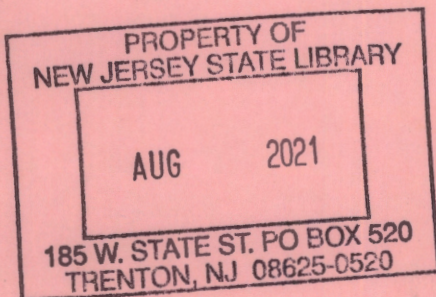


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PUBLIC HEARING
before
ASSEMBLY CORRECTIONS, HEALTH AND HUMAN SERVICES COMMITTEE
on
DYFS Child Care



Held:
December 8, 1982
Senate Chamber
Trenton, New Jersey

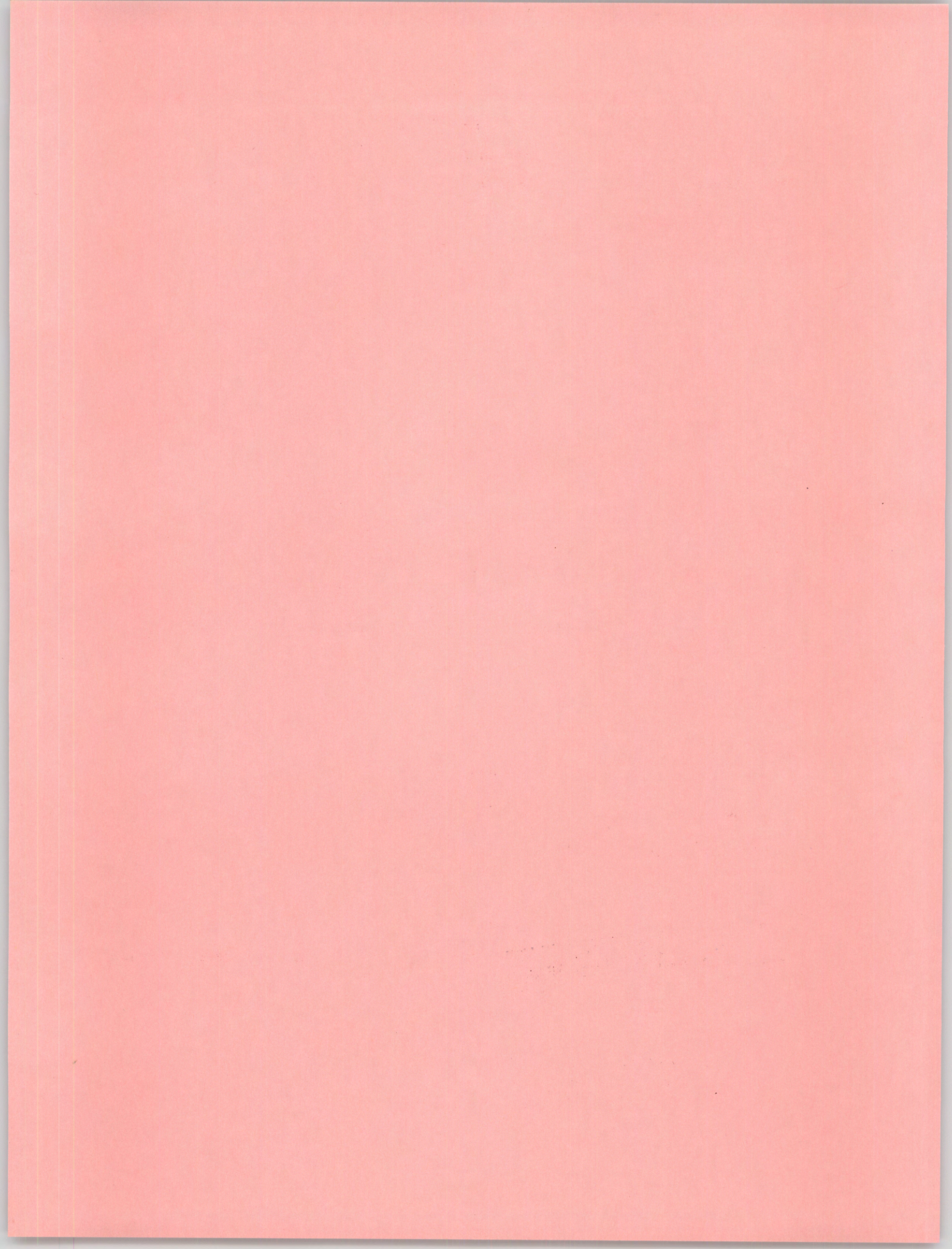
MEMBERS OF COMMITTEE PRESENT:

Assemblyman George J. Otlowski (Chairman)
Assemblyman Garabed (Chuck) Haytaian
Assemblyman Frank M. Pelly

ALSO:

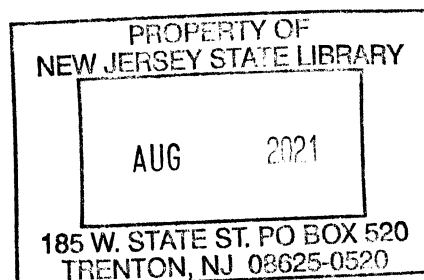
David Price, Research Associate
Office of Legislative Services
Aide, Assembly Corrections, Health and Human Services Committee

* * * * *



I N D E X

	<u>Page</u>
George J. Albanese, Commissioner New Jersey Department of Human Services	1
Meyer Schreiber, Associate Professor Department of Sociology and Social Work, Kean College	17
Richard O'Grady Division of Youth and Family Services	22 & 1x
Carol Taylor Division of Youth and Family Services	23
R. Alexandra Larson, Director New Jersey Commission on Children's Services	29 & 7x
Dr. Anna B. Mayer Mental Health Association of New Jersey	37 & 16x
Corinne Driver, Chairperson New Jersey Child Placement Advisory Council	43 & 23x
Toni McHugh, Co-Chairman New Jersey Committee for Adoption	48
Kathleen A. King, International Representative Communications Workers of America	50 & 28x
Pat Mills Communications Workers of America	52
Peggy Robinson Communications Workers of America	54
Catherine Donatos Communications Workers of America	56
James Harrell, Director National Center on Child Abuse and Neglect	67 & 30x
Virginia Sims Private citizen	69
James Sims Private citizen	70



INDEX (continued)

	<u>Page</u>
Linda J. Wood, Executive Director Association for Children of New Jersey	70 & 32x
Julie Turner Association for Children of New Jersey	71
Usha Bhatt, M.D. Child psychiatrist	76 & 42x
Elizabeth Farrell Private citizen	78
James McManus National Association of Social Workers, New Jersey Chapter	83 & 44x
Jeffrey L. Faue National Association of Social Workers, New Jersey Chapter	85
Mrs. Matthew E. Welch Private citizen	87
Matthew E. Welch Private citizen	88
Marshall Bord, Executive Director New Jersey Association of Children's Residential Facilities	94 & 51x
Dorothea Kronyak New Jersey Association of Children's Residential Facilities	99 & 65x
Florence Gowin Private citizen	100 & 67x
Rose Cooper, Executive Director Community Council for the Prevention of Child Abuse	105 & 69x
Statement from Robert P. Maloney, Deputy Director, Together, Inc.	70x
Letter from "Concerned DYFS Staff"	80x

INDEX (continued)

	<u>Page</u>
Letter from Kathryn A. Marciano Private citizen	81x
Letter from Donna Marie Gowin Private citizen	84x
Letter from Mrs. Frances Banks Private citizen	86x

* * * * *

JB:1-108

GEORGE J. OTLOWSKI (Chairman): The Committee will come to order, and we will open the hearing in a moment. I just want to call the roll of the Committee first. Before we call the roll, I want to indicate that Assemblyman Felice has grave illness in his family, and as a result of that, he will not be here this morning and take part in the hearing. I just wanted to make that part of the record.

Assemblyman Visotcky is tied up in another meeting and may be here late this afternoon. In the event that he does not come, it means that he was not able to get away from the other meeting.

In the meantime, I am going to ask Mr. David Price, who is our staff member, to call the roll of the Committee for the purpose of the record.

MR. PRICE: Assemblyman Otlowski?

ASSEMBLYMAN OTLOWSKI: Here.

MR. PRICE: Assemblyman Pelly?

ASSEMBLYMAN PELLY: Here.

MR. PRICE: Assemblyman Visotcky? (not present)

Assemblyman Haytaian?

ASSEMBLYMAN HAYTAIAN: Here.

MR. PRICE: Assemblyman Felice? (not present)

ASSEMBLYMAN OTLOWSKI: Before we begin the hearing, I would just like to bring a couple of things into focus. The Legislature, of course, is not an investigative body. That, of course, is the function of the Executive Department. That is the function of the Attorney General and the prosecutors.

The Legislature, of course, in the process of legislating has to determine in many instances the need for legislation, and a hearing usually brings that out if there is a need for legislation or if there has to be corrective legislation, or if there is an abuse of money that has been appropriated or if there is a need for money.

Then, the Legislature has another function too, and that is to, in the course of the hearings, develop a record, of course, that would bring to light the subject at hand so that the public will get the benefit of the hearing, so that a determination can be made by those people who have an interest or an interest may be developed if, indeed, they have something to suggest by way of legislation. I just want to make that clear so that there is no misunderstanding of the legislative role.

While thirteen children, of course, have died -- that is the figure we have been given -- that figure has been contradicted on an occasion. We have been given the figure that thirteen children have died during the past year as a result of child abuse. That is a frightening and very disturbing figure. By the same token, we know that this is a period of great violence. This is a period of economic recession. This is a period of family breakdowns, and speaking of family breakdowns, the government, of course, is a very poor substitute for the family. It never will be, and it always will be a poor substitute.

The fact of the matter, too, is that compassionate people who are usually part of charitable organizations are limited in what they can do with this overall problem because of its immensity and because of its ramifications. So, the role ultimately rests with the poor substitute -- namely government. But, the fact that it is a poor substitute doesn't mean that we shouldn't extract the best out of government, and that the legislation that may be needed or may be enacted, is

the best kind of legislation to develop the best approach that government can give to this very, very difficult role. There is no substitute for the real love that comes from people who have that to give to children. There is no substitute for that. That cannot be bought for money, and that cannot be supplied by your governmental bureaucracy. That can only be given by one human being to another.

This is the difficult position that we are in. This is the difficulty that we are dealing with here. We are dealing with an immense agency here, with all kinds of problems that develop in a governmental agency. That being the case, we know, too, that the Commissioner, George Albanese, who will be the first witness, has done a very extensive management study and has brought in special people to look at that agency, and he, undoubtedly, will develop that in the course of his testimony. He, undoubtedly, will tell us some of the things that he sees, and he, undoubtedly, will make some recommendations that may or may not include a legislative approach.

I am going to conclude on that basis, with the exception that I would want to ask any member of the Committee if they have anything to add.

Assemblyman Pelly?

ASSEMBLYMAN PELLY: Not at this time.

ASSEMBLYMAN OTLOWSKI: Assemblyman Haytaian?

ASSEMBLYMAN HAYTAIAN: No.

ASSEMBLYMAN OTLOWSKI: Commissioner George Albanese, thank you for coming, and thank you for the cooperation that you have been willing to extend to this Committee.

G E O R G E J. A L B A N E S E: Mr. Chairman, I must comment that your comments were well said. Members of the Committee, I am here before you today with a new commitment as the new Commissioner of the Department of Human Services to assure you and the public that we are in the process of implementing a reorganization of the Division of Youth and Family Services. We are in a process of changing a bloated bureaucracy with far too many managers and no direction into an organization that responds quickly and efficiently to the needs of New Jersey's children.

This reorganization will turn a \$2.7 million deficit into a \$5.3 million surplus, while adding initially 107 direct-care workers to district offices. It will eliminate 61 middle-management positions and increase fiscal control through a system of cost-center management.

I initiated a review into the overall management of the organization in June, shortly after assuming my present position, after many frustrating attempts to get accurate information from the Division.

First, there was no appropriate plan for closing nine State day-care centers, which would also assure that children would receive adequate services. Second, shortly after assuming office, I was presented with a proposed spending plan which required an additional layoff of 200 line caseworkers. And third, there were no accurate figures for Title XX allocations to counties. It was clear that there was an inadequate management structure in the Division.

My opinions were confirmed at meetings I've attended across the State, from Bergen to Cape May Counties, where I was confronted every time with still another DYFS problem.

The accounts I heard were that the Division had been unresponsive, too

a 64% increase in reports of child abuse and neglect nationwide from 1977 to 1981, with approximately 849,000 reports last year. Although child abuse/neglect has received a great deal of attention recently, it is not a new problem, nor can we expect it to disappear in the immediate future.

Studies have shown that instances of abuse and neglect are closely related to social and economic factors, which are beyond the control of a social service agency.

Stress caused by unemployment and poverty is the single factor found to be most closely related to abuse. Approximately 50% of the Division's case load is on public assistance. While we cannot solve major economic issues with social services, we can provide a system of child protection that is capable of timely and effective intervention and evaluation.

Our success depends upon the performance of not only the Division of Youth and Family Services' staff, but also related agencies, particularly law enforcement, the courts, the medical community, and the community social service agencies.

Our recent investigation indicates that caseworkers have not received the support and assistance they need to perform their tasks effectively. I intend to provide staff with these tools and management supports. That investigation also pointed out the lack of a system for worker accountability, which allowed some workers to abuse the system at the expense of New Jersey's children.

I am committed to providing caseworkers the necessary tools they need in making their difficult choices, and at the same time, implementing a system that holds them accountable and ensures responsiveness.

There have been numerous reports on the Division of Youth and Family Services in the past. Unlike some former reports on the Division, the corrective actions that have been outlined will be implemented. There are still questions to be asked and answers to be gathered. Although we cannot assure you that we can prevent another child from dying, I can assure you that there will be a major improvement in the child protective service system.

Thank you.

ASSEMBLYMAN OTLOWSKI: Commissioner, thank you very, very much. Commissioner, I think one of the things that has bothered a number of the Committee members, and undoubtedly, has bothered you, because you have indicated that in your testimony -- when you pointed out that the original report was that there were 13 children who died, and then, of course, that figure was reduced to 9, and you said in your testimony here, of course, that that was the result of bad reporting.

Can you develop that? Why was there such a wide range of difference? First of all, for 9 children to die, that in itself is horrendous. But, the disparity between the figures of 13 and 9 -- can you develop that for a moment because that indicates, at least to me, that there is a great hole there that has to be filled?

MR. ALBANESE: That is certainly correct. I think that throughout the Department, we have an information problem, and that arises out of the lack of appropriate information systems to provide the necessary information we need, not only at the management level, but also for caseworkers to make decisions involving child abuse and neglect.

We can start with the financial problem. As I indicated, we went from a \$2.7 million deficit, laying off 200 workers, to after the review, adding the 107 and coming up with a \$5.3 million surplus in that particular division. I think that is extremely important -- the financing.

When you get down to the cases, in my opinion, we do not have adequate information systems that produce accurate and timely information for the size of an organization as DYFS. If you think of going back to your Freeholder days, of you Assemblyman Haytaian and Assemblyman Pelly, you have an organization here that is probably larger than most county governments in the State of New Jersey, with 2,600 employees, and yet, the sophistication that we have for management tools is far inferior to that of what county government uses. And that is what we intend to do.

We have an SIS System that I feel is inadequate, an information system to be used by caseworkers. As a matter of fact, I was told during the course of the report, that information system shut down around four o'clock. What happens for the rest of the day? You get the information the next morning. So, there are a lot of questions about good management techniques that can help the people out in the field who are doing that very difficult job.

ASSEMBLYMAN OTLOWSKI: Commissioner, when the unfortunate circumstance occurs that a child dies from abuse, how quickly do you get that information as the Commissioner? How quickly is that funneled to you?

MR. ALBANESE: Usually contact is made by the newspaper, in many cases, to our Public Information Officer, and hopefully by the next day, I have information that there has been a child abuse death. The question is whether it is under DYFS supervision or just a child abuse death by itself.

ASSEMBLYMAN OTLOWSKI: But it usually gets to you within twenty-four hours.

MR. ALBANESE: Usually.

ASSEMBLYMAN OTLOWSKI: Are you satisfied with the method of that procedure whereby that comes to your attention, because it is important for you to know and to know quickly?

MR. ALBANESE: I am satisfied that I am getting the information initially. I am not satisfied that I am getting a full report fast enough to look at what has occurred there. That, throughout the Department, has taken a considerable amount of time for most of the departments to actually get an investigative report as to what occurred.

