania under the Juvenile Act, that was suggested, and for the same reasons, I believe it is very good. I can do this full time; I know the resources, I know the Juvenile Act, I see the kids often. It is a teaching process, and you set out certain things that families and children are supposed to do. They need to come back and see the same judge, or master, and we feel that time is extremely important and that kids and families need to have a quick resolution of the problem. You can do that with a master; seldom do you have enough judges in a county to be able to hear cases as effectively or as quickly.

ASSEMBLYMAN HERMAN: Aren't judges more intimidating than referees or masters as far as people are concerned? Do you feel there is a better one-on-one relationship with masters or referees as far as people not being intimidated?

MS. GILHOOLY: I think, probably--

ASSEMBLYMAN HERMAN: It's a terrible question to ask, I guess.

MS. GILHOOLY: --there is not as much difference. If the structure of needing sheriffs and bailiffs and keeping people under control is necessary, masters can achieve that just like judges can. There are certain hearings for masters that lend themselves to more of a conference situation, and I did want to say that I support six months' judicial review hearings, as the Federal government does, and feel it is really important to bring people in, particularly where there is a child in placement, to make sure that everything is being done that should be done and to make a permanent plan for the children over the next six months.

One of the particular pieces of legislation pending before our Legislature, which I think would be helpful-- There is a problem with statutes of limitation in child abuse cases. Often, if you are pursuing criminal prosecution, the statute might only be two years. If a child, particularly a teenager, has been abused over the course of several years, he or she might go into placement or run away or something of the sort for some period of time, and it might be a year before you know that the sexual abuse was the cause for the running. So, then you start going back over the offenses, and realize they occurred prior to two years. In a case like that, the statute would not begin to run until the child turned 18. That is the proposed legislation, and I think that is a very good idea.

I also support videotaping, closed-circuit television, one-way mirrors-- things of that sort. We do have case law in Pennsylvania that permits, in a juvenile court, dependency or abuse proceeding, the master judge to listen to the child victim's testimony in chambers with just counsel and a court reporter. But we have pending legislation that would permit that in criminal proceedings, and I think it is extremely important. In case after case, the child will tell the story if he perceives the people to be supportive of that around him. You take a child into the courtroom where he has to face the abuser, and it just disappears. I think you can protect the defendant's rights and--

ASSEMBLYMAN HERMAN: Do justice at the same time?

MS. GILHOOLY: --do justice to the child. But I do think it is on shaky ground in Pennsylvania if you are videotaping and doing that without statutory basis.

The one other thing that I would like to mention is that we feel a spectrum of resources is the best approach. When you get to this position in juvenile court, and your statutory framework should support that, many-- When children come before court the first time, you don't know whether you need to use your least restrictive or your most restrictive setting, but you would like to start with the least restrictive and at least be able to move along. If kids understand that there is a response to continued running -- that sort of thing -- you have a lot less running, you do need to be able to move to more sophisticated and closely supervised resources.

ASSEMBLYMAN HERMAN: How do you deal with the runaway, if at all?

MS. GILHOOLY: We have identified a couple of placement resources that are located in places that physically discourage running and you have the capability of having an appropriate building and a very high, one-to-one, arm's length staff-child ratio, we find that is not necessary for very long, but it is necessary to have that available and for the children to know that-- If children see one child run, then that encourages the whole bunch of them to run. We have one particular resource that is particularly sophisticated and good at discouraging running just by a high staff ratio for dependent kids, if you are asking, and we do use that resource for runaways.

ASSEMBLYMAN HERMAN: Thank you. We appreciate it so much.

Can we hear from some other of our conferees from other states? Don't be bashful, please step up. The next could be New York, Pennsylvania, we are going to take the whole show on the road. We are going to have every legislature in--

ALLEN J. POWELL: My name is Allen J. Powell, and I am with Orleans Parish Juvenile Court in New Orleans, Louisiana.

ASSEMBLYMAN HERMAN: How do you spell your last name, sir?

MR. POWELL: Powell, P-O-W-E-L-L.