ASSEMBLYMAN OTLOWSKI: That is one of the things that this management study that you are making -- you hope to be able to correct it so that you get better and quicker information?

MR. ALBANESE: That is one part of it, but I think something that lacks, not only in the Division of Youth and Family Services, but lacks department-wide, is moving, monitoring and evaluation up to a top-level position within the organization. Any business, any social service agency, any organization needs to monitor its performance. If you don't monitor your performance on a regular basis, you can be going astray and not know it for a period of time.

We have elevated that and given significant attention to the need to monitor what we are doing, to look at our mistakes before they become tragedies.

ASSEMBLYMAN OTLOWSKI: The program that is being developed by prosecutors in this area of preventing child abuse and responding to it immediately -- as you

pointed out, Prosecutor Rebeck has a pretty sophisticated system. Prosecutor Stamler now is getting into it. How does that work? Can you tell the Committee how that works?

MR. ALBANESE: The first thing I would like to say is that we have a variety of things happening in the State of New Jersey based on 21 counties. We actually go from the alpha to the omega in terms of dealing with child abuse.

In Rebeck's system, there appears to be a great working relationship first of all, with the DYFS District Offices in Middlesex County, unlike what occurs in some other areas in the State of New Jersey. The prosecutor, himself, has a feeling for the DYFS cases and has, I think, given that same feeling to his staff. There is training involved -- cross-training between investigators, DYFS workers. There are periodic meetings -- regular meetings with the DYFS workers to discuss cases and problems. And, I must say that from my initial review of the State, that doesn't exist. The prosecutor sees himself as a helping hand to the DYFS worker in many cases, as an additional tool to be used in the investigation process, and I think all of the prosecutors that were present felt that this was a worthwhile achievement, and indicated that they would set up a statewide working group, including two other counties -- Essex and Hunterdon -- to talk about what is going on in terms of the relationship between DYFS and the prosecutor's office.

Prosecutor Stamler indicated that he will set up a special unit within his organization assigning staff to work solely on child abuse and use the many findings of Prosecutor Rebeck to develop that relationship in Union County. So, we have something on the move right now.

ASSEMBLYMAN OTLOWSKI: Are you saying, too, that now you are asking other prosecutors to have that kind of a sympathetic and systematic approach to this?

MR. ALBANESE: That is something that we will be working on through the Attorney General's Office to bring this statewide.

ASSEMBLYMAN OTLOWSKI: Let me ask you this in that connection. You talked in your testimony about the fact that caseworkers need more efficient support, and your management report goes into that. How do you expect to accomplish the fact where the caseworker will get more support and where the caseworker will have the opportunity to get closer to the problem and closer to the whole mechanism and structure so that there is that kind of immediate connection, and from that connection, the immediate response? How do you propose to give the caseworker that kind of --

MR. ALBANESE: There is a two-part answer to that: setting and fixing the responsibility of the central office, the regional office, and the district office by giving the district office a budget that they know is there, will transmit it down to the caseworkers, staffing -- to correct the disparity in staffing statewide, adding caseworkers -- direct-service workers into the system, I think is extremely important.

We have shown that, in some cases, where 55% of standard and in other cases where 120% of standard -- that is extremely important.

Training: I think you have here one of the most difficult jobs, difficult decisions to be made in the State of New Jersey, and that is the whole issue of removing the child from a home or keeping the child in a home, in the case of

child abuse or neglect -- a very difficult decision. Training is certainly important.

We see the role of the prosecutor's office based on the cases that we have reviewed. If a social worker or a caseworker sees the need for further investigation and lacks the investigative skill or desire, which has been questioned, that the prosecutor's office, having trained people in the investigative area to develop a case where there is a gut reaction -- that child abuse is going on -- to be utilized from the prosecutor's office. That is certainly important.

Community resources: How we have to ensure that the district office has identified the need by contract to various private, non-profit agencies within that organization. It is a variety of things that we are looking at.

Second opinions from doctors: When we get a situation where a doctor might indicate that there has been no child abuse, and there is a gut reaction that it is occurring -- set up a system of second opinions to ensure that we would do the same thing for our own children to make sure that their diagnosis is correct.

Those are the kind of supports that we are talking about.

Career ladders: The present Civil Service System does not provide for career ladders. In many cases in the management report, people were promoted to management positions solely for reward -- additional dollars. Career ladders will keep those experienced, trained and effective workers in the direct-service area.

So, there are a variety of things that are not done yet. We are just only at the beginning.

ASSEMBLYMAN OTLOWSKI: Let me ask you this, in that connection, too, with the caseworker. Your management report now indicates a closer connection between the caseworker and top management. In the event where a caseworker is not responding to the needs of a particular child, and that is made known to the caseworker, and the person who makes it known to the caseworker feels that he is being ignored -- feels that he is being put in the shuffle, in the bureaucratic shuffle -- how can that be called to your attention? How can that be called to the attention of management where there would be a response to that, where the person who is making the complaint would feel satisfied that there is some response to that? How do you propose to deal with that?

MR. ALBANESE: I think that the District Office Manager and the supervisors have to know what their responsibility is, what their rights are under Civil Service to effectuate a change, and the evaluation component that we propose will be giving us feedback on the number of incidents, so that we get that kind of information back to the central division office and eventually to the Commissioner's office.

But, I think people have to know within the system -- people who are responsible for managing the system -- what their responsibility is and what their authority is in effectuating that kind of change.

ASSEMBLYMAN OTLOWSKI: In your particular setup, with you as the Commissioner, do you have any kind of an administrative assistant where that person could complain directly to your administrative assistant if he felt that he was being given the shuffle all along the line?

MR. ALBANESE: Directly?

ASSEMBLYMAN OTLOWSKI: Yes.

MR. ALBANESE: Well, personally, I think that --

ASSEMBLYMAN OTLOWSKI: I am not expecting them to be able to make the complaint directly to you, because you have the problem of overall administration, overall policy, but is there an administrative assistant in your office who --

MR. ALBANESE: We have done two things. First of all, Mr. Lockhart is in charge of the four divisions in the community. He is sitting to my right.

Second of all, department-wide, I have put together what I call a "quality assurance team" that began with the institutions, and it is going out to the various agencies in the State to be what I would call "my eyes and ears." It is not a witch-hunt, but it is a "get back information to me" whether a district office such as the one in Vineland was inappropriately constructed for interviews. We have gotten feedback in a lot of areas.

Yes, I am looking for that because that is the way you manage -- with the exchange of information.

ASSEMBLYMAN OTLOWSKI: Let me ask you this now. In the nine cases that evidentially is the final figure -- that is the final figure, isn't it? The nine children?

MR. ALBANESE: That was correct at the time. It was nine versus thirteen.

ASSEMBLYMAN OTLOWSKI: The fact of the matter is, it is definitely established now that it wasn't thirteen; it was nine. Is that correct?

MR. ALBANESE: That is correct.

ASSEMBLYMAN OTLOWSKI: In the nine cases that you have been able to look at personally, and in looking at each of those nine cases, is there anything that you have learned from that? Is there anything that you see that the Legislature has to do to prevent that? Is there something that we should know about any one of those cases where you feel that the Legislature could be helpful with legislation? What have you learned by looking at those nine cases individually?

MR. ALBANESE: One of the areas that jumped out in the nine cases -- I think there were three cases which involved a DYFS worker who had a feeling that there was child abuse involved and could not develop sufficient evidence to give to the Deputy Attorney General to take to court, and therefore, it was not brought to the court's attention for removal of the child. That is what I mentioned before on where utilizing, if appropriate, the skills of an investigator in the prosecutor's office, if the social worker feels or the caseworker feels that there is a need to go out and find that information if there is a gut reaction to it.

In three of the cases, we had that kind of a situation. In other cases, we had a medical opinion that it was not child abuse, and, unfortunately, it was child abuse, and it later occurred again. That is where we talked about getting second opinions. You are dealing with a very --

ASSEMBLYMAN OTLOWSKI: But, the nine cases, in your opinion, are child abuse, and then death did result from child abuse. You are satisfied with that.

MR. ALBANESE: Yes, I am satisfied with that.

ASSEMBLYMAN OTLOWSKI: But, in all of those nine cases, is there anything that you see that, by hindsight -- by hindsight, and that is such a great thing, you know -- hindsight -- by hindsight, that could have avoided any one of those nine deaths?

MR. ALBANESE: Well, we did talk -- not to be facetious, but the only

way you could guarantee with 23,000 cases -- that you could prevent a child abuse death -- I kind of liken it to waving a match in front of a can of gasoline -- would be to place a worker in the home 24 hours a day, at probably the cost of \$700 million. That is the only guarantee you would probably get that could accomplish that, because you can be with that family, two, three, four, five, six or seven hours, and at the tenth hour, something could go wrong.

ASSEMBLYMAN OTLOWSKI: What you are saying is, there isn't a single thing that you can put your finger on to show how that could be avoided, because as you point out, you would probably have to have 24-hour custody of the child by a caseworker.

MR. ALBANESE: Well, the cases that I pointed out --

ASSEMBLYMAN OTLOWSKI: Yes, the nine I am talking about .

MR. ALBANESE: Of the total nine, four probably, we might have had a better tool for the social worker to use. Like I said, a better investigative mechanism for three of the cases -- a second opinion. It might not have stopped it. The investigator might have been thwarted by lack of evidence, but at least we gave it our best shot at that point in time.

ASSEMBLYMAN OTLOWSKI: In those nine cases, were there any danger signals? Were there any red lights, any repetitive things that should have alerted the social worker, in your opinion?

MR. ALBANESE: In some cases, based on other -- it is not my personal opinion, but other people, professional in the field -- yes, there were some indications that there might have been some signals that should have been recognized.

ASSEMBLYMAN OTLOWSKI: Assemblyman Pelly?

ASSEMBLYMAN PELLY: Commissioner Albanese, during your testimony, you have pretty clearly outlined some of the problems that you, as Commissioner, the Department of Human Services, and your staff have recognized during your short tenure as Commissioner. And, you have also outlined some of the responses that you are developing to address the issues -- the important issues that you have identified. Could you give us some timetable without going through each and every recommendation you have made with respect to appropriating dollars, staffing, education, etc. that you pointed out? Can you give us some outside timetable as to how long it will take you to implement these recommendations that you have brought forward?

MR. ALBANESE: Hopefully, as soon as possible. With the appropriation that is there, we came up with a surplus, the additional dollars to improve certain areas in the system. Bringing on board -- I have already authorized the day the report was issued, bringing on additional workers.

Mr. Lockhart has indicated that by the middle of January, that will be accomplished. So, the staffing is certainly critical. We are already working on developing a training program, already working with the prosecutors. It is very difficult to give you a precise date, particularly with Civil Service. We do not know what changes could be made there. That might be an area of legislation. There is a bill presently that might give us some flexibility that we might need. I cannot give you specific dates.

Mr. Lockhart has been assigned this particular area of concern, and basically, the directive is as soon as possible. **Marshal our** resources in that direction.

ASSEMBLYMAN PELLY: I think you tried to answer my question as best as you can, but I need to press you further on it. Let me present it in a different fashion. Would it be unfair of me to suggest or to say publicly that we can anticipate the implementation of these recommendations by July 1st of 1983 -- assuming the legislation that is required is, in fact, enacted?

MR. ALBANESE: Let me punt this one to the man who I put in charge, Mr. Lockhart, and see if he can come up with it -- a timetable for you.

MR. LOCKHART: I think, as was pointed out by the Commissioner's testimony, that what we have with the Division --

ASSEMBLYMAN OTLOWSKI: Mr. Lockhart, excuse me. Do you want to tell us who you are, please, for the purpose of identification and for the purpose of the record?

MR. LOCKHART: Yes, Special Assistant to the Commissioner.

As was pointed out earlier by the Commissioner's testimony, I think it is very clear that we have a difficult problem with this particular program, and more importantly, we have not been managing our resources effectively. We think very clearly that with the changes that are going to be made, we will be in a position to adequately identify whether or not the law that is presently in place is satisfactory and whether or not the programmatic issues that we have recommended will do the job. It is our opinion that major changes should certainly surface by July 1. There is no question about that.

ASSEMBLYMAN PELLY: Does surface mean be enacted? Are they synonymous?

MR. LOCKHART: Well, if you look at the immediate examples -- staffing patterns -- we are moving with Civil Service immediately to consolidate all of our efforts to ensure that those workers get out in the field very quickly. Right now, there are meetings going on with Rutgers to establish consolidated training programs for those particular workers, so we are putting this particular implementation plan on a fast track.

The question of results, I think, have already begun to surface in the respect of district offices because we have prioritized the district offices as being the most important element in providing service delivery to clients in the State of New Jersey. That has not been the case in the past, so the 36 district offices now see themselves in more of a decision-making position as opposed to one that has, themselves, been abused and neglected in the past.

ASSEMBLYMAN PELLY: Perhaps I'll go back to that as I have individual questions with respect to that issue. You have cited training as one of your primary objectives. Is there one person responsible for training? That is, not only seeing that the training is provided, but mandating curriculum, continuing education programs, those kinds of activities? Is one person responsible for that -- those activities?

MR. ALBANESE: We have a training unit in the Commissioner's office that we recently reorganized, and we will be giving emphasis on training in the division, as well as other departments. We are also seeking further development of an appropriate training program, the advice of the many people in the social service system, not only from government, but from the private, non-profit sector. So, we are drawing on the resources of a lot of people, but we do have -- our intention is to strengthen training department-wide in our training office.

ASSEMBLYMAN PELLY: You have an office known as the "training office?"

MR. ALBANESE: We just consolidated all training, except for special training, in that particular office. We do have a training unit.

ASSEMBLYMAN PELLY: And, I understand by your testimony that Rutgers University is assisting you with the training program?

MR. ALBANESE: That is correct.

ASSEMBLYMAN PELLY: As a practical matter, if a citizen -- be it myself or a member of my family, a child, a teacher, or John Smith on the street, wants to report a case of child abuse or child neglect, how does he or she go about doing that, and how does he or she know to do that in that fashion?

MR. ALBANESE: Let's call on Carol Taylor from the division.

ASSEMBLYMAN PELLY: Will she be testifying later?

MR. ALBANESE: Yes, she will --

ASSEMBLYMAN PELLY: Do you want to hold that question until that time?

MR. LOCKHART: That entire process will be explained during her testimony.

ASSEMBLYMAN PELLY: During your testimony, we dealt specifically with the nine child deaths, and your response to some of the problems indicated that you could not, or there could not be developed, sufficient evidence for child abuse/neglect. Why was that? Why couldn't sufficient evidence be developed? Was it the fact, perhaps, that the laws for child abuse/neglect are too rigid?

MR. ALBANESE: This is somewhat subjective -- it could be lack of training in investigative techniques, lack of desire -- I'm not sure. The answer there is to give the worker an additional tool, and that is what we are talking about. It is hard to figure out what happened in hindsight in terms of why there wasn't sufficient evidence, but what we are trying to do is to move forward and say, we are going to give another tool, hopefully through the prosecutor's office statewide, that will give us trained people to assist.

ASSEMBLYMAN PELLY: In your testimony, you have indicated specifically that Prosecutor Rebeck has set forth a model program, and I happen to know Prosecutor Rebeck, by virtue of the fact I am also from Middlesex County. I might point out, and as you probably know, Prosecutor Rebeck has placed a high priority on child abuse and child neglect, and he is extremely sympathetic to that aspect of his office. Unfortunately, due to a change in the administration, Prosecutor Rebeck will not be Prosecutor Rebeck much longer, and I ask you, how can we be assured -- how can you be assured that that high priority of good relationships between DYFS and the prosecutor's office be continued?

MR. ALBANESE: Are you suggesting that Ed lobby for his reappointment?

ASSEMBLYMAN PELLY: Pardon me? If all goes as anticipated, he will not be prosecutor too much longer because of his political affiliations.

MR. ALBANESE: Seriously, that is why -- I have known Prosecutor Rebeck, and most of the prosecutors -- I have worked with them in some management programs, etc., and that is why I chose to request a meeting through the Attorney General's Office so that we can put it on the table, develop it as a priority, understand the sensitivity that exists in certain counties, that attitude, and try to convey that to counties where it might not exist. I think that working through the Attorney General's Office, the Division of Criminal Justice, which is at the head of that pyramid, that we can change some attitudes.

As I indicated already, Prosecutor Stamler from Union County, with his own resources and dedicating the resources, unlike some of the other prosecutor's offices -- even Prosecutor Rebeck's model. It is lodged within another unit. Prosecutor Stamler spoke with me yesterday, and he is willing to create a special unit, dedicated solely to child abuse, and assigning assistant prosecutors and investigators to that unit. I think we have picked up in this area. We have made gain, a giant stride, at least in one county in that area.

I am looking forward to, also, an adequate response. All of the prosecutors who were there were very interested -- very interested to find out what was going on in other counties, and they had many good suggestions. Interesting enough, they didn't come solely from a law-enforcement viewpoint of "let's indict." As said by Prosecutor Rebeck, they do have that discretion, but there was an attitude there that they also want to help in many cases.

ASSEMBLYMAN PELLY: I have no further questions, Commissioner, and Mr. Chairman. I thank you very much for your testimony this morning, Commissioner. Be assured, and I want your entire department to be assured, that the Legislature will be responsive to your recommendations, and we appreciate the fact that you have brought forward, in no hidden terms, the problems that you are confronted with and have inherited over many, many years, and the fact that you plan to address these problems. We want you to be assured of the fact that we will cooperate with you in your endeavors. Thank you.

MR. ALBANESE: Thank you.

ASSEMBLYMAN OTLOWSKI: Assemblyman Haytaian, please?

ASSEMBLYMAN HAYTAIAN: Thank you, Mr. Chairman. First of all, I would like to commend the Commissioner and his handling of this department. As a former county official, and Commissioner Albanese was the manager in Union County, we worked very closely on county affairs, and I know, quite frankly, that when the Commissioner gives testimony, he is very candid about what he is saying. When the Commissioner says "once again, my office was given misinformation, which is typical of this Agency that is going to change." I commend you for that. I know it will change, and that is important.

I think ~~it is also~~ important to clear up the misunderstanding on the numbers, and I believe there were 13 reported. I believe it was mentioned that there were nine. From what I understand, four cases of deaths of children were not under DYFS jurisdiction. Is that correct?

MR. ALBANESE: That is correct.

ASSEMBLYMAN HAYTAIAN: I think that is important that we understand right from the start. So, we are talking about nine children who are under the jurisdiction of DYFS caseworkers as compared to ten the previous year and eight the year before that. So, we understand the numbers we are talking about.

To be very honest with you, and I don't want to be callous, the numbers of deaths, compared to the number of cases, is very low, but any death is too much and too many. So, I think it is important that we clear that up right from the start.

What I am concerned with, again, and not being callous, is the abused child who is not killed, but grows up to be the abusing parent. That is what I am concerned about, and I don't put aside, nor do I consider it very light that a child is killed, and I wonder in what you are doing in this short amount of time that you have been

there -- that is why I commend you for the things you have done already. Is there going to be a training as you indicated so that the caseworkers can help these children, as well as the parents, so that we don't have this as a continuing problem?

MR. ALBANESE: That is a very good point, Assemblyman. We have asked that question also. We see the tragedies of death. We collectively have not developed a system to look at the tragedies of continued abuse or neglect. There is no data. We don't know, to be very honest with you, in our statistics, how many children have been returned home and once again abused, and then maybe returned home again. That is something that we have asked the question as late as last night, but there is a need to know. We know about the deaths unfortunately. We do not know what is happening when children are placed back in the home, and if it is occurring again, or has it occurred, and then we place the person back in the home again. We do not have that kind of information. That certainly is important.

One of the areas, in terms of the abused turning into the abuser, is something that we hear frequently occurs, and one of the things that Mr. Lockhart has been looking at is the whole question of parenting groups within the DYFS District Office, self-help groups, Parents Anonymous to -- hopefully, we might be able to redirect that kind of effort on the part of that individual in the future. I don't have a lot of answers for that, but if we give it our best shot, through whatever mechanism, it is better than nothing.

ASSEMBLYMAN HAYTAIAN: All right. Commissioner, you also indicated on page eleven of your testimony, "the conflict that exists between the legal mandates to maintain the family unit and protect the children." There is a problem here. Is this where the Legislature can come in and possibly by legislation effectuate some changes?

MR. ALBANESE: To be very honest with you, we have taken the position right now that we would like to make an attempt to administratively deal with this situation. We are talking to the prosecutor's office, we want to talk to people on board, and we want to talk to the child protection agencies out there to look at that particular problem. As I indicated, the Child Placement Review Act appears to have an emphasis on reviewing the placements out of home. The question is, do we review the placements in-home? And, in the role of the prosecutor's office, is there an appropriate check and balance?

Before I come back to the Legislature, I want to make sure that we don't have the -- if we don't have the capability, I will be back to you. If we do have the capability, we would like to give it a shot administratively.

ASSEMBLYMAN HAYTAIAN: All right. Now, with the reorganization that you have effectuated up until this point, I assume that is going to continue as you get further and further along in this department. Do you see the problems, hopefully, lessening in DYFS rather than getting out of control?

MR. ALBANESE: That is my great hope.

ASSEMBLYMAN HAYTAIAN: All right. The reason I asked that, Commissioner, and I was sure that was going to be your answer, is that I have been concerned over the years with the changes in leadership in your department, and I have a feeling that many of the problems we see today were caused not because of the people

involved, but because of the changes, and, therefore, in the district offices and the regional offices, it seemed that there was no plan. I knew this on the county level -- that there wasn't a plan that someone could follow.

For instance, many times I had a problem in getting any answers at all, not from the District Office, but most of the time, from the regional offices. The reason for that is because they just don't talk to anybody in the regional office. I think that has to change, and I would hope that you put those changes into effect.

I also have to ask, you have indicated a deficit of \$2.7 million to a surplus now of \$5.3 million. Are we going to look in the next budget year? For instance, if we have a continuing problem without deficit, and a 3% reduction is put into effect, can your department live with that, and what can we look for in the next budget year, which is fast coming upon us?

MR. ALBANESE: First, the Governor, in this particular area, when we identified the \$5.3 million as instructed, that this money be held for the Division of Youth and Family Services. It would not be affected. He was very much concerned about that -- that the \$5.3 million be used to better the system. That is our intention there.

We are in the process, although we submitted a technical budget based on our management reviews in the entire department -- we are in the process of submitting a budget based on the Governor's Management Improvement Program where we feel we can make changes administratively that will give us an opportunity to expand services.

Our position in the department is to look towards efficiency and economy, and that, in turn, will be directed towards improved services to the people who we serve.

ASSEMBLYMAN HAYTAIAN: Commissioner, thank you very much again. For the record, Mr. Chairman, I want to indicate that I, personally, as one Assemblyman, have the greatest confidence in Commissioner Albanese as a manager and especially in his efforts of getting this department into fine shape. I think next year at this time, we won't have anymore questions about the department and its efficiency.

ASSEMBLYMAN OTLOWSKI: Commissioner, I just want to point this out. When Assemblyman Pelly was pushing for a date for your program, and he was pushing for July 1st, I would just like to indicate -- I think I am speaking for the Committee as a whole -- that we want your program to be successful. As a matter of fact, when you are ready, I would like you to call it to my attention so that we can give it the kind of legislative attention and speed that it would need. You are entitled to that cooperation. Any new administration is entitled to a clear shot to perfect the administration in their own fashion, and we want to give you that shot. But, at the same time, we want to be informed of this step-by-step procedure, so we can be helpful to you, because as has been indicated by every member of the Committee, this is something that we are all vitally concerned with.

Within the final analysis, you have to have the kind of **structure and the** kind of tools that you feel comfortable with, and we want to be able to assure you that we will do everything we can to provide that.

One other thing before -- that Assemblyman Pelly pointed out -- on that prosecutor business, I think that is vitally important. And, prosecutors are

changing officers. As a matter of fact, that is what is wonderful about our system. In any event, the truth of the matter is that you have to get close to the Attorney General to make sure that the prosecutors adopt the kind of a system that you now think is very effective -- that it is not only that one of indictment, but one of cooperation, helpfulness, and one of the prosecutor's readiness to be of help to the department. The public has to know that. The public has to feel that that kind of help is waiting out there, and that the prosecutor has the capability of providing that kind of help.

The only way you will be able to get that, of course, is through the Attorney General. The reason I am emphasizing that is the fact that I hope you will make a special effort to pursue that.

If there are no further questions -- Excuse me, Assemblyman Pelly has another question.

ASSEMBLYMAN PELLY: Commissioner, I don't want to continue to press you with respect to a timetable, but I really feel compelled to in one regard. I have before me the Executive Summary that you were kind enough to provide us with last Monday on your Management Review, and we expect to be here throughout the course of the day up until, I understand, 4:30. There are a number of findings that you have given us and recommendations as to how you expect to address these issues. If, by chance, there are areas in this Executive Summary that you and your staff feel cannot be accomplished by July of next year, could someone be kind enough to enter that into the record for us? Perhaps we could even be helpful in that regard.

MR. ALBANESE: Yes, I would like to just comment on that. I find the State is operating somewhat different than the county I came from. I came from a charter county where I had the ultimate decision-making capability. If I was going to install a computer system, I could do it quickly.

In State government, we have to go through many hoops to get things done. It is something that we are addressing statewide, and that is why it is very difficult for us, because we are somewhat new in the game, and we go through the process, sometimes frustratingly. We are in a learning process right now, and how long it will take to get information systems department-wide -- client tracking systems. It is not our sole determination on the timing. That is what is difficult about giving you definitive dates.

I would just like to take this opportunity, as usual, to thank you for your cooperation, your suggestions, and your concern.

ASSEMBLYMAN OTLOWSKI: Thank you, Commissioner. Thank you very much.

At the present time, I am going to come back to the person who Assemblyman Pelly wanted to call to fill us in with some details about the referrals or telephone calls from the people on the outside. I am going to do that in a moment because I want some continuity to this testimony.

But, before I do that, I would want to call on Dean Meyer Schreiber because he has to return to deaning at Kean College, and he asked me to extend him that courtesy, and I am going to do it.

Dean?

ASSEMBLYMAN PELLY: I think you gave him a raise too.

ASSEMBLYMAN OTLOWSKI: He is the Dean of the --

M E Y E R S C H R E I B E R: No, thank you very much for an unexpected promotion.

ASSEMBLYMAN PELLY: He is giving all of us promotions today.

ASSEMBLYMAN OTLOWSKI: What is your precise position there, professor, at Kean College?

MR. SCHREIBER: Associate Professor.

ASSEMBLYMAN OTLOWSKI: Associate Professor at Kean College in the Department of what?

MR. SCHREIBER: Sociology and social work.

ASSEMBLYMAN OTLOWSKI: Good.

MR. SCHREIBER: My name is Meyer Schreiber. I am an Associate Professor of Sociology and Social Welfare at Kean College in Union, New Jersey. However, I am appearing as a private citizen in the public interest. I appreciate the opportunity to appear, and the opportunity to be moved up so that I can return to work later.

I think one of the things that the Committee and the community has to consider in looking at DYFS is really "what is the problem?" I think we have heard from Commissioner Albanese what seems to me to be one particular dimension. I think there are a number of other dimensions, and I think here we have a set of old problems that we have not solved and we have not kept old promises to children. We have a set of new problems as a result of a peculiar time in society and times we live in.

For example, I think one of our problems, or one of the dimensions in the finding of a problem, which hasn't been mentioned up until now, is that we are really dealing with a peculiar set of circumstances. We are dealing with a number of interlocking forces and societal problems such as poverty, unemployment, and racism, all of which accelerate the deterioration of the family and child life, and for which we have a tendency to blame the workers such as social workers and administrators when instead, the responsibility has to be at society's door. DYFS, as an agency, is typical, I think, of 49 other agencies in the country in the sense that it is the end of the line, and I regret that the Commissioner did not visualize the fact in talking about the prosecutor's role, that DYFS receives children at two minutes to twelve or one minute to twelve, because we do not interfere as as State in the affairs of a family. Whether it is child abuse or any other child-life problem, usually when a harm has been inflicted, then an arm of society is pulled into being to deal with this. Unfortunately, we haven't had enough early-warning systems or early-warning signals to tell us when to pick up upon children or even adults who are in trouble. This is a persistent problem we have in the community.

We are always picking up after severe damage has been done.

Another piece of the problem is that it is very easy to view the problem in clear, cold, rational terms. But, I think there is more here because this is not a business that can be developed and looked at with organizational flowcharts and with management studies alone. The business of DYFS, as well as a lot of the other human services, is a crisis which cannot be predicted, which is non-routine. And, therefore, planning for and dealing with crisis becomes a very, very difficult task for the total community.

I happen to serve as a member of a child placement review board, and I

must tell you that when I go home after sitting in at a meeting, and seeing the kinds of assaults on family and child life, that one cannot imagine the kinds of crises: where two parents disappear and leave three kids alone in an apartment, where a parent needs immediate hospitalization for a psychotic breakdown and someone has to take care of the kids and there are no relatives around. These are fairly typical and reflective of the kinds of problems that DYFS and other agencies are called upon to take care of.

Particularly, it is that we are dealing with children of the poor. I find it very interesting to see, even on a Committee roster, who is testifying. As typical of the lack of the community interest, is that most of the people testifying are of special interest groups. They are people who are concerned about children or work in the childrens' field or work in the social service field. I don't see anybody from the League of Women Voters; I don't see anybody from the American Legion, which has a national Child Welfare Program; I don't see anybody from the National Organization of Women. In fact, we see very few ordinary citizens who are concerned about what has happened and what is happening here.

Third, I think that our definition of the problem becomes much more complicated when you look at DYFS and its creation. It was created in 1975. Since 1975, it has had a host of Directors. It has had reorganizations. It has had studies. In fact in 1978, the Legislature passed a law for child placement review, which was clearly an act of the Legislature to say, "We have no faith in DYFS, and we need a Public Review Board to overlook the work of DYFS on a local basis."

It has been given limited fiscal resources and other service resources. What enterprise in our society can exist, dealing with the vulnerable people that it does, and the precious people that it does, and do a job? Every time there is an election and a new Governor comes in, there is a whole new team, and they are going to sweep up the mess that the previous group did. Well, I think one thing that I would take great exception with the Commissioner, is that I have served as a consultant on social services, the United States Childrens' Bureau; I have taught at Fordham University Graduate School of Social Work; I am with Kean. I have seen a lot of good things that DYFS has done, and I have seen a lot of bad things that DYFS has done, too. But, for the record, if we tear down the total structure and create such public skepticism about the Agency charged with child protection, whose interests are we serving? What ends are we going toward in this particular kind of way?

Further, DYFS suffers from another problem, which is not solely of its own creation. It is damned by every organization's social service and otherwise in the community that dumps its human debris upon DYFS. Other agencies who cannot or will not deal with multi-problem families, extremely difficult problem individuals, will exclude them from their programs and send them to the Division of Youth and Family Services, because as a public agency, it cannot turn anybody away from its door. So that, in a sense, this is the kind of setting that, I think, DYFS has to work in and has to deal with. It is a complex, very problem-latent setting, I think, not merely because administratively it has problems, but more so, because I think that society has given it an assignment that no one can solve unless the society improves the quality of its life for everyone.

We know when there are more jobs, there is less child abuse. There is a relationship. We know, when things improve economically, that families can get the supports that they need and can purchase some of the services.

I would like to make a few suggestions in terms of the kinds of things that I see from my vantage point that might be done in terms of the Division of Youth and Family Services:

First, I think, as the Commissioner has mentioned, the Legislature and the Governor and he must clarify the mission of DYFS. It can't be all things to all people. You have heard a lot this morning about child abuse. DYFS does an excellent job in adoption. DYFS runs residential treatment centers. It runs other programs. Can it do everything if it has limited resources? Can it be held accountable for all the things that are moved more and more. In fact, DYFS even deals with youthful offenders in cooperation with the Department of Correction, and there is a whole debate about who should be really doing that.

Secondly, it seems to me if DYFS is to move the way it should, perhaps the Legislature ought to consider a different way of appointing the Director of DYFS. Perhaps a four-year appointment on a non-political basis, on a merit-system basis, bringing in an expert -- somebody who can deal with the administrative and other problems -- and could exercise the kind of leadership that leads to stability. The one thing this agency needs is stability in order to bring itself to the point where it could do the kinds of things that are demanded of it.

Third, the Department of Human Services, itself, is a series of fragmented divisions, and many of them deal with children. Here, the Commissioner must clean up his own house and put it in order by directing his own Division Directors to work together so that there be more coordination. The Division of Mental Retardation has a very poor track record of working with the Division of Youth and Family Services.