I would like to raise an issue-- I can't imagine \$40 million to the State of Louisiana for--

ASSEMBLYMAN HERMAN: With all that oil money, you can't?  
(Laughter)

MR. POWELL: No, not for this purpose-- not earmarked for the juvenile justice system. But if I could, I would like to just state first off, that the Parish of Orleans -- it is like a County anywhere else, in any of the other 49 states -- in the inner city of New Orleans, has a well over 50% black population. This morning we spoke in the Minorities and Juvenile Justice workshop. The judges there spoke of the fact that we have juvenile justice services that go out, but there are very few black persons in the professional ranks who disseminate those services. And I am wondering what, if anything, New Jersey has on the drawing board. I can well imagine the statistics are similar, knowing what little I do about New Jersey as far as its black/white population, and the population of blacks who come through the juvenile justice system. But what I am suggesting is that something should be on the drawing board, in the plan, to assure that black professionals are brought into the system to provide services. I know in Orleans, I can count the number of district attorneys in juvenile court -- it's two at the present time -- the number of judges is one, there are three other social workers, and that is it. And this is in a city that is well over 50% black in population. Probably -- this is a statistic just off the top of my head -- well over 70% of the people that pass through the court are black.

ASSEMBLYMAN HERMAN: What you are really saying to me, if I understand the process-- In order for a youngster coming through the system to identify and respect that, there has to be some identification within, and someone that they can identify with.

MR. POWELL: Exactly. I'll tell you an interesting story of what happened this past year. We had--

ASSEMBLYMAN HERMAN: It's a very cogent point and I think it is one that would apply in all 50 states, not only New Jersey or Louisiana.

MR. POWELL: I am sure it applies in New Jersey. But there are five sections of court in Orleans Parish Juvenile Court. This past year, we had one black female judge who won a seat in the election, was

re-elected and decided to move from that court to try to run for an appeals court position. Her opposition bowed to her and she just automatically got that position on appeals court. Well, the interesting thing that happened was that another black female, or several other black females and males, and white females and white males ran for her old seat, but another black female won it. So the word around the court was that this court was for-- this was the black court. It is a very interesting kind of concept, considering that court had the largest caseload and had children who were in foster care for just years and years, and then there were various other types of--

ASSEMBLYMAN HERMAN: From your perception, what have been the dynamics of that situation?

MR. POWELL: Well--

ASSEMBLYMAN HERMAN: I don't know if that is an unfair question, but I will ask it anyway.

MR. POWELL: I think it is good for the system to have that representation.

ASSEMBLYMAN HERMAN: I am not talking about that, I am talking about the fact that there has been that identification, that people have made that observation-- Has that had any positive impact on the system? I am just curious.

MR. POWELL: I think it tends to have a negative impact on the system, but that deals with the system that we operate under in this country, I think. But that is my basic point.

ASSEMBLYMAN HERMAN: Would any member of the Committee like to ask Mr. Powell a question?

ASSEMBLYMAN THOMPSON: I just want to say that we are not that far ahead yet, with what you were talking about-- representation, especially professional representation. An article came out recently-- You take the Superior Court judges, and I think we have about 300, or 200-something, and I think we have about eight blacks and no Hispanics. Juvenile courts-- no more than four or five at the most throughout the State, and I think two of them are in Essex County. In the Supreme Court, we are batting zero. In the Appellate Division, we have one black.

One of the complaints that I got recently, within the last year, when we passed Family Court legislation is that the teams that have been set up-- I don't know about Essex County, Mr. Chairman, in the legislation, but we had the support services and teams we set up in the Family Court. There was so much politics involved, and there were a lot of people who had been probation officers who had gone to school, had degrees and things like that, who were being overlooked because of relationships that the court had, and other court personnel had, throughout the years. We are trying to straighten that situation out because it is very discouraging. In fact, I wrote a letter to Judge Scalera, who is the Assignment Judge in Essex County, with reference to that. We are trying to get that type of situation straightened out.

ASSEMBLYMAN HERMAN: Don't you think-- That just raises another thought in my mind, and I am glad we are having this dialogue. Don't you think it really shows the need for a coordinated State recruitment program? If the idea is to put more blacks and other minority representations in these support services in addition to the courtroom, New Jersey should not have any excuse because we appoint our judges and don't have to rely on the electoral process. Isn't there really a need, perhaps, for a coordinated recruitment program, and that is something that Mr. Yoslov-- Let me talk beyond you for just a moment, Mr. Powell, because we have someone from our courts here today, so we can send out a message. Maybe that is something to send back to the Chief Justice involving recruitment of probation officers.

STEVEN YOSLOV: (from audience) I know we are doing some work in that area. I didn't know you were going to touch upon that subject, so I am not prepared to tell you what all the details are.

ASSEMBLYMAN HERMAN: Well, it is just a question raised by Mr. Powell, and a very valid one. I just wanted to pursue it while I had the chance.

Mr. Powell, if you have any other observations to make, please do.

MR. POWELL: I agree with that point. Also, I would suggest that a lot needs to be done as far as educational issues, to educate the community on just what is going on in terms of who is receiving the

services in juvenile court, and who is giving out those services. So I think that has a big impact on just who goes through the juvenile system. Basically, I work with child abuse and neglect, but in delinquency cases, the numbers are even more overwhelming than child abuse and neglect.

ASSEMBLYMAN HERMAN: Thank you very much. It is certainly appreciated.

Do we have any other conferees beyond the realm of New Jersey that would like to share some of their thoughts with us?

JOSEPH GARY: My name is Joe Gary. I am a District Judge and you probably don't even know where I am from. I am from Montana, and of course, it is a very rural state. We only have 775,000 people in the whole State, and we are the fourth largest geographical State, so we don't have a lot of the problems that you have. I would like to address the question posed by the gentleman from Indiana, and that is the CASA, or guardian ad litem program. The National Council of Juvenile Judges and Courts have started this permanency planning program, and the Supreme Court appoints a district judge -- or a trial judge -- from every State to attend this. We attended a meeting in Washington, D.C. last year, and then the lead judges attended a meeting in Reno last fall which attempted to establish this CASA or guardian ad litem volunteer program.

I noticed you mentioned the workers and how the social worker burnout rate is approximately two years. This program was established because of the waste of these children in foster homes, that they languished there for years and years -- many of them -- because a worker would come in and be replaced by another worker and so forth. So this court has appointed a special advocate or the guardian ad litem, a volunteer worker who has a certain power from the court to enter the home, to report to the court and so forth. We are presenting that to our Supreme Court, to either have our Supreme Court mandate that or else have the Legislature act. But there will be regional meetings throughout this coming summer in various areas, and I think that, from what I have seen, it seems to be an excellent program. It has been very successful in Missouri, Washington, North Carolina, and a

number of states -- the programs are very successful, so I think that apparently, if you have the money-- Apparently, it does not cost that much, only the training of the workers.

The question asked by Assemblyman Thompson was, where do you get your workers? According to what they say, they get a broad spectrum, and just as a gentleman from Indiana said, you don't want to have one group of women who are fairly affluent and so forth, you want a broad spectrum of workers so that they serve as an advocate for the child. It has some depth, some deterrent effect because if the families know that they are coming in, they can watch their conduct. And the concept is permanency planning. In other words, either terminate the parental rights or get the children reconciled with their family. So that is the program that I have been working in and am quite interested in.

ASSEMBLYMAN HERMAN: How about as far as services are concerned, Judge? We have heard a lot of comments about how we put these kids-- We are not cost-effective, we waste a lot of bucks by taking some kids out of the house when perhaps we should be providing services, right there when we put kids back into that setting without providing necessary support services to make the situation work. What are your observations?

JUDGE GARY: Well, of course, I haven't been a judge very long. I was a lawyer for quite a long time, and we-- I don't like to be smug about it, but we are a fairly affluent community with a not very high crime rate, so I don't have that much experience in that respect.