The Division of Mental Health is in the Department of Human Services. A number of other divisions that need to synchronize their movements for the good of all, rather than seeing their own turf as the major time thing.

Further, in terms of training, it seems to me that one important asset in the community has been sadly neglected this morning, and so many of the new developments we have heard on the State level. We have heard about the American Telegraph and Telephone Company sending its executives, and other large businesses borrowing and lending their staff to the executive branch of government. We have State colleges, such as Kean College, which I think, has a commendable track record in terms of the kinds of training things it has done.

We have a Bachelor's Program in social work, which has been in place for twelve years. We have always worked with the local offices of DYFS to help train our graduates, one fourth of whom are now working for DYFS, because we feel that part of our mission as a State college is to improve public services. We have a number of our graduates in other public sectors. But, it seems to me that the marriage of a State resource, such as a college, with a State public program, to bring together the training opportunity and the other kinds of multi-faceted resources, such as experts in family and child development, would be extremely, extremely helpful. It is my own feeling also that DYFS, which currently has an Advisory Board of lay people from all over the community, doesn't go far enough.

I would love to see the Legislature generate a Citizens' Board that would have some zap in overseeing the work of DYFS and in providing some accountability for the general community.

These are some of the suggestions I see in dealing with an extremely difficult and explosive situation. I would like to just conclude by saying that as I prepared for today, I found that there isn't a state in the union that hasn't had the same problems that New Jersey faces in terms of this hearing. Regretably, valuable children have died because of the kinds of wounding, hurts, and exposures that they have had to face. I don't think it is simply a matter of social worker at a local agency possibly being responsible for not getting a second opinion. The courts have been extremely slow to act, and for very, very good reason.

A lot of other systems have not been quick to respond, and we have always been careful about respecting the integrity of the family. I think the great miracle that we have is that more children haven't been killed, but it is my belief -- I am sitting on the Child Placement Review Board -- there are a lot of kids out there who are dying slowly because they happen to be black or they happen to be Puerto Rican or they happen to be poor, or they don't happen to have the family supports that they need. I think that is the next thing that DYFS has to get into -- some way of prevention of harmed children that will hurt their development in terms of the kinds of things that befell them.

Thank you very much.

ASSEMBLYMAN OTLOWSKI: Thank you very, very much. I have no questions with the exception that I want to express my appreciation for your willingness and eagerness to give us the benefit of your thinking. As a matter of fact, we really appreciate it.

One of the things that, of course, we regret the same as you do, is the fact that other organizations, aside from the agencies, haven't indicated the fact that they would want to testify. I think, as you indicate, the lack of community interest is a very dangerous signal for all of us.

Thank you very, very much.

ASSEMBLYMAN HAYTAIAN: I have one question.

ASSEMBLYMAN OTLOWSKI: Yes.

ASSEMBLYMAN HAYTAIAN: Possibly the Commissioner should have been asked this question. The caseworkers -- you indicated that approximately one quarter of DYFS is made up of graduates --

MR. SCHREIBER: No, no, sir. One quarter of the Kean graduates have gone to work there.

ASSEMBLYMAN HAYTAIAN: Okay, all right, fine. I have been told that the requirements for caseworkers are a bachelor's degree and one year's experience. Is there a situation there that possibly, as we are finding, there is not enough training? It seems that there is a problem in that area that maybe the Civil Service requirements should be changed in this area. What could you suggest along those lines?

MR. SCHREIBER: Many of us in the social service feel that that should be changed. Currently, as you indicated, it is a bachelor's and one year's experience. It may come as no surprise to you, with no animus to the individuals,

that you could have a bachelor's in anthropology or in Greek mythology, and the computer that does some of the work for the Civil Service Commission does some strange things, I understand, where people have even worked in non-direct service jobs who have been given credit for social service experience.

You can't run a complex outfit like DYFS by having people who don't have the background. Consequently, if you had the figures, you would find that for many years, DYFS has been faced with tremendous turnover of workers due to burnout, especially when things were good.

Very often, people such as graduates with an education degree would take a job at DYFS until a teaching job came along. There has to be a professionalization of the job. It is my contention that most of the people working for DYFS are good professionals and want to be good professionals.

I have worked as a consultant for DYFS in the past. I have done training for them. I have constantly raised with them, why doesn't the Agency define -- first of all, what is the job of a direct line worker, and what is the training? To this date, the Agency has never done that and neither has the Department. It seems to me that we are asking people who work to do a job which is ill-defined, but strangely, gets done.

I visited the suburban Essex office of DYFS last week and sat in for half a day at a Crisis Intervention Unit, and just listening to the calls, one would need a great deal of skill to deal with that. And, the workers have really been training themselves and have been working together as a support group. But, there has to be some understanding that there are requirements. Many of us feel that the minimum requirement should be a bachelor's in social work. We also feel, and we have experienced this in teaching -- in the post-World War II era, teachers left teaching to become administrators and principals because they got paid more. Today our pay scales in public education have been extended to keep a good teacher in the classroom.

So, when people get a master's in social work, they should be encouraged to work in the direct-service line. In fact, I understand one of the DYFS staff who has a master's, who is a direct-service provider, will be testifying later precisely about that.

It seems to me the heart and the nub of DYFS front-line troops is its direct-service workers, and the Commissioner, I think, has indicated his tremendous support. But, there has to be (A) some qualifications, (B) some continuous training by those who have had the interest -- those who have demonstrated in the past their concern and their expertise and are willing to continue to do so.

Thank you.

ASSEMBLYMAN HAYTAIAN: Thank you, Mr. Schreiber.

ASSEMBLYMAN OTLOWSKI: Thank you very much, professor.

Can we call Carol Taylor, please, from the Division of Youth and Family Services?

AUDIENCE: Richard O'Grady and Carol Taylor.

ASSEMBLYMAN OTLOWSKI: Yes, all right because Assemblyman Pelly wants to ask some questions, and I want to get that into the record so that there is a continuity of that testimony.

Before we do anything, Miss Taylor, I want the Assemblyman to continue

with the question that he asked the Commissioner.

Assemblyman, can you go on with the question that you posed to the Commissioner of Miss Carol Taylor of the Division of Youth and Family Services?

ASSEMBLYMAN PELLY: Sure. I pose the question to both Mr. O'Grady and Miss Taylor. You were here during that portion of the testimony in which I had asked the question, as a practical matter, if a citizen, regardless of who he or she may be, wishes to report a case of child abuse or child neglect, how does he or she go about doing that? And, would you give me the step-by-step process and what would be the response of the person receiving the complaint?

The third part of my question is, how does Mr. or Miss Public know to call that particular number?

R I C H A R D O' G R A D Y: Chairman Otlowski and Assemblyman Haytaian and Assemblyman Pelly, I will, in the course of my review of the current system, answer each of those questions.

I have provided to you a --

ASSEMBLYMAN OTLOWSKI: Excuse me. Can we get the direct answer to that question now so that we have it in the record before you go into that, because, frankly, I just want to be fair. I don't know how long I am going to permit you to go into that whole, big navigation chart to the new world, but in any event, why don't you just answer the question first, and then we'll go from there?

MR. O'GRADY: Fine. In terms of someone wanting to report to -- I'm sorry. In someone wanting to report to the Division, they would call during working hours, 9 to 5, on workdays to our local district offices. There is a number listed in the telephone directory.

After hours, referrals that an individual would like to make, would go to our Office of Child Abuse Control, and we have a special hotline number. That number is 298-8799, and we are staffed at that particular facility to respond to those phone calls in terms of reviewing the situation with the referral -- whoever is making the referral -- and, if necessary, making a dispatch of workers to the scene of the abuse, if, in fact, the abuse is going on. In fact, we have a system where there are local workers of **ours** on call in each of the particular counties.

ASSEMBLYMAN PELLY: Must the person identify himself or herself in order to get a response?

MR. O'GRADY: No, a person need not identify **himself** to get a response. We will respond to an anonymous telephone call. One of the reasons we like for the respondent to identify **himself** is that, in terms of our trying to build our case information, that it is very helpful to us if people can identify themselves.

ASSEMBLYMAN PELLY: So, you are suggesting that while it is certainly helpful to you, it is not a part of the person's identifying himself or herself -- it is not a prerequisite to your responding to a case.

MR. O'GRADY: That is correct.

ASSEMBLYMAN PELLY: As a practical matter, and during the 9 to 5 periods, the person wanting to register a complaint has to know that. If I am finding someone being abused, a child being neglected or abused, I must know that DYFS is the agency to which I am to report it, and I am to also know that I can only report it between the hours of 9 and 5 at that time, and then I have to also know that if it

is after 5 o'clock or before 9 o'clock, which a lot of the cases, I would suspect, do occur, I would have to know to call the Child Abuse Control Center, which is probably in my telephone book. Is that so?

MR. O'GRADY: That is correct.

ASSEMBLYMAN PELLY: A local telephone, irrespective of where I live.

MR. O'GRADY: That is correct.

ASSEMBLYMAN PELLY: Has the office considered, number one, an 800 number -- I expect these are --

MR. O'GRADY: That is an 800 number, Assemblyman.

ASSEMBLYMAN PELLY: Oh, it is an 800 number -- 800-298-8799.

MR. O'GRADY: That is toll-free.

ASSEMBLYMAN PELLY: I see. What if I were to call that number between nine and five? Would someone be there?

MR. O'GRADY: There would be somebody there manning it who would take the call and refer the call immediately to the district office.

ASSEMBLYMAN PELLY: Is this being advertised?

MR. O'GRADY: Yes, it is. The period of greatest advertisement and greatest public education in terms of child abuse occurred in 1976 and 1977, following the passage of the Dodd Law, which required additional reporting on the part of people who were in contact with somebody who was being abused. That was our peak year in terms of community education, but we have conducted smaller efforts in the succeeding years.

ASSEMBLYMAN PELLY: Obviously, my first recommendation would be to see that it is advertised. I see that we have the public media here today, and certainly if they are willing to listen to us for eight or nine hours, they would be willing to wage a campaign to do this on a routine basis -- flash it before their screens during the news, put it in their newspapers on a regular basis -- and I would call upon the media here today to do just that, as a first step in trying to help us with child abuse, child neglect cases.

Now having made that challenge, I have an additional question or two. Has this number been made available to all police departments? I know, as a private citizen, I would probably want to call the police immediately and --

MR. O'GRADY: Yes, it has.

ASSEMBLYMAN PELLY: (continuing) The public can be assured that every police department in the State of New Jersey knows that if a child is being abused, we have what is known as a child-abuse hotline, and they can call that number, and they will give me this.

MR. O'GRADY: I would be very surprised of any police department that did not know of that number's existence. We work very closely with many of the police departments around child-abuse situations.

ASSEMBLYMAN PELLY: And, you have communicated that with each and every police department in writing, I assume.

C A R O L T A Y L O R: At the time of the passage of the Dodd Law, we did do that, and we followed it up with some joint training with police departments around reporting and mutual cooperation.

We also have agreements with the Department of Education and Department of Health around their advising hospitals, and schools, and teachers and nurses

of how they can report to DYFS.

ASSEMBLYMAN PELLY: Yes, I understand that the teachers do know and the nurses do know, and they are fairly well aware of the process. I am concerned, however, with the person next door -- to the child, or the adult, by the way -- I am concerned with the ability of a young child, unable to call a number or know what number to call. I suspect that there are a lot of young children who would be in a position to be able to communicate with another young child, and in the course of their discussions, talk ~~about~~ it. I am concerned that these children -- I am, in a very generic sense, concerned that the public is not aware of this number or aware of the process, and I would call upon you to make certain that they are, in fact, aware.

If it takes communicating with every police department in the State of New Jersey, and if it takes a program of pleading with the media to do this, then I would ask you to do whatever is necessary to make it simple and easy to report the cases, because, let's face it -- this is not going to go away. It is not even going to be diminished. If anything, child abuse and child deaths, I would expect, would be continuing if given what is before us today, and what we can anticipate in the form of declining economic conditions, as has been pointed out earlier today.

MR. O'GRADY: Your point is well taken, and we will be having an increased community education campaign to follow up on that.

ASSEMBLYMAN PELLY: I would expect to be seeing it during cartoons and on Channels 13, 52, and 58 and in my local newspaper.

ASSEMBLYMAN HAYTAIAN: Could I just ask one question along that line?

ASSEMBLYMAN OTLOWSKI: Yes, Assemblyman.

ASSEMBLYMAN HAYTAIAN: I know on my local radio station, we have heard many times -- ads from DYFS, in fact, using supervisors in the field in Warren County -- in fact, Alice Carducci with your agency, is one of the people who is on that advertisement. Is that paid for, or that a public service by the station?

MR. O'GRADY: Public service by the station, usually --

ASSEMBLYMAN HAYTAIAN: Maybe what we ought to do is, following up with what Frank is saying -- or my colleague -- that we ought to have more public service announcements from these radio and T.V. stations, because I have heard on that station alone, WRNJ, in the Hackettstown area, at least twice a day during a four or five-week period. That is a lot of air time for a one-minute ad. So, possibly we could get that kind of help throughout the State.

MR. O'GRADY: All right.

ASSEMBLYMAN OTLOWSKI: Thank you very much. Before you start, let me ask you this question: Did you give us a copy of your testimony? Does David Price have a copy? Do I have a copy?

MR. O'GRADY: If you would permit me, Chairman, I will try to shorten this for you.

ASSEMBLYMAN OTLOWSKI: Oh, there are charts.

MR. O'GRADY: We will not labor on this. Okay? I will explain what I intend to do, so that we will try to shorten the time.

ASSEMBLYMAN OTLOWSKI: The point that I want to make is, there are many people who want to be heard, and I have to have some semblance of balance here.

You know, I don't want to be taken away on some big charts up here.

MR. O'GRADY: Okay. We will forego, if you want, the chart, and you have been given a printed copy of the chart so that you can look at it at your leisure. If you are like me, you need a lot of glasses to look at some of this stuff.

The second piece --

ASSEMBLYMAN OTLOWSKI: Thank you very much. All right. We have that.

MR. O'GRADY: The second was a written narrative to describe the chart, so that you can have that and you don't really have to look at the chart. The third paper deals with the child abuse and neglect procedures, and --

ASSEMBLYMAN OTLOWSKI: That we would want to hear.

MR. O'GRADY: (continuing) that is the one that I would like to review with you.

ASSEMBLYMAN OTLOWSKI: That we would want to hear. Can you develop that?

MR. O'GRADY: Yes. In terms of the child abuse/neglect referrals, we have already discussed that if a call was received during office hours, the referrals go to the local district office, and after-hour referrals go to the Office of Child Abuse Control.

The law mandates DYFS to investigate all allegations of child abuse or neglect within 72 hours of the referral. In some instances of serious abuse, where there is, in fact, immediate danger to the child, we are required to act immediately or within 24 hours.

The listing below (referring to child abuse/neglect procedures) talks about where we must investigate immediately, and they are the situations where a child is currently being physically or sexually abused, a child who has been physically injured by abuse or neglect, where a child may need medical treatment due to abuse or neglect, a child is without adult supervision and not competent to provide for his own care, a child or family is in a severe crisis that cannot be handled over the phone, and there is doubt about the severity of a referred situation.

Now, once the call comes in, the initial investigation -- what we require our staff to do -- the worker, if it is after hours -- the worker from the Special Response Unit, connected with the District Office makes the initial investigation, and these workers are on call at all times. We have the authority to request police assistance when there is personal protection for the worker, if needed, the nature of the referral dictates it. For example, if there is a death of a child, or that the past experience indicates that a particular parent responds only to the authority of the law. I should add that the police have been very cooperative with DYFS. They are also under their own workloads however, and sometimes some of the problems, if there isn't a response from the police, going to an apartment or project in Newark, might result having to wait until they can free up somebody.

If the parent cooperates, the initial investigation consists of a physical inspection of the child and interviews with the parents, siblings and child, if appropriate.

Our objectives at that particular point are really to make sure that the child is safe, that if the child needs immediate medical attention, that we

secure it, and that if the child is, in fact, in imminent danger, that we ask the parents to consent to a placement. If the parents refuse to either cooperate with the investigation or consent to a placement, we have to make that determination whether the child can remain safely in the home long enough for a court order to be obtained. If the child can remain in the home, we will go back to the office and do the necessary legal work, etc. to file the papers through the Deputy Attorney General's Office with the court.