ASSEMBLYMAN HERMAN: It would be nice to pass that on to the National Council of Family Court Judges, rather than just sharing it at the court level. I think this is exactly why we are here today. Perhaps there ought to be more and more of this legislative contact-- If the National Council could pass on to the legislatures the merits of this type of program -- this CASA program, as an example -- I think you could have a median in a number of states, far beyond just the in-house discussions.

JUDGE GARY: My law clerk is a legislator also. She's very bright, and she has taken this to our Legislature.



ASSEMBLYMAN HERMAN: You can be sure that there are those of us sitting up here on a bipartisan basis, who, based on the hearings today, are going to do likewise. How are we doing timewise, folks? This goes until when-- three o'clock, three fifteen? Two forty-five? It is 2:45.

MR. SAUNDERS: (from audience) Assemblyman? I would like to add something to what he said.

ASSEMBLYMAN HERMAN: Please do.

MR. SAUNDERS: I do believe the National Council is doing just what you said, because I happen to be on the Permanency Planning Committee for Indiana. And on that Committee, we have a legislature-- I believe the National Council is recommending that each State put a legislator on the Committee. So I think they are trying to get that word out.

MR. YOSLOV: (from audience) I wanted to give you a little information. Just a couple of days ago, the State Child Placement Advisory Council submitted a grant to the Federal government for some funds to hire a CASA coordinator for the State. In addition -- that is, with some help from the State -- and--

ASSEMBLYMAN HERMAN: Editorial noted. (Laughter)

MR. YOSLOV: --And in addition, the Advisory Council is seeking funds from private foundations, including the (inaudible) Foundation. Now, there is no State-mandated program -- in other words, there is no legislation requiring CASA -- and the AOC is not going to require the presiding family division of judges except for CASA, but several of the presiding judges have expressed an interest. I also understand that the Advisory Council is going to be working with the Association for Children (inaudible) on directing legislation which would mandate that CASAs exist in every town. But something to be considered is the cost to the counties, in the form of--

ASSEMBLYMAN HERMAN: This is obviously something that ought to be picked up as part of that first part of the package that we talked about with our friends from Ohio this morning.

Again, I think this has been super. Just by way of wrap-up, I am going to let you all go in two minutes-- We had a number of

comments that you may want to take back to your states as well. This is a part of that quid pro quo we promised. The judges from Ohio seem to indicate that increased subsidies to counties on alternative dispositions and other short-term dispositions has cut the overall stay in long-term facilities for children; they cut it substantially and provided more programs. You could see, along the way here, Judge Reader and Judge Radcliffe, I am sure you will run into those folks. They did talk about what I think was mentioned here -- foster care drift, losing the need to identify the burnout and having a better tracking system in-house for when we place kids in long-term care so we don't, in essence, lose them in transit. I got that message again this afternoon.

What we also got this morning from the Mercer County Prosecutor of our own State, was a need for an across the board approach that when we hire more DYFS workers, we had better deal with the other end of the system, such as hiring more judges, more money for local crisis intervention units, more prosecutorial staff, and more contract workers. We had an Ann Donahue, Esquire, from youth legislative programs to deal with that. Obviously, we have had a lot of testimony this morning about preventative money, at the beginning. To deal with this, we have adopted our punitive or heavy-handed legislation, and perhaps now is the time to put some of these programs that will stop the violence before it begins. There was also some comment this morning about psychological damage to kids and the need for identification of that, and the need for special treatment programs for people we send to jail after being convicted of child and family abuse. And of course, a lot more money for drug awareness.

That is a short circuit of where we have been in three hours' worth of programming. We have a lot more ideas, and we promise that we will share them with you. One more good idea that I think was mentioned this morning, and that, of course, was the possible need for coordination at the State level, especially when you are dealing with child abuse prevention and substance abuses, the need for coordinating educational material such as films and other services from the top, and sharing those, rather than having each local area go out and try to

duplicate and replicate and fund them on their own, and making known throughout the State what is available. So, there is a need for a better coordination and sharing of those types of services as well.

We are going to start with whatever is left-- (Unidentified audience member says he thought it was over) No, there are a few more folks-- Maybe it is and maybe it isn't.

I see we have a few new additions, and let me explain, if I may, to those who have just come into the room, this has been an ongoing public hearing sponsored by the New Jersey Legislature, by the members of the General Assembly in cooperation with the National Council on Family Court Judges. The whole idea was to be able to get a perspective from the conferees as to what is happening in other states, regarding the areas of family violence and child abuse. It was precipitated by an action of our Governor, in which he recently announced that he is going to invest \$40 million in State resources for the hiring of 500 new Youth and Family Service workers, in addition to other new programs.

Many of us believe that there are many other components that are needed. I have been to these conferences for a number of years, and I said to myself, wouldn't it be nice, after all these years where I have had judges and administrative people literally talking to each other, if they had an opportunity to talk to people who make the policy. So we are sort of on a last leg here. I don't know how long this will last or how long my voice will last. What we are really looking to do is to, in essence, dialogue with those of you-- It just shows you what happens late in the afternoon. Everyone is sightseeing; everyone goes in the morning and then the afternoon trails off a little bit and that shows you what happens at 3 o'clock.

But beyond that-- Maybe we should take the portable mike and move down to the bar. Quite candidly, what I would like to get from you gentlemen who are in the room, is if you would perhaps share with us your thoughts on the issues of child abuse and family violence, particularly given the view that if you had the wherewithal -- say \$40-\$50-\$60-\$80 new million dollars -- what you would do with that money to make an impact in the areas of child abuse and family violence?

This may be the shortest 3-4:15 seminar that we have, but we have had witnesses go a half an hour. We would like you to introduce yourselves to us and we would like you to participate with us, if you would.

Yes, sir?

ERNIE H. CAMPBELL: Can I just stand here?

ASSEMBLYMAN HERMAN: Why don't you come sit with us? We are recording this and making a public transcript for our Legislature. And I might add, at the end we will be more than happy to share with you some of the-- I would think many of the interesting points that were made earlier in the day. We will sort of wrap it up that way.

MR. CAMPBELL: My name is Ernie Campbell and I am from beautiful Cape May County, down in South Jersey, which is still part of New Jersey.

I have some comments about the current operations of the Division, and I would like to preface that by saying that 10 years ago, I worked for the Division. Now, I work for Cape May County. I am Director of the Youth Services programs for the County. I was active in the legislation that was recently passed -- the new codes -- and I am on the local Family Service Advisory Commission as well as the State Commission.

I have a problem with the hiring of 500 new DYFS workers in that I actually consider DYFS workers service brokers and case managers. I think if you look at the DYFS workers, they are younger, they are less experienced, and the more experienced workers become supervisors. So, I can't see them as necessarily treating the nitty-gritty problems of child abuse and neglect. I think there has to be more purchase of service contracts, or more special units established in existing mental health clinics funded by DYFS to deal with those issues. I also think it is imperative that those clinics be expanded, and that the money be provided in order to have a faster, thorough process without delay, from the time the referral goes in until the family or the child is actually seen.

Secondly, even though one of my programs is a snelter, I disagree with the concept of removing the child. It seems like legislatively, there should be a process where, through providing day,

care or any number of support services, the mother does not have to go to a shelter or the child does not have to go to a shelter. The perpetrator should be removed immediately, and the family -- what is left of it -- remain intact. That also assures public schools any kind of community support system that the family may have without pulling the victims out and placing them elsewhere.

I also think there needs to be closer monitoring of the court orders that are coming out of those kinds of cases. Non-compliance--

ASSEMBLYMAN HERMAN: How would you-- The hiring of more people to monitor, or what?