If not, however, the DYFS, as well as the police or the probation office, can remove the child without a court order. And, what we will do is remove the child and then secure a court order on the next day in terms of going to the court.

ASSEMBLYMAN HAYTAIAN: Can I just ask a question, if I may?

MR. O'GRADY: Yes.

ASSEMBLYMAN HAYTAIAN: I don't like to interrupt, but one thing that bothered me with the Commissioner's testimony -- he indicated that he gets some of this information from the paper, newspaper I assume, and it seems that most of this work is done in the District Office. I don't know if it goes to the regional office, and I guess the question that the Chairman asked is, when does it get to the Commissioner's office?

MR. O'GRADY: Okay. To answer that, I think the Commissioner was addressing the issue of the death of a child. Sometimes the death of a child comes to the attention of the police first, before it even comes to our attention, or, in fact, may come to the attention of the local prosecutor. And, in fact, the news, the public news media, may get it before DYFS, in fact, finds out about it. So, sometimes there is a problem in that information getting to DYFS quicker, up-the-line, than it is getting to the news media.

ASSEMBLYMAN HAYTAIAN: Okay, because what bothers me here is, if you say that the DYFS worker has the ability to take the child out of the home, I don't know whether you have females, males out there -- I assume you have both. As a DYFS worker, it would be pretty difficult for a DYFS worker to take that child after being abused by a parent who is ready to abuse anyone possibly -- and take that child out of the home. Don't they get in touch with the police?

MR. O'GRADY: Yes, they would.

ASSEMBLYMAN HAYTAIAN: As soon as possible?

MR. O'GRADY: They would secure -- as indicated, I think, previously, they would call the police if, in fact, they needed to remove the child and they couldn't by themselves.

ASSEMBLYMAN HAYTAIAN: Oh, okay. All right. I'm sorry.

MR. O'GRADY: That is fine. After the initial investigation, DYFS, of course, must do a much more thorough job of looking at the total family situation, and some of the components of that are observing the child's physical and emotional state, observing the child's physical surroundings, securing medical treatment for the child, trying to research collateral resources, whether this be hospitals, schools, neighbors, relatives and any other leads for information. What we try to do is to collect this information and record our findings, giving specific dates and separating fact from subjective evaluations. In the course of that, at the conclusion, we must come to some outcome, either that abuse or neglect is ~~not~~ substantiated, and the case is closed; that abuse or neglect is not substantiated,

but there may be some problem in the home. We may have a situation where the relationship between the spouses is such that they might need counseling, or, in fact, that there may be some education problems or health needs for the children, which would require day-care health services, so that we can provide services, even though there is no abuse or neglect.

We can find that abuse or neglect is substantiated, but the child is not in current danger, and we will continue to work with the family and provide supportive services. And, the last finding -- that abuse or neglect is substantiated, and the child is in imminent danger, and the child is removed from the home either through parental consent or a court order. I may add that most of the removals in DYFS -- many of the removals are voluntary. Just the fact that the State is involved in the situation, and if we point out the problems to the parents, many of the parents allow DYFS to remove the children for the child's protection.

ASSEMBLYMAN HAYTAIAN: Who makes the determination of number three of the possible outcome -- the caseworker?

MR. O'GRADY: That is correct, the caseworker, as well as the supervisor, in the situation. But, that is basically a caseworker judgment. There may be some collateral resources that we might use to substantiate our own opinion. For example, we might work with a particular psychologist in terms of psychological evaluations, or we might have some psychiatric information available to us, but the judgment -- the bottom line is that the worker makes that --

ASSEMBLYMAN HAYTAIAN: Would some of those deaths that occurred be attributed to the fact that there was some faulty judgment possibly?

MR. O'GRADY: It is a judgment call, and I can tell you from looking at case situations and in terms of hindsight, there has never been one situation that I didn't have some feeling that something else couldn't have been done. It is a judgment call, which, in some ways, is based on the evidence before the worker, and in some ways, it is based on gut feelings and other feelings that are much more subjective in nature.

ASSEMBLYMAN OTLOWSKI: Excuse me, just that to follow that question that the Assemblyman just asked. I think you have touched a very sensitive area here. What you are saying is, that it is always a judgmental decision, and a judgmental decision is always an important human factor. That human factor, of course, depends upon the individual. In most cases, it may be totally unrelated to training, totally unrelated to academic background. Judgment is a peculiar thing. So that, what we are talking about here is a very, very difficult area when we are talking about judgmental decisions.

MR. O'GRADY: Very. In terms of the involvement with the county prosecutor, we have a responsibility first to report to the county prosecutor in any case where there is any suspected criminal conduct. In addition, all of the cases must be reported immediately that involve the death of a child, subjecting or exposing a child to unusual or inappropriate sexual activity, any type of injury or condition requiring hospitalization or more than superficial medical attention, repeated instances of physical violence committed against a child, or substantially depriving a child of necessary care over a period of time, or abandonment of a child.

It should be noted at the conclusion that at any stage in this process, if the parents refuse to cooperate, the Deputy Attorney General's Office needs to be consulted to determine if there are sufficient grounds to obtain a court order to either force the parents to cooperate with the investigation, or remove the child from the home. The gathering of the evidence is the responsibility of the caseworker.

ASSEMBLYMAN OTLOWSKI: In the nine cases that took place during the course of this year, when Assemblyman Haytaian asked you a question in that connection, you pointed out that you were somewhat familiar with each of those cases, and you also pointed out that, again, you know, with the wonder of hindsight, that there may or could have been a different approach. In all of those nine cases that you looked -- I am assuming that you looked at all of the nine cases, and that you are familiar with all of the nine cases -- aside from what you just said now, was there anything about any one of those nine cases that was upsetting to you, or as a matter of fact, indicated to you that there was a real dangerous omission, of a negligent omission, or an indifferent omission, or an omission that resulted from -- I am not going to say bad judgment, because that is always a very difficult thing to measure. But, on that other parts that I just asked -- negligence, indifference, a bad decision, a decision that was made out-of-hand -- was there anything like that connected with any of these nine cases, in your opinion?

MR. O'GRADY: Well, while Carol may want to comment further, I feel that in at least one or two, yes -- that there was --

ASSEMBLYMAN OTLOWSKI: In those one or two cases where you had this feeling, was this -- what action was taken against the person who was guilty of this kind of conduct? Was there any action taken by the Division against that person?

MR. O'GRADY: Disciplinary charges were brought, and, in fact, the case was referred to Criminal Justice.

ASSEMBLYMAN OTLOWSKI: The case was referred to Criminal Justice.

MR. O'GRADY: Yes.

ASSEMBLYMAN OTLOWSKI: So, you acted immediately on that when that was brought to your attention. And, as a matter of fact, is that the practice of your Division when something like that occurs in the category that I just mentioned? Not bad judgment, because again, not a judgmental thing, but again, indifference, negligence, a bad decision -- is that the practice of your department to make an immediate reference of a situation like that for disciplinary action, or if it is necessary to refer it to the Attorney General?

MR. O'GRADY: Very definitely. In fact, if we were negligent to do that, we would be negligent in our overall responsibilities as administrators. There is no room in working with families and children, with a worker, somebody else involved with the families and the clients, who would not do what they are expected to do in terms of not judgement, but in terms of dealing with the family and handling the situation appropriately.

ASSEMBLYMAN OTLOWSKI: So, what you are saying, for the record now, that is all of those cases that I've put in a particular category -- that in these nine instances, that those particular cases that fit into the category I mentioned

have been referred to the proper agency for disciplinary action, and, as a matter of fact, for possible criminal prosecution.

MR. O'GRADY: Correct, Mr. Chairman.

ASSEMBLYMAN OTLOWSKI: Assemblyman Pelly?

ASSEMBLYMAN PELLY: I have no further questions.

ASSEMBLYMAN OTLOWSKI: Assemblyman Haytaian?

ASSEMBLYMAN HAYTAIAN: No, I haven't.

ASSEMBLYMAN OTLOWSKI: The chart -- I am going to refer the chart to our staff, and I am going to ask our staff to brief us on those charts so that we don't take the time here with the charts.

MR. O'GRADY: Fine. Just one final comment: If anybody else would like copies of it, I have some additional copies, and if they see me, I'll make sure they get one.

ASSEMBLYMAN OTLOWSKI: Let me ask you one more question before you leave us. You know, you are to be commended for the fact that you have referred this -- of the cases that you think needed referral to the Attorney General or for other disciplinary action. What are you doing that will be different now that could help to prevent the kind of conduct we are talking about?

MR. O'GRADY: In the one case, and without getting into particulars, there is sometimes no substitute for the basic human qualities that are needed of anybody dealing with the public, and that is honesty, and a position of being straight forward. I --

ASSEMBLYMAN OTLOWSKI: Excuse me, I just want to make the record clear, because sometimes we look for easy answers. What you just said now is so important, because that doesn't come with training, that doesn't come with academic skills; that is a human quality and a human shortcoming that is very difficult to detect, and the only time it surfaces is when it happens. However, you are alerted to that. That is what you are saying.

MR. O'GRADY: Yes.

ASSEMBLYMAN OTLOWSKI: And, hopefully, you can devise something to deal with that. Of course, I don't expect any magic, and I don't expect anything to deal with something as elusive as that.

MR. O'GRADY: I think some of the efforts that we will take in the quality assurance programs in terms of trying to do more reviews of records that might turn up something like that in advance might be helpful.

ASSEMBLYMAN OTLOWSKI: Thank you very much. Thank you.

We are going to take one more witness -- Alexandra Larson. Is Alexandra Larson here?

AUDIENCE: Yes, I am.

ASSEMBLYMAN OTLOWSKI: Alexandra, will you tell us who you are?

R. A L E X A N D R A L A R S O N: Good morning. I am Alexandra Larson, Director of the New Jersey Commission on Children's Services. It is a twenty-one member Legislative Oversight Commission, which was created 2½ years ago.

I would like to --

ASSEMBLYMAN OTLOWSKI: How often do they meet?

MS. LARSON: They meet once a month. They are actually terminating in one month.

ASSEMBLYMAN OTLOWSKI: And where do they meet?

MS. LARSON: Here in Trenton.

ASSEMBLYMAN OTLOWSKI: And you say they are terminating?

MS. LARSON: Yes, they are. Their actual term is over.

ASSEMBLYMAN OTLOWSKI: What do you mean, their term is over? Were they just created for a specific period?

MS. LARSON: Yes.

ASSEMBLYMAN OTLOWSKI: Were they created for a two-year period, one-year period?

MS. LARSON: A two and one-half-year period, and that time period is now terminating. The group has completed its project.

ASSEMBLYMAN OTLOWSKI: It was a legislative creature created for two and one-half years, and the two and one-half ~~years are expi~~ring?

MS. LARSON: That is correct.

ASSEMBLYMAN OTLOWSKI: Let me ask you this: What was the purpose of this creature of the Legislature?

MS. LARSON: The primary purpose was to take a close look at childrens' programs as they exist now in New Jersey. One of the problems that actually triggered the creation was the fact that there were widespread problems in terms of overall coordination of services. There were --

ASSEMBLYMAN OTLOWSKI: Excuse me. When your Commission meets, and you look at these problems, what do you do?

MS. LARSON: There were a series of things that happened. One was a group of public hearings where approximately 100 members -- community members came and testified about issues --

ASSEMBLYMAN OTLOWSKI: Your Commission called public hearings --

MS. LARSON: Yes, they did.

ASSEMBLYMAN OTLOWSKI: When you pinpointed a problem, you called public hearings.

MS. LARSON: It was more of a general approach to gather information.

ASSEMBLYMAN OTLOWSKI: For example, what were some of the problems that you pinpointed, that you called a public hearing on?

MS. LARSON: Well, the public hearings were called on a more general level to gather information on problems. There were a number of --

ASSEMBLYMAN OTLOWSKI: Give us an example of a problem.

MS. LARSON: The primary problem is coordination of services within New Jersey. There are --

ASSEMBLYMAN OTLOWSKI: Coordination of services. And, you called public hearings on the coordination of services.

MS. LARSON: Yes, sir.

ASSEMBLYMAN OTLOWSKI: And when you called the public hearings on the coordination of services, to whom was that record made available after it was completed?

MS. LARSON: It was made available to anybody who requested -- we believe that you got copies. You were one of the people who actually requested them.

ASSEMBLYMAN OTLOWSKI: It was sent to this Committee?

MS. LARSON: To you personally. That was last year. There was a report, as well, issued in October of this year, linking policy with need.

ASSEMBLYMAN OTLOWSKI: Oh, yes. No, I just got that.

MS. LARSON: Yes. This actually summarizes the input from all the public hearings held, as well as hearings with nine agencies in New Jersey. We also completed a survey of all State agencies to look at the dollars in programs.

ASSEMBLYMAN OTLOWSKI: In your opinion, is the work of that Commission finished, concluded, and are you satisfied that there is no longer any need for your Commission?

MS. LARSON: I believe that the work is concluded in terms of this report. I believe, in terms of implementing what is recommended in this report, by no means is the job done in terms of improving childrens' programs in New Jersey. We have many, many problems before us.

Quite frankly, DYFS is only one of them.

ASSEMBLYMAN OTLOWSKI: What, honey?

MS. LARSON: DYFS is only one problem amongst many. We tend to look at DYFS in isolation from the overall system. It is only one part of that system. There are a multitude of other State agencies, and there are thousands of local agencies, and there are many, many problems in how those agencies work with each other, how the resources are actually utilized, and how people get served.

Right now, we do not know who is actually getting served at what cost, and whether the money is going to the populations most in need. There is a very, very poor system of accounting for how we use our money here, in terms of childrens' programs.

ASSEMBLYMAN OTLOWSKI: A very poor system of accounting of how the money is used by the entire Agency.

MS. LARSON: By the entire State when we talk about childrens' programs.

ASSEMBLYMAN OTLOWSKI: Everybody knows that, that the money is badly handled. It always has been from the beginning of time. But, I am talking about this Agency. Are you saying that the Agency handles the money badly too?

MS. LARSON: Which Agency, in particular, right now are you referring to?

ASSEMBLYMAN OTLOWSKI: DYFS.

MS. LARSON: I have questions about how the money has been utilized, and I am not talking about in terms of gross mismanagement. I am talking about allocation of resources.

ASSEMBLYMAN OTLOWSKI: I am not talking about gross mismanagement, because if there was gross mismanagement, it would be a matter for the Attorney General. We are talking about what your Commission has seen about the expenditure of money. You say that there are questions in your mind about the expenditure of that money.

MS. LARSON: The major question is whether we are logically allocating the money to the populations most in need. To give you an example, why is it that we have not plowed more of the resources we have into the urban areas, where, quite obviously, that is where the most critical need exists? What that goes to are some very serious questions about looking at the needs of populations and setting priorities. That has not been done.

ASSEMBLYMAN OTLOWSKI: So, you were dissatisfied with -- your Commission

was dissatisfied with that, and your Commission deals with that in that report?

MS. LARSON: Yes, it does.

ASSEMBLYMAN OTLOWSKI: Let me ask you this: Is your opinion that the Commission should be continued, or do you think that the work is finished?

MS. LARSON: As it is currently constituted, I don't think it should continue the mandate --

ASSEMBLYMAN OTLOWSKI: It is finished, in your opinion.

MS. LARSON: Yes.

ASSEMBLYMAN OTLOWSKI: All right. I am going to ask David Price, our staff member here, that, before you leave, -- do you have an extra copy of that report?

MS. LARSON: Yes, I do.

ASSEMBLYMAN OTLOWSKI: Would you give him an extra copy of that report so that he can review it and talk to me, so that the Committee can then get the benefit of a briefing from him on that report, just so that we can have an official look at your report?

MS. LARSON: Yes, I would be happy to.

ASSEMBLYMAN OTLOWSKI: Would you do that now? I am asking David Price to make sure that that is done. Okay? Is there anything else that you want to add?

MS. LARSON: Yes, there is. I wanted to focus -- I had contacted your office with questions about individual cases, and I think you have had those and you have utilized them and covered them.

ASSEMBLYMAN OTLOWSKI: I have that in my file?

MS. LARSON: Yes, you do. It was a series of questions about how the individual cases were handled in terms of initial complaint review.

ASSEMBLYMAN OTLOWSKI: (talking to Mr. Price) David, did I give you that? Excuse me. Did I give you those cases that she is talking about?

Can you give us a little further identification on those cases?

MS. LARSON: Yes, I can. It is a series of questions, which came to you in a letter --

ASSEMBLYMAN OTLOWSKI: For example, for example.

MS. LARSON: How was the initial complaint actually handled? Did it include a medical evaluation? What was the caseworker's level of training and experience? I believe you have covered all of those areas before.

ASSEMBLYMAN OTLOWSKI: I think we covered that with some of the testimony.

MS. LARSON: Yes, you did. The broader issue that I wanted to address in terms of DYFS is the entire question of looking at it in isolation, and what happens when we do that. I think I mentioned before that we found that DYFS was only one part of an overall system, and that system, as a whole, does not work. We have an anticipation that DYFS will work in partnership with other agencies, but nothing has been done on a broad level to promote that kind of partnership here in New Jersey.

On a very broad level -- a statewide level -- to give you an example, DYFS has to count on schools --

ASSEMBLYMAN OTLOWSKI: Excuse me, does your report suggest how that can be done?

MS. LARSON: Yes, it does. It talks, in part, about using new types of mechanisms to integrate services at the local level, where you would bring a package of services together and those workers together, so, rather than arguing over cases and competing over clients, they would work together to meet the needs of clients. That is not happening now.

ASSEMBLYMAN OTLOWSKI: How would there be competition?

MS. LARSON: Right now, amongst many agencies, there is competition over clients where the programs are actually similiar -- number one. Number two, there is real competition over dollars. We all realize it right now that we are in a very, very tight time when it comes to money. Number three, there is, what I would call, creaming that can go on, and that is that everybody really wants to serve the easy client -- the client who does not have multiple problems, the client who does not require a lot of time. And, there is competition over those kinds of clients, where the much more difficult clients wind up going unserved.

ASSEMBLYMAN OTLOWSKI: Nobody wants the real difficult problems.

MS. LARSON: Exactly. In the absence of any real statewide listing of goals and objectives as to how we allocate the resources, those clients are the ones who are often shunted aside, and then we turn to DYFS, and we, at times, expect them to work miracles with those individuals without the support of other community agencies.

ASSEMBLYMAN OTLOWSKI: Just for the purpose of the record, so that it becomes a part of the official record, what is the name of that report? Let's identify it for the record by giving your name and the Commission that you represent and the official name of that report?

MS. LARSON: Alexandra Larson, New Jersey Commission on Children's Services, and the name of the report is "Linking Policy with Need, A Call to Action to the Governor and to the Legislature."

ASSEMBLYMAN OTLOWSKI: And in what office are those reports available?

MS. LARSON: In our office, which is right down the street, 105 West State Street.

ASSEMBLYMAN OTLOWSKI: But, you are going to be out of business shortly, aren't you?

MS. LARSON: Yes, we are.

ASSEMBLYMAN OTLOWSKI: Okay. What else did you want to add?

MS. LARSON: I wanted to urge you, as a Committee, to look well beyond DYFS in assessing childrens' services issues. I see DYFS as just a beginning point, and what we have done in the past in public forums, is continually going back to assess in isolation.

ASSEMBLYMAN OTLOWSKI: Look beyond where? Where would you go? Beyond where?

MS. LARSON: I would go number one, to the overall Department of Human Services and look at how the other units relate with DYFS and with each other. The Mental Health Unit handles childrens' issues. There is a Mental Retardation Unit, which, as well, handles childrens' issues.

ASSEMBLYMAN OTLOWSKI: The correction.

MS. LARSON: That is a whole other department, and right now, what we see happening is, to be frank with you, a lot of disagreements between Corrections

and Human Services over where youngsters ought to go. There are children who ultimately wind up incarcerated because there are no other appropriate services made available to them. I am making that point, because I am saying there are children who are not dangerous, who are placed in Corrections because other components of the system do not want to serve them. As long as you have a system that doesn't have one point of real coordination, you are allowing your individual agencies to pass kids around like so many chips.

ASSEMBLYMAN OTLOWSKI: In passing kids around with the competition -- what you called the "skimming of the cream," how do you overcome a thing like that, because it is human nature for everybody to do that very thing? How do you overcome a thing like that?

MS. LARSON: One primary way of attempting to do that -- no system is ever perfect, and we realize that -- one primary way is to come up with an overall plan in priorities -- number one. What are the services which are priority services? Number two, to have a coordination mechanism of some type at the State level, as well as the local level. Make one person responsible to work with those different units and to see that a child gets served.

Right now, when a child comes into a local DYFS office, he or she goes through an intake process. At the same time, at the local Mental Health Clinic, he or she goes through an intake process. At the same time, at the welfare office, he or she goes through an intake process.

ASSEMBLYMAN OTLOWSKI: Do you mean that over and over, with all the different agencies, they go through this rigamarole?

MS. LARSON: Over and over, yes. A multitude of evaluations take place quite often at, I might add, great cost and great confusion often to the child and family. One agency evaluates the child --

ASSEMBLYMAN OTLOWSKI: The child becomes an adult, going from one agency to another.

AUDIENCE: (laughter)

MS. LARSON: That is a very astute observation. It is particularly prone to happen with those youngsters who are difficult to serve, who come from multi-problem families. There is an old adage that we used to pass around, and that was that under ten, the child was abused and neglected; over ten, the child was incorrigible or a delinquent. I have seen that happen. I worked for six years as a caseworker in the system, in DYFS, and I saw kids passed around from one place to the other, actually growing older in the system until they reached the point where they were no longer severely physically abused. They were then --

ASSEMBLYMAN OTLOWSKI: Let me ask you a personal question, because I want to bring this into perspective in my own mind. What do you do now? You don't have to answer the question if you don't want to.

MS. LARSON: Right now, I am in my current job here.

ASSEMBLYMAN OTLOWSKI: Where?

MS. LARSON: With this Agency, the Commission on Children's Services. I am Director of it.

ASSEMBLYMAN OTLOWSKI: When this Commission goes out, you are out of business. Is that correct?

MS. LARSON: That is correct.

ASSEMBLYMAN OTLOWSKI: All right. I just wanted it to be brought in -- I am impressed by your attitude and your approach to this, and as a matter of fact, I'm impressed by many of the things that you are talking about. I just wanted to know where you were coming from. Okay?

MS. LARSON: All right, thank you.

ASSEMBLYMAN OTLOWSKI: Let me ask you this: When that report of yours -- and we are going to go into that report. As a matter of fact, I am asking David to take a good look at that so that he can brief us. As a matter of fact, I wish that you would give him more than one copy, because I am going to ask some other people to take a look at that report also. There may be some of the things in that report that we may be looking for, and I am going to ask also that the Committee members take a look at your report.

You have no other recommendation beyond what you just said now? Do you have any feeling about the fact that, and again, you don't have to answer this question, because it is a personal question. Do you have any feeling about the fact that this Agency and you are going to be discontinued? Do you want to answer that question?

MS. LARSON: I would be happy to answer that. I have a very strong feeling about the fact that in New Jersey currently, we will have no kind of oversight mechanism on childrens' services -- number one. Number two, I also feel very strongly about the fact that there is no statewide listing of priorities, goals and objectives for children. I would like to see something done with what is recommended in here. I can't recommend to you right now how that ought to happen.

ASSEMBLYMAN OTLOWSKI: Instead of that one copy that I asked you to give David, give him 12, all right? Please? Is there anything else that you want to add?

MS. LARSON: I would be happy to. Yes, there was one additional point, and that is that I wanted it to be clear from my testimony today that I am not here to, in any way, cast any blame on DYFS line staffers.

ASSEMBLYMAN OTLOWSKI: I don't think that anybody got that impression. As a matter of fact, if I can express a concensus feeling here, I think we are all impressed by your testimony, and I think it is sincere, honest and intelligent. I wouldn't make any apologies for your position here if I were you. I would quit while I was ahead.

AUDIENCE: (laughter)

MS. LARSON: I would like to add one thing to that though, and that is that I think the DYFS line staffers are, as a whole, an incredibly committed and dedicated group, and I would hope that, as part of today's hearing, that may be recognized.

ASSEMBLYMAN OTLOWSKI: Thank you very, very much. We really appreciate your -- wait, just a moment. Assemblyman Pelly has a question.

ASSEMBLYMAN PELLY: I just have one question, Ms. Larson. You spoke of one recommendation -- that dealing with oversight of child placement and the entire child placement system. In earlier testimony, Professor Meyer Schreiber spoke of a DYFS Citizens' Advisory Board to oversee the various DYFS activities, and I would perceive it, although he didn't say it, that this Board be established in

each of the 36 districts. Do you see that as providing adequate citizen oversight?

MS. LARSON: I think it is very, very valuable; however, right now, it is limited to reviewing the cases of children placed out of home. That Review Board does not look at the cases of children in-home or who are getting service at home.

ASSEMBLYMAN PELLY: The Review Board that Dr. Schreiber suggests is not yet in existence. It is not the one -- the one he is speaking of is not yet in existence, but he is suggesting that there be individual boards -- citizens boards created -- as I understood from his testimony this morning.

MS. LARSON: Yes, that is what he did say.

ASSEMBLYMAN PELLY: Okay. That was my only point. And, you are suggesting that that may be an appropriate oversight or vehicle for oversight.

MS. LARSON: It might be a very valuable mechanism to get the community involved in the workings of DYFS and to obtain public understanding of some of the needs and problems of the families. At the same time, it might be useful as a mechanism to hold the Agency accountable.

ASSEMBLYMAN HAYTAIAN: Mr. Chairman, one of the problems that I have, and I have to apologize for leaving when I did -- I received a phone call. Chris Jackman wanted me for a minute on another problem.

You had indicated that, when I did come in, I heard that part of the testimony that different agencies have a responsibility over the child as that child is growing up. What suggestion did you make to alleviate that situation? You know, we have a problem, and I know that kind of problem because I have seen it. What would you suggest be done to solve the problem?

MS. LARSON: One of the things that I think needs to happen is to make a strong movement towards what is called "integration of services," where you pull the different service agencies into one unit at the local level, and you make one administrator responsible for seeing that the family gets service. You do away with the multi-intake processes, and rather than having a child and the family moving from one office to another, and even in some instances, one town to another, to get services, you house it as close to the neighborhood as possible. There is a new concept right now called "Community Schools" where you take a neighborhood school, and you house a group of service people in that school. Even if they are not paid out of the same pocket, just through housing them together, you begin to get a team approach and the kind of cooperation that you need to really service a family and a child properly.

ASSEMBLYMAN HAYTAIAN: Can't this be done on a district level? For instance, by counties -- a small county -- I believe we have one district office located in Belvidere -- in DYFS. Why can't that be done at that district office?

MS. LARSON: There really is no reason why it can't take place. There are obstacles to creating that kind of mechanism in terms of the salaries of staff. There was an experiment in Monmouth County where that was a problem. The primary reason that it hasn't happened, I believe, is that we have not really worked toward it. It would take a lot of energy; it would take a lot of planning. It would take the cooperation and the good will of a fair number of people.

ASSEMBLYMAN HAYTAIAN: While Mr. O'Grady is still here, possibly you can

take a look at that aspect of it. It is really not fair to ask you that question, but we could have asked you that question. Until it was discussed, there was no reason to ask it, but possibly, you could look into that.

Okay, thank you.

ASSEMBLYMAN OTLOWSKI: Just to follow up that question, would you do us a special favor, please, and just give us a memorandum on this point that you just developed now. Give us a memorandum on that so we can have the memorandum and even talk to the Commissioner about that -- on the point that you just made now.

MS. LARSON: Yes, I would be happy to.

ASSEMBLYMAN OTLOWSKI: Would you do that?

MS. LARSON: Yes.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

We are going to hear Dr. Anna Mayer of the Mental Health Association of New Jersey. Is she here?

Mrs. Mayer, can you identify yourself a little further, please?

D R. A N N A B. M A Y E R: Well, I am Dr. Anna B. Mayer. I happen to be appearing on behalf --

ASSEMBLYMAN OTLOWSKI: Are you a doctor of medicine?

DR. MAYER: No, I am a doctor of social welfare.

ASSEMBLYMAN OTLOWSKI: Oh, an --

DR. MAYER: I have had a long professional career in social policy and teaching, research, etc.

ASSEMBLYMAN OTLOWSKI: And, you are associated with the Mental Health Association of New Jersey?

DR. MAYER: I am now, since retiring from Rutgers University, I have been serving as a volunteer and and advocate for children.

ASSEMBLYMAN OTLOWSKI: And your Association now is with a non-profit Association.

DR. MAYER: That is one of them. I am Chairman -- I am a member of the Board, and I am Chairman of their Task Force on Child Advocacy. I was a member appointed by the Governor to the Governor's Commission, and I worked very hard on this report. I want to just say that I am in complete --

ASSEMBLYMAN OTLOWSKI: On what report?

DR. MAYER: On the Governor's Commission Report that Alexandra Larson just discussed.

ASSEMBLYMAN OTLOWSKI: Oh.

DR. MAYER: I was a member of that Commission.

ASSEMBLYMAN OTLOWSKI: You were a member of that Commission also?

DR. MAYER: Right. I am also a member of the Council for Human Services in Middlesex County. I am from Middlesex. In fact, Assemblyman Pelly is my Assemblyman.

ASSEMBLYMAN OTLOWSKI: You are from his town?

DR. MAYER: No, I am from East Brunswick.

ASSEMBLYMAN OTLOWSKI: From East Brunswick?

DR. MAYER: Okay?

ASSEMBLYMAN OTLOWSKI: Well, now you have really identified yourself.

DR. MAYER: Well, you asked for it, and you got it. I have handwritten all of that out. I thought it would take up too much of your valuable time.

ASSEMBLYMAN OTLOWSKI: No, Doctor, just this -- and even though you are from Assemblyman Pelly's district, I just want to say this. We have a limited amount of time here, and I just want you to hone in and focus in on what you think is most important. Before you do that, do you have any written testimony?

DR. MAYER: All right. Yes, I have copies for every member of the Committee.

ASSEMBLYMAN OTLOWSKI: Would you make sure that we get copies?

DR. MAYER: You will each have a copy of this testimony.

ASSEMBLYMAN OTLOWSKI: Do we have it?

DR. MAYER: No, it is right here, and I'll turn it into Mr. Price.

ASSEMBLYMAN OTLOWSKI: Would you please, so that it becomes part of the record?

DR. MAYER: I would be glad to do that.

ASSEMBLYMAN OTLOWSKI: Oh, thank you very much. Let's give that to David.

DR. MAYER: I am going to see if I can summarize seven pages in a few minutes. It is going to be very difficult to do.

The points that I made on behalf of the Mental Health Association were to try to show that the DFYS worker has to have adequate resources in order to make the decision as to whether the child should remain at home or be removed. Since 60% to 70% of the children coming to DYFS who are in placement with DYFS or are to be placed, are disturbed children to varying degrees. Therefore, the Mental Health Association has a strong interest in the kind of services that DYFS provides.

We found that when we closed the three State Hospital Units that, since that time, there are very many disturbed children who come to DYFS and for whom there are no adequate services. So, in this report, and I won't go through it --

ASSEMBLYMAN OTLOWSKI: Excuse me, we closed what? We closed what?

DR. MAYER: We closed up these units for --

ASSEMBLYMAN OTLOWSKI: What units?

DR. MAYER: In three State Hospitals -- in the psychiatric hospitals.

ASSEMBLYMAN OTLOWSKI: Oh, the childrens' units.

DR. MAYER: The childrens' units, right. We still have Trenton State and Arthur Brisbane, but we have not developed adequate services for the very disturbed children who are coming to DYFS in the community. We don't have the community-based services that we need.

ASSEMBLYMAN OTLOWSKI: And where are those children being placed -- these very disturbed children?

DR. MAYER: Well, they are being placed in foster family homes and into various types of treatment-oriented institutions, but we don't have enough of them. DYFS has developed --

ASSEMBLYMAN OTLOWSKI: The treatment-oriented institutions such as what?

DR. MAYER: Well, it is going to take me a long time to go through that. There are long-term residential placements. There are group homes. The best facility right now is the teaching family home, which DYFS has developed. I don't have the figures with me.

ASSEMBLYMAN OTLOWSKI: No, no, no, you have described it sufficiently.

DR. MAYER: The money that went from the care of children in the State psychiatric hospitals has been utilized to develop screening services -- services to families. I think we have two in-patient hospital units. We need three more. In other words, the money has been used to develop the resources to keep those children in their own communities. They are not adequate.