MR. CAMPBELL: When you are following a court order, if the party missed its first appointments or evaluation screening -- drug, alcohol, any number of possible resources the courts may be using -- there seems to be a tendency that if they miss one or two, they still have a chance to catch up. At the same time, the family is still broken up, the children are still removed, the mother may be out of the home living with a sister or somebody else. In the meantime, legitimate delays or not, they are still taking place. I think a closer monitoring of the court orders--

ASSEMBLYMAN THOMPSON: Excuse me. I would like to expand something. I think you showed a very interesting perception. You are the first person I heard say he is not too interested in hiring additional DYFS workers. What about the hypothesis of hiring peer groups, if you had the money? I can understand your argument about kids that just got out of college and may have gone to Bryn Mawr or Temple, some school or Ivy League college and not being able to perceive what is really going on in the inner city and the relationship between the family and other things. But what about hiring people who are from that area, or peer group people, to do that type of work and follow-up, and the work that a DYFS worker would do on a professional level?

MR. CAMPBELL: Well, I endorse the group process to begin with, almost in any kind of case. But I also think if you can keep it community-based, and you have people who can be trained, I think it is more effective coming out of the neighborhood versus out of an office or out of a clinic.

ASSEMBLYMAN THOMPSON: The drug program is a good example of being effective.

MR. CAMPBELL: Right. They utilize--

ASSEMBLYMAN THOMPSON: Ex-addicts are running programs and able to understand the situation.

MR. CAMPBELL: And for the most part, there are, throughout New Jersey, group processes going on for the victims, or the perpetrators, for that matter. I think it would be beneficial for teenage kids to have their own groups. Rural as we are, I don't know if that would be possible. But I am sure that in the inner-city areas and the more populated counties, there must be a captive audience of people who have been through these problems-- the juveniles themselves.

I believe in AA meetings. We take the kids I deal with to NA and AA, and we get in closed sessions and adult groups, and the horror stories of marriages and jobs and mortgages and everything else impact on them, but after them they need to channel into a group where they talk about losing the car privilege, their girlfriend, school, grade problems, those kinds of issues.

ASSEMBLYMAN HERMAN: Peer relationships.

MR. CAMPBELL: Right. The impact is important, but the follow up after that is equally as important.

ASSEMBLYMAN HERMAN: Continue, please.

MR. CAMPBELL: One other point. As far as better litigation for DYFS in the court system--

ASSEMBLYMAN HERMAN: Would you mean-- Define that, please.

MR. CAMPBELL: Support systems for the workers. I think that they have to do so much work prior to court, and then the Deputy Attorney General's office may come in and assist and obviously, take over the case for them. I think you need more litigation specialists in the offices to help them from the outset into the court system, to make them feel more comfortable, if nothing else. I don't think they go to court enough to feel all that comfortable dealing with the whole process.

ASSEMBLYMAN HERMAN: This really comes down to better file preparation.

MR. CAMPBELL: Right. I think it's a scary process, when you are almost in a paralegal position, going to court. Also, I firmly believe that the courts have to change to a much more civil proceeding versus criminal, in a preponderance of evidence and what have you, without violating anyone's constitutional rights, but with some more sensitivity on the court's part to what DYFS is trying to do. Just a little more sensitivity there.

I have no idea how this would work, but my last issue is a better interstate compact system. Being a shore summer resort area, we get many children in our County in the summertime that don't belong there, and after being there a day or two, several sexual and physical abuses surface out of State, and we are the ones who have to refer to DYFS to get them transferred back and get things started. But as soon as the sexual abuse issue comes up, the interstate compact comes into effect and it slows down. It may take us two or three weeks to move a child back to Pennsylvania or back to another state, where if it is a simple runaway issue, we can easily transfer them without the Division's intervention. It seems like there should be a faster system to put the child back where he belongs, to start any kind of proceedings, legal treatment or rehabilitative process or any other options available in any other state.

ASSEMBLYMAN HERMAN: How many kids are in that maze each summer in Cape May?

MR. CAMPBELL: The awful, nightmare-type cases?

ASSEMBLYMAN HERMAN: Yes.

MR. CAMPBELL: Probably about four or five. After being with us a few days, they feel comfortable and relaxed, and being out of their environment, they open up to us. And we have to accept that it is the truth, at that point. We are not going to investigate it, of course, but we accept it. But then the process bogs down on the transfer back.

ASSEMBLYMAN HERMAN: Where do those kids stay during that time?

MR. CAMPBELL: At the shelter.

ASSEMBLYMAN HERMAN: At the shelter-- Which also becomes a negative for them, right?

MR. CAMPBELL: Right. Well, that is what I am saying, that all the kids coming to the shelter-- I can't see any way of how we can package our program. The Bureau of Licensing finds no violations with our shelter, either the programming or physical plant. Lacking resources in Cape May County, we have the freedom to be more creative than a lot of the other shelters in what we offer and what we do. But there are jurisdictions outside. They are still being physically moved and placed in the shelter, and I can't see how they can interpret that in any way except that in some degree, they are guilty of causing what happened. I think they should stay at home and someone else should move out.

ASSEMBLYMAN HERMAN: Okay.

MR. CAMPBELL: And I do want to say, too, that I fully endorse our new Family Court system. I think it is a process that was long overdue, the process of crisis intervention and not having any more status offense complaints is a much better system.

ASSEMBLYMAN HERMAN: Thank you.

MR. CAMPBELL: Thank you.

ASSEMBLYMAN HERMAN: I am glad you like it and are working with it.

I see a couple of new faces in the office that were not here for the morning and afternoon session. Would you like to offer some comments? Please come forward.

GEORGE JADELIS: I didn't come prepared to speak--

ASSEMBLYMAN HERMAN: Well, that's okay. I have been to a lot of conference-- and I made this observation earlier: I think that one of the frustrations is that more often, we are spoken at rather than given an opportunity to say something, so this is dedicated to give those people who come here with a lot of expertise the opportunity to share with us.

MR. JADELIS: All right. My name is George Jadelis. I am a Probation Officer from Ocean County.

ASSEMBLYMAN HERMAN: George, how do you spell your last name?

MR. JADELIS: J-A-D-E-L-I-S. I have 13 years' experience in the Probation Department. I have also worked for welfare up in Union



County, so I have a total of 15 years' experience working in the system for the State of New Jersey.

I think we have enough information before all of our agencies as to what the problems are. We see the broken families all the time. The kids that I see on probation are usually from the split families, the poor economic conditions-- It's a usual pattern and I think it runs pretty much the same throughout the State, in the 21 counties. When we have our meetings, we talk about the same things. There is not too much that is different or exceptional; they are common problems. What I have seen, which I have been unhappy about, is the fact that only until recently have we had the Family Court. There was not that much emphasis on child support. The lesser educated, lesser paid were put in child support program, and I thought it was an effort to save money. What I saw was that you hired somebody on a lesser salary, with less training, and they soon quit and went to better fields, as it were. We were not doing the people any justice by hiring-- In other words, you got what you paid for. That was my feeling.

For the three years I worked in the support division, I was learning constantly and I really could not see how people working under me, with a few months' experience, could be expected to deal with the complicated issues that involved support and dealing with people going through traumatic, very emotional events. I would really like to see something change in that vein, and I think that would be part of the Administrative Office of the Courts' problem also. I don't know how you would deal with it.

ASSEMBLYMAN HERMAN: Let me ask you this. If you had-- As you know, the Governor has announced that he would like to see \$40 million go into new services, such as the hiring of new DYFS workers to tackle the problem of child abuse. If you had \$40 million-- George, here is \$40 million. How would you spend it to deal with the problems of family violence and child abuse? What would you do with it, aside from going to Brazil to count it?

MR. JADELIS: Well, I would reiterate what the former witness stated about his experience. I think that is vital in our area. You can't expect kids literally coming out of college to deal with some of

these issues, especially if they are not from the inner cities or are not fairly streetwise. I think it takes a few years to get somebody acclimated.

ASSEMBLYMAN HERMAN: Do you feel that there are too few minority DYFS and probation workers?

MR. JADELIS: The education you are getting in college is not really preparing you for what you are going to deal with. It is almost-- If you are going into opposite poles, what you are learning in college is more academic, not the real-life situation. It is like taking a couple of steps back when you have to deal with the clients and the emotionalism. We have training programs, we have ongoing seminars and that helps, but it takes a couple of years before you get a good DYFS worker, a good office worker.