We are hoping that when the new "Per Capita Bill" is passed, we will have additional funds to go forward with that program, and to --

ASSEMBLYMAN OTLOWSKI: Under a capital program.

DR. MAYER: The "Per Capita" -- the new "Per Capita."

ASSEMBLYMAN OTLOWSKI: Oh, "Per Capita"?

DR. MAYER: Pass a new increase "Per Capita Bill" -- that some of that money will go to disturbed children. Right now, only 6% of the mental health budget is used for childrens' services, and until we have some increase funding, we are not going to be able to develop the additional kinds of resources that we need.

ASSEMBLYMAN OTLOWSKI: I think we have to be realistic that that is not down the road.

DR. MAYER: That is not going to happen. Well, it has passed both houses of the Legislature a number of times and has been vetoed.

ASSEMBLYMAN OTLOWSKI: Yes, but they never provide the money. That is what is wonderful about those two houses.

DR. MAYER: They will never provide it, right.

Now, I would like to move to two points, which really fill in a little bit of what Alexandra Larson raised at this hearing. Let me read this because I am trying to talk so fast that I am not really giving you a picture of what I have in mind.

The Mental Health Association urges that early public hearings be held on Senator Orechio's bill, S-614 --

ASSEMBLYMAN OTLOWSKI: Doctor, may I make a suggestion, please?

DR. MAYER: Yes.

ASSEMBLYMAN OTLOWSKI: You don't have to hold the microphone, you don't have to be close. Just relax and talk in a normal voice, and sit --

DR. MAYER: I must say that I am not relaxed because I have so much to say, and I don't know **how** to say it in a few minutes.

ASSEMBLYMAN OTLOWSKI: I just want to be helpful to you. Okay?

DR. MAYER: All right. The Mental Health Association urges that early public hearings be held on Senator Orechio's bill, S-614, to establish an Office for Child Development. That is a specific recommendation that I think would take care of many of the problems that we have uncovered in our Commission's work -- the Commission on --

ASSEMBLYMAN OTLOWSKI: And, what does that bill propose to do?

DR. MAYER: To establish an office for child development. It has been introduced -- a couple of years ago, I think -- and we would like to ask that hearings be held on that bill.

ASSEMBLYMAN OTLOWSKI: Is that bill in the Senate?

DR. MAYER: Yes, it was introduced in the Senate.

ASSEMBLYMAN OTLOWSKI: Has there been a hearing in the Senate?

DR. MAYER: No, we are calling for hearings at this point. Such an office could offer a mechanism needed to collect, analyze, assess and prioritize service needs and gaps on the basis of data from departments, divisions and county planning offices offering social and human services affecting children and their families.

That would take care of a major recommendation in the Governor's Commission Report. I would urge every member of the Committee to specifically read the one and two recommendations, which cover the problem of the need for central planning -- resource someplace in State government. And this office would give us a chance, if hearings were held, to hear and discuss what would be the best kind of mechanism to do this.

The data collection, however, would have to be based on a common language, definitions, and assumptions to describe emotional and behavioral symptoms, as well as general recipient characteristics. Each division now and each arm of government uses different categories in describing what the child's behavior is, what the diagnosis is, and what his family characteristics are. We need to have some kind of an overall approach to this, so that every agency reporting would use a common set of data. Such planning would add coherence to the budget process and make it possible, in time, to evaluate the effectiveness of our policies and our funding decisions.

We do not have the data we need to really make an assessment of where money should go and what kind of resources are needed.

The second and last point: There has been a wide consensus in the State that the delivery of social and human services are characterized by lack of coordination, duplication of effort, and critical service gaps. Inefficiency and waste are caused by too many access points -- our families have to go from one agency to another -- conflicting eligibility and funding policies, and fragmentation of the locus of responsibility.

I would like to make a point on that. There are often divisions between DYFS and the welfare boards on whether a child should be removed or not removed from home, which is a key issue before this hearing. I know of one case where I was present at a community-wide meeting in our county where an infant died during the time the welfare worker wanted the child removed from the home, and the DYFS worker felt that the child should remain in the home. Shortly thereafter, the infant was brought to the hospital dead, and the whole committee of the community -- a whole group of us were invited to hear about this case. It left an indelible impression on me.

We have to have some central place --

ASSEMBLYMAN OTLOWSKI: How long ago did that happen?

DR. MAYER: It happened some years ago. I would say about four years ago. Now, what we would recommend would be that the social services in DYFS and the welfare board should be unified into one social service system in the county. Each county --

ASSEMBLYMAN OTLOWSKI: DYFS and who?

DR. MAYER: And the services under welfare. We heard this morning that 50% of the children who come to DYFS come from --

ASSEMBLYMAN OTLOWSKI: What have you got? You've got welfare, you've

mental retardation, you've got --

DR. MAYER: Well, we would have to develop -- why go into all of that? We would have to work with --

ASSEMBLYMAN OTLOWSKI: What you are talking about is the better coordination and what our friend called "packaging" the whole --

DR. MAYER: No, I was talking about more than that. I was talking about an actual integration into one social service system, not one focusing on the family and the child in the other -- the childrens' agency.

ASSEMBLYMAN OTLOWSKI: The Assemblyman has a question.

ASSEMBLYMAN HAYTAIAN: But, Doctor, this can be done under DYFS because welfare is under DYFS. The Division of Youth and Family Services, in essence, is under DYFS, at least -- through Human Services -- at least it was while I was on the county level of government -- not under DYFS, but under Human Services. So, it can be done within the framework of the Department, and it should be.

DR. MAYER: Well, there --

ASSEMBLYMAN OTLOWSKI: Excuse me. In that connection, I thought that when we reorganized the Department and dubbed it the Department of Human Services, that we were doing that very thing.

DR. MAYER: Well, to some degree --

ASSEMBLYMAN OTLOWSKI: But, you say it hasn't worked out.

DR. MAYER: I say it that at the county level, at the point of delivery of service, that it would be better if families could come to one social service agency and have a decision made as to what services and resources are needed for that family.

ASSEMBLYMAN HAYTAIAN: All right. But, that is not possible because we are talking about DYFS as a State Agency and the County Welfare Department and Boards as a county agency.

DR. MAYER: Correct.

ASSEMBLYMAN HAYTAIAN: So, you are talking about different levels of government interacting, and it is done pretty well in my county. But, you can't have, for instance, the DYFS service coming out on a local level through its Division under county jurisdiction. Things like that don't work.

DR. MAYER: What we are proposing, and we do recommend it in the Governor's Commission Report -- we are recommending that we have a county-based social service structure in the county. It would be county-based.

ASSEMBLYMAN HAYTAIAN: Well, that is what we asked Mr. O'Grady to look into.

DR. MAYER: This is about the fourth study that has recommended this. The Wechsler Report made this recommendation, the Musto Report made the recommendation, and now the Governor's Commission is making the recommendation. There isn't time today -- if you read my whole paper, I elaborate on this. But, I do think that it really doesn't make any difference, and you are quite right, whether it becomes an altogether State Agency or a county-based agency. The problem is --

ASSEMBLYMAN OTLOWSKI: Excuse me, what you are saying is that we created a Department of Human Services, that now it is time to take a look at it to see if nuts and bolts have to be tightened up --

DR. MAYER: Exactly.

ASSEMBLYMAN OTLOWSKI: (continuing) and to see what kind of sophistication has to take place there to make it a better working Department. That is what you are saying in essence.

DR. MAYER: Well, I am saying that, and I am also saying that, in my opinion, it is better to have the basic family and childrens' agency as one system, not two systems.

ASSEMBLYMAN OTLOWSKI: I think we would all agree with that.

DR. MAYER: Okay. Now, the reason the Wechsler Report recommended that it be a county-based system was for very pragmatic reasons. If you abolished the Welfare Boards, first of all, you would have to have legislation to do it -- it would not be easy. And, second, you would lose all the money that the counties now contribute to this. It would be very difficult to sustain the same funding.

ASSEMBLYMAN OTLOWSKI: Abolish the Welfare Boards, and then do what?

DR. MAYER: The Wechsler Report which was done about four years ago, recommended -- made the statement with which I agree -- that we could have either an all-State system and move all of the services out of welfare into a State-operated system, or we could move the services on the local level -- DYFS -- into a county system. The Wechsler Report and the Musto Report, and also the Governor's Commission Report all recommend it, and I would urge you to read those recommendations particularly, and give it some thought, or recommend that it would be better to have it a county-based system.

ASSEMBLYMAN OTLOWSKI: Doesn't that recommendation also have a coupler with it where the cost would be about \$60 million to do this?

DR. MAYER: No, no, I have never seen such a figure at all. No, I can't see why there would be any added cost. As a matter of fact, I think there is so much waste of it now between families who are being served by two agencies, like the Welfare Board and DYFS Office. I would think that all logic would be in the direction of a county-based system.

I think that it would be wise when Senator Orechio has his hearing on the Office of Planning, that more attention be given to this whole issue. But --

ASSEMBLYMAN OTLOWSKI: Who is going to conduct those hearings? What Committee? Do you know?

DR. MAYER: I don't know at all. I just raised with you the question of asking Senator Orechio, or supporting any effort he makes. In the Mental Health Association, we have already approached the Senator, and the Senator is interested in going forward, and we will, undoubtedly, be in touch with him to hold those hearings. But, I would think that it could be a joint hearing on the part of this Committee and the Senate Committee. There is no reason why it has to be one Committee.

ASSEMBLYMAN OTLOWSKI: That is all right. If the Senate is going to hold a hearing, that is all right with us, because we will get the benefit of it anyhow with the record.

DR. MAYER: Well, I don't know how far this has gone with hearings. We are simply raising that today -- that we need hearings to think about a central office for planning, for advocacy, and for oversight for childrens' services.

We also believe that such a hearing would give us an opportunity to look at what this bill, S-614, has, and for different groups within the State to

come forward with their ideas as to what exactly such an office should do. We are not completely -- I don't think the office -- in that bill, in the way that it is set up -- should be the end product. But, it certainly would be a good bill upon which to concentrate our efforts in --

ASSEMBLYMAN OTLOWSKI: Doctor, I think you have given us an idea, and I think your main thrust and the main theme of your presentation was to put the whole thing under one umbrella and to have a tighter organization so that you wouldn't have this multiple intake -- the multiple agencies dealing with the child and sending the child from one agency to another. I think you have made your point, and you have made it well.

DR. MAYER: Could I just add one last thing? If the center of this merged or cooperative structure should be a family-centered child and family service, the specialized units like the Mental Health Services and Mental Retardation, would develop linkages with this central core service, but it should be a family centered thing.

ASSEMBLYMAN OTLOWSKI: That is the main theme of your report.

DR. MAYER: That is the main theme. As I said, it is covered in great detail in the Governor's Commission Report.

ASSEMBLYMAN OTLOWSKI: Good. Doctor, thank you very, very much. Thank you, Doctor.

DR. MAYER: I appreciate your letting me do this.

ASSEMBLYMAN OTLOWSKI: Thank you, Doctor. Do we have the reports, Doctor -- your testimony? May we have it?

We are going to adjourn until 1:45 P.M., recess rather until 1:45 P.M.

(RECESS)

ASSEMBLYMAN OTLOWSKI: Is Mrs. Driver here, please? Do you want to come up here, please. We are going to call the Committee to order, and we are going to proceed. We are eight and one-half minutes late.

Mrs. Driver, does everybody have copies of your testimony?

C O R I N N E D R I V E R: Yes.

ASSEMBLYMAN OTLOWSKI: May I suggest, after you identify yourself and organization that you are representing, don't read the testimony. Just give us a summary of it, because we have the copies of it and it will be part of the record. Okay?

MS. DRIVER: Okay, I have my summary in yellow.

ASSEMBLYMAN OTLOWSKI: All right. May we have your name and the organization that you are representing?

MS. DRIVER: Yes. I am Corrine Driver, and I am a volunteer. I am a member of a citizen Child Placement Review Board, and also, by virtue of that, I am on the State Child Placement Advisory Council. I am chairperson of that.

The Child Placement Advisory Council requested that I appear on their behalf to testify today. We, as you know, as Review Board members, take an oath of confidentiality. We are appointed by the court, and, of course, we do take our confidentiality seriously. However, we, as Review Board members, have been frustrated by what we believe is a lack of safeguards in the system, and it is those that I would like to share with you -- or some of those.

I would like to raise ten questions for your consideration, which, hopefully, you will continue to consider, and I think some of the answers to those, perhaps, may lead to some safeguards that are currently lacking.

Before I do that, I would like to ask you to pretend for a minute that you are on a Review Board yourself, and I would like to introduce two children to you. These children are both voluntary placements. That means that the parents or the legal guardian have signed a voluntary agreement with DYFS, allowing DYFS to place those children. That was mentioned this morning.

First of all, there is Johnny. Johnny is five years old, and he has a seven-year-old brother. They were taken away from their mother by a woman whom they had never seen, and they were placed in two separate foster homes. Johnny was taken to live with a family that he had never seen before. There were other children in that family, and Johnny, for some reason, always got a smaller amount of food than anyone else. He did not know how to get home from his foster home. He could not call his mother because she didn't have a phone, and although he cried for her every night, he did not see his mother again for three months.

A that time, a lady -- a caseworker -- took him to her office. It was a different lady than the one --

ASSEMBLYMAN OTLOWSKI: A caseworker from what Agency?

MS. DRIVER: DYFS. It was a different caseworker than the caseworker who had placed him, and when she returned him to foster care, she returned him to a different foster home, because she noted that he was looking undernourished.

Now, as a Review Board, you are interested in the reason for placement -- the reason: neglect. Johnny's mother was an alcoholic, and if there was food in the house, she usually was not sober enough to prepare it. Neighbors reported this undernourished situation of the boys.

The plan was to evaluate the mother -- her psychological and physical condition, and send her to Alcoholics Anonymous. When she recovered from her alcoholism, the children could be returned home.

The next child I would like you to meet is a very real child. This case is active right now. Mary is twelve years old. She was removed from her home because her teacher noticed black and blue bruises below each shoulder on each arm. Mary has a sister who remained at home, although Mary was removed.

The reason for placement: suspected abuse.

The plan: to psychologically evaluate Mary's parents and Mary, in an effort to determine if Mary was at risk, and to keep Mary in foster care until the results of those examinations were known. At that point, based on the result of those examinations, a plan would be made for Mary, hopefully, to return home.

You, as a Review Board, agreed with that. The judge so ordered; however, the caseworker, at a different point in time, made a determination to return Mary home. So, despite the judge's order, before the examinations were complete, Mary was returned home.

One month later, she comes before your Review Board, back in the system. She has been brutally raped --

ASSEMBLYMAN OTLOWSKI: What did the court do when this was called to the court's attention?

MS. DRIVER: It was not called to the court's attention.

ASSEMBLYMAN OTLOWSKI: Why wasn't it called to the court's attention? The fact that they weren't following the court's instructions, in this particular case.

MS. DRIVER: Well, I am calling it to your attention because it is a question that Review Board members have throughout the State.

ASSEMBLYMAN OTLOWSKI: Yes, but there was an immediate practical thing to call it to the court's attention.

MS. DRIVER: Well, the Child Placement Review Act gives authority to the court in a situation of a voluntary placement, and authority to a Citizen Review Board only as long as a child is in placement. If the child, for whatever reason, is returned home, it becomes beyond the jurisdiction of the court.

So, Mary was returned home, at which point she was brutally raped by her father, and returned into care because she had to be hospitalized.

ASSEMBLYMAN OTLOWSKI: What are you saying? Are you saying that the caseworker in this particular case used bad, bad judgment? Is that what you are saying?

MS. DRIVER: I don't --

ASSEMBLYMAN OTLOWSKI: Or, do you want us to draw our own conclusion?

MS. DRIVER: No, I am raising questions. I am not saying anything because I don't know. But, this is typical; it is one of the major concerns that Review Board members have throughout the State -- that judges orders are not, in fact, being carried out consistently. These are judges orders related --

ASSEMBLYMAN OTLOWSKI: But, you just said that the judge didn't know that his orders weren't being carried out.

MS. DRIVER: That is right, because he didn't know it, nor did you, as a Review Board member, know it until Mary came back into placement, and then you discovered it. Now, that raises a question. I cannot give you an answer concerning that. It is a real concern that we have, and I know that the court, itself, is concerned about this too.

ASSEMBLYMAN HAYTAIAN: Is the caseworker at the Review Board hearing?