I have a gripe with DYFS right now. They are recruiting from my staff. We have people we have trained over the years, and now DYFS has raised the salary and they are taking away my best people. We are supposed to be working together, so I really feel that was kind of a sharp move on their part.

ASSEMBLYMAN HERMAN: Do you have a lot of problems with DYFS?

MR. JADELIS: No. We get along pretty well with DYFS. I think we have a good communication system right now. We have a liaison from DYFS they send over to court every day. Prior to that, when we really had little communication, I think there were a lot of problems. But I think we have alleviated that.

I don't know what else I could add, except that I think we are moving in the right direction. I think that one of the things we may be lacking right now is that we don't have a total family educational system. One of the programs we are trying to implement in Ocean County is to teach the parents how to be parents. One of the points that I use in my course is that we give licenses for casino workers or jockeys, drivers, but you can become a parent without taking the test. And I think this is a problem with a lot of the parents that we have. They have no education or training to be a parent, and perhaps we could devote some money to that, train some people to--

ASSEMBLYMAN HERMAN: How about training people to train people to become parents? Do we have enough people who really know how to teach parenting courses in the State? Or is there a definite lack of those type of experts?

MR. JADELIS: There are programs underway right now. There is a movement afoot to start these, but right now we don't even have any funding for what we are doing, and I think some funds diverted to that might do well to save a lot of lives. Communication between the parent and the children would probably save a lot of children from getting into trouble.

ASSEMBLYMAN THOMPSON: There was a poster out a couple of years ago. Some people felt offended by it, but I didn't. It had a picture of a young teenager with a basketball -- you might have seen it, a black teenager with a girl -- and it said, "They can have a child, but can they handle it?" And I think it is important, what you are saying. A lot of people have children, and it's-- Like Billie Holiday said, when her mother had her, it was like a child had a child.

MR. JADELIS: Right.

ASSEMBLYMAN THOMPSON: They were raising each other.

MR. JADELIS: Exactly. And it's just an ongoing cycle, it doesn't stop. When I worked for Welfare, some people came up from the University of North Carolina. They wanted to do a study on the cycles of people that had migrated to the northern cities to see if anything had changed in the generation from the time the grandmother moved up. There were the grandchildren, still on welfare, so nothing had changed. No one had taught these people anything different in the three generations, and here it is 15 years later, still in the system, and there is nothing to change them.

Perhaps these new family courses in the schools might devote themselves to that, I don't know-- I am not really aware of what they have. I think that is where it should start. The last time I had a meeting with the school system, we talked about grabbing some of these kids at a much earlier age and recognizing their problems, and bringing the parents in. By the time they are 15, 16 years old, you are talking about 15 years that they have learned a certain way of life, and it is kind of late for us to be doing much with them.

ASSEMBLYMAN THOMPSON: People manipulate the system to survive. What has happened in those three generations when I was attorney for the Welfare Board-- The grandmother would invariably come in court for temporary custody. Say the girl had five children, the grandmother would get two so the welfare check for those two would go to the grandmother. They manipulate the system; maybe they have to, to survive. I am not going to argue that, because there are some real circumstances. But that happens-- the judge knows that, and he goes along with it because he has the best interest of the child in mind.

MR. JADELIS: I think there are many things that we can do in New Jersey, and a part of it would be the funding provided by the Legislature. That's about all I have to say.

ASSEMBLYMAN HERMAN: Would anyone like to offer anything else? We have heard from 15 or 20 people today, or more. (Refers to aide) Do you have a running count-- 19? Or somewhere in there. I think that it has been a rather positive day, and maybe we ought to end on an upbeat with a thank you to everyone for being here today, and finishing up our day in a very positive way.

If you will tell your colleagues throughout the State that we will be taking this show on the road-- North Jersey, South Jersey, Central Jersey. Hopefully, we will notify the Welfare Offices, the DYFS offices, the other social service agencies, probation, and the public of course, to get more than a cross section of use as to the need for balanced and fulcrum funding, I guess is the only way I can put it.

Thank you so much.

(HEARING CONCLUDED)