MS. DRIVER: In some counties, there is a caseworker at almost every hearing. In many counties, the answer is no.

You could probably continue and raise the questions that I would like to raise for you. These are two sample cases. There are myriads, as Meyer Schrieber mentioned earlier this morning.

ASSEMBLYMAN HAYTAIAN: We have to pursue something here, because I'm sure you are going to get to questions, and they are probably going to be answered. You have one sentence here, and this is what the Chairman harped on -- "A Review Board agreed with this plan, and the judge so ordered."

Now, at that point, why didn't it occur? Because your next sentence says, "But Mary's caseworker made a determination to return her before the examinations were completed." How could she have that jurisdiction over a judge's order while she was still in custody?

MS. DRIVER: You will note that that is one of my questions that I have written down here. I don't know.

ASSEMBLYMAN OTLOWSKI: Yes, but the judge could have called the caseworker before him.

MS. DRIVER: Yes, but following the flow of it. What happens is, after the case is prepared, the plan is made. It comes into court for review by the Board. The Board's recommendation is sent to the judge. Now, the judge, under the Child Placement Review Act, has an option for three orders and one recommendation. He can order immediate return home, he can order to keep the child in placement, and the placement plan is appropriate, he can order to keep the child --

ASSEMBLYMAN OTLOWSKI: Yes, but the judge has to be -- regardless of that, the judge, in his own mind too, has to be satisfied that he is doing the right thing. He just can't run away from responsibility.

MS. DRIVER: That is right.

ASSEMBLYMAN OTLOWSKI: As a matter of fact, he has a judicial responsibility with great discretion as a judge.

MS. DRIVER: I am delighted that you are picking up on this point. I think it is perhaps a question that relates to monitoring within the court system, as well as within the Division.

ASSEMBLYMAN OTLOWSKI: Well, who is going to monitor the monitors?

MS. DRIVER: That perhaps is the advantage of the Review Board because we did discover, though very, very late in Mary's case, that the court order had not been carried out.

ASSEMBLYMAN OTLOWSKI: Let me ask you this. We can't assume that we know what was in the judge's mind, but here the judge had jurisdiction. Here, the judge had the child before him with the Review Board. He issued an order; the order was ignored. Now, that should have been called to the judge's attention.

MS. DRIVER: Well, the Review Board certainly did that when they found out, but they didn't find out until it was too late.

ASSEMBLYMAN OTLOWSKI: Until it was too late.

MS. DRIVER: It is a frustration, and that is why I am sharing it with you. It is one of the main reasons that I was asked to appear before you.

But, there are other questions, and --

ASSEMBLYMAN OTLOWSKI: The next thing, of course, the judge didn't know that his order was ignored. The Review Board didn't know until it was too late. So, what are we saying? That the caseworker used bad judgement in this particular case?

MS. DRIVER: Well, it appears that bad judgment was used to return Mary home.

ASSEMBLYMAN OTLOWSKI: But, again, we get into that area of judgmental decisions, and so long as it is a judgmental decision, I don't see how you can be critical, because a judgmental decision depends upon the individual human being who is making it.

But, a judgment, as we mentioned before, that is based upon negligence, indifference, or a bad decision -- that is a different story. Are we saying that this caseworker fits that category that I just described?

MS. DRIVER: I don't know. I don't know why the caseworker made that decision, but I do know that somehow there was a safeguard lacking that allowed that decision to be made. I understand, and I am very sympathetic with caseworkers who have to make that kind of a decision.

Just because you see black and blue on a child, that doesn't mean it is a black and white case of removal. They can't be sure.

ASSEMBLYMAN OTLOWSKI: But, again, unless there is some specific recommendation that you can make to us, then we are in a very nebulous area and a very doubtful area. As a matter of fact, there will be no merit to the presentation unless there is some specific recommendation to be made.

MS. DRIVER: Right. I am making a specific recommendation. That is, that you, this Committee, the Legislature pursue these questions. I am raising questions for you, and I am recommending that you take a harder look at them. I think you are very astute to have picked up on this the way you have, because it is really the key to all the questions.

But, I also should state that I am -- the primacy of my remarks is that the protective services system, which is what this hearing is designed to investigate or hear about, I believe and Review Board members believe, starts well before a family self-destructs. Neglect starts way back before abuse in many cases. I am not here to be accusatory, but rather to raise questions which have circulated from citizens throughout the State. And, that is the key one.

ASSEMBLYMAN OTLOWSKI: Ms. Driver, the questions that you raised, of course, are questions that everybody is grappling with. As a matter of fact, this is one of the problems, but the questions, of course, are self-evident, but what we are looking for, aside from the questions, is if anyone has answers, solutions or recommendations. Of course, you are actually saying that no, you don't -- you are merely presently the fact that you want us to draw our conclusions.

That is good; we'll do that, and as a matter of fact, that whole review process and Review Board process, as Assemblyman Haytaian is well aware of, because he has been very close to that -- that is a whole separate bag and a very difficult thing because it depends upon so many human factors. But, in the cases you are talking about, I don't see how we can be helpful at this point.

MS. DRIVER: I have a very specific recommendation, and it relates to my first question. That is, the law itself that allows --

ASSEMBLYMAN OTLOWSKI: How should the law be changed?

MS. DRIVER: All right. I suggest that that is, again, a subject for study, but I would recommend that one example might be the Arizona law. There are many states that don't have such a category as a voluntary placement, that is --

ASSEMBLYMAN OTLOWSKI: Are you saying to eliminate voluntary placement?

MS. DRIVER: That is what I am saying might be a very good recommendation on the basis of study and having a look at the way the rest of the child placement or the law that allows placement for --

ASSEMBLYMAN OTLOWSKI: And, what do they do in Arizona?

MS. DRIVER: Well, they have a ninety-day period. A child can be removed from his or her home for ninety days. There is no category of voluntarism during that ninety days. However, if the problem cannot be cured in ninety days, that child goes automatically --

ASSEMBLYMAN OTLOWSKI: Is that in your written testimony?

MS. DRIVER: No.

ASSEMBLYMAN OTLOWSKI: You don't make reference to that in your written --

MS. DRIVER: Not to Arizona, no. I suggest that we take a look at our

law, and suggest that some states do not recognize a law that condones the splitting the center of a family under the guise of voluntarism. And, that is a recommendation.

ASSEMBLYMAN OTLOWSKI: Why don't you do this, if you want to be helpful to us -- give us a separate memorandum. Give us a separate memorandum, recommending, as you say, the elimination of this voluntary placement, and point out that this is the practice in Arizona, so we can have the benefit of that kind of written memorandum before us. Will you make that available to David Price, Legislative Service, please? Okay?

MS. DRIVER: I will do that, yes. Yes, I would also, if I may, please mention a couple of other things that have not been mentioned this morning.

ASSEMBLYMAN OTLOWSKI: No, I think frankly that we have the general idea that you are making, and based upon your written testimony and what we have elicited from you, I think we are satisfied that we have something concrete when we get this memorandum from you. Okay?

MS. DRIVER: Well, I would like to commend this Committee for having these hearings, and I do hope you will pursue it. I do hope you will read my testimony. Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you very much, Mrs. Driver.

Mrs. Mc Hugh, do you have written testimony? Mrs. McHugh, are you going to tell us who you are?

T O N I M C H U G H: I sure am. First of all, I would like to thank you for letting me have the opportunity to speak and for you --

ASSEMBLYMAN OTLOWSKI: You want to go back to your children, don't you?

MS. MC HUGH: Yes, that is right.

ASSEMBLYMAN OTLOWSKI: Well, we are going to see that you do.

MS. MC HUGH: I'll be very brief. My name is Toni McHugh, and I am the Co-Chairman of the New Jersey Committee for Adoption --

ASSEMBLYMAN OTLOWSKI: It is a volunteer organization?

MS. MC HUGH: Yes.

ASSEMBLYMAN OTLOWSKI: Where is it based?

MS. MC HUGH: The New Jersey Committee for Adoption is based in Morris County in New Vernon, New Jersey, but it is also an affiliate of a national committee, which is based in Washington and is called the National Committee for Adoption.

ASSEMBLYMAN OTLOWSKI: So, you have the benefit of that affiliation.

MS. MC HUGH: Right. I guess I am going to be talking to you from a little different perspective. I am not a trained social worker; I am an adoptive parent.

ASSEMBLYMAN OTLOWSKI: How many pages is your testimony?

MS. MC HUGH: A page and one quarter. It is short.

ASSEMBLYMAN OTLOWSKI: Read it.

MS. MC HUGH: Okay. We are a group that feels that adoption is a very loving way to build a family. It unites children who need a home with someone to love and love them -- with a couple who has a home and love to share.

That is why I am here -- to express my hopes that there might be something done to make the courts, agencies, and public at large realize that the

rights of the child must be considered first.

It is difficult for me to see the importance in returning a child to his or her blood parents if they have been repeated child abusers, murderers, or have neglected their child for long periods of time. Shouldn't this child have the opportunity for a loving family experience through adoption?

So many children become "hard to place" because the present system has unnecessary delays in the adoption process and allows excessive time for parents to exercise their parental rights without fulfilling their parental responsibility. Again, the child's needs must be addressed first.

In the press, there has been discussion of reorganizing DYFS. Given current funding problems in all social services, this is the appropriate time to change the structure to make the Agency more cost efficient with better managerial control.

I believe that there are two areas that are in need of reform, and they are adoption and foster care.

Given the good record of the private social service agencies in both providing quality care while being cost efficient, I think they could assume the function of providing adoption and foster care services in New Jersey, with oversight by DYFS. This would alleviate the apparent conflict of interest between DYFS's role as a regulator and funding agency, and its role as a direct-service provider.

It would also go a long way in alleviating some of the bureaucratic problems and save the State money.

Thank you.

ASSEMBLYMAN OTLOWSKI: Ms. McHugh, just to develop that a little more, what would you do on adoption?

MS. MC HUGH: What I am saying is that, especially after some of the things I have heard this morning, that DYFS -- well, the whole Division is a very complex organization, and that perhaps one of the ways to deal with some of these problems is to give certain areas back to the private sector. There are private adoption agencies in New Jersey that are excellent agencies that could easily handle these things on a contract basis.

ASSEMBLYMAN OTLOWSKI: What problem do they have with DYFS now in exercising those private abilities?

MS. MC HUGH: Well, I guess what I am saying is, a lot of the care and the adoption -- foster care automatically goes to DYFS. It wouldn't go to the private agencies. Whereas, if you change some of the State regulations, some of the adoption services and foster care could go to the private agencies.

To give you an example, this has been done in Idaho. A lot of the services that were once provided by the Division of Human Services there are now provided by private agencies on a contract basis, and this is working quite well.

ASSEMBLYMAN OTLOWSKI: Could you give us, again, a memorandum on that with some reference to what is taking place in Idaho. As a matter of fact, you might even solicit the help of your national organization -- to give us a short memorandum, so that we can digest it and get something out of it.

MS. MC HUGH: Fine. You don't want a book?

ASSEMBLYMAN OTLOWSKI: What about foster care? Is that the same thing? Would you apply the same thing to foster care?

MS. MC HUGH: That is what has been done in Idaho.

ASSEMBLYMAN OTLOWSKI: You are talking about adoption and foster care?

MS. MC HUGH: Right.

ASSEMBLYMAN OTLOWSKI: And, that is what has been done in Idaho?

MS. MC HUGH: I am just making these suggestions as a way for the Agency to possibly solve some of their problems.

ASSEMBLYMAN OTLOWSKI: As a matter of fact, your suggestions have merit; that is why we are pursuing it. That is why I am asking you these questions. Would you give us the benefit of that memorandum with the Idaho experience?

MS. MC HUGH: Certainly I would. I would be happy to. Thank you very much.

ASSEMBLYMAN OTLOWSKI: Thank you.

Mrs. Kathleen King? Kathleen, may we have you name, please, and the organization that you represent? Kathleen, how many pages are there to that testimony?

KATHLEEN A. KING: It is short, and I think it is very concise.

ASSEMBLYMAN OTLOWSKI: What did you say?

MS. KING: It is short and concise. I think we would serve time purposes --

ASSEMBLYMAN OTLOWSKI: It is short? Let's see if it is concise.

MS. KING: Okay.

ASSEMBLYMAN OTLOWSKI: It's short, but let's see if it is concise.

MS. KING: Okay, I'm Kathleen King and I am an international representative from the Communications Workers of America. The people who are sitting with me are caseworkers representing the unions' and the caseworkers' point of view.

I have a short statement, and one of the social workers has a statement. The others are here, available to make any additions and to answer questions, should you have any.

ASSEMBLYMAN OTLOWSKI: And, the others are social workers within the system?

MS. KING: That is right.

ASSEMBLYMAN OTLOWSKI: Do you want to go ahead and read that, Kathleen?

MS. KING: Okay. Governor Kean and Commissioner Albanese recently have publicly stated concern over the deaths of children under supervision of the Division of Youth and Family Services. At the same time, the Governor and the Department deny that there was any relationship between the loss of field positions in the Department and the deaths of the children. While it might be difficult to demonstrate that particular correlation, it is no secret in the field of social work that there is a relationship between the size of caseload and the ability of an individual to properly supervise those cases.

The question of caseload size in DYFS is certainly not a new issue for the Agency or its social workers. In 1978, the State of New Jersey, pursuant to contractual agreement with the majority representatives at that time, became involved in an advisory proceeding with the Union. The question to be addressed in the proceeding was, "Are there excessive and/or inequitable caseloads in the New Jersey Division of Youth and Family Services, and if so, what shall the remedy be?" Thomas Colosi, Vice-President of the American Arbitration Association at the time, after much deliberation, delivered a decision in 1980. The neutral answered the questions yes and yes. He made, additionally, several pages of

recommendations. It is true that the recommendations were advisory and that the State was not legally held to abide by them. Without a doubt, they were morally bound to make a serious attempt in solving the issues of caseload size.

In the Fall of 1982, Federal Judge Robert A. Keeton recognized that there was a direct correlation between injuries suffered by children and the number of children assigned to social workers. That was in a case in Massachusetts, by the way. On the face of it, the recommendations of the Commissioner's Task Force have merit. Why then have more than 900 social workers signed petitions expressing their concern about childrens' deaths and high caseloads? First of all, because the social workers in this State have seen administrations come and go without making a difference. This is not the first time that there has been a management study of magnitude on DYFS. Four years ago, the Wechsler Study was commissioned. There has been no measurable impact as a result, to date.

So, at this point, the Department of Human Services makes a number of recommendations and calls for investigation. Social workers have learned from experience that investigation usually means the firing of social workers, rather than any rectification of the Agency's problems. A particular difficulty that the social workers have in accepting their recommendations as bona fide is the staffing situation at present.

There is no doubt that everyone is glad that the Division is hiring 107 caseworkers. However, by the Department's own count, there are presently 989 social workers for DYFS. In 1978, there were approximately 1,050 social workers working for DYFS. In July of 1982, there were 1400 working for DYFS.

What is even more startling, I think, to the social workers, is a reality that a total hiring freeze was instituted by this administration in the Division of Youth and Family Services in the Spring of 1981. Taking a close look at management's own reports, the question, "Where did they find the \$5 million?", is very simply answered. I am referring to the \$5 million which was purportedly found by the new administration in DYFS. It all adds up very clearly. If you impose a total hiring freeze after a substantial layoff, and do not fill budgeted positions, you will realize a substantial surplus.

I respectfully invite you to take a look at this question carefully. The Communications Workers of America, as the majority representative for all DYFS -- I'm sorry, not for all DYFS personnel -- for substantially most of the DYFS personnel, stands on this position. It is clear that there is a relationship between caseload size and injuries to children. We are committed to see this issue through until a realistic caseload limit is established.

Thank you. That is my statement, and we have a --

ASSEMBLYMAN OTLOWSKI: Thank you very much.

ASSEMBLYMAN HAYTAIAN: Can I just ask for one piece of clarification, please? One the last page, you are saying that it was instituted by this administration, and the date is the Spring of 1981. This administration didn't take over until January of 1982.

MS. KING: Right, that is a typo. There was, in 1981, an administrative hiring freeze.

ASSEMBLYMAN HAYTAIAN: Okay.

MS. KING: However, in 1982, the Commissioner did institute a total

hiring freeze in DYFS.

ASSEMBLYMAN OTLOWSKI: So, there were two freezes -- one in the other, and one now.

MS. KING: That is right.

ASSEMBLYMAN OTLOWSKI: Do the girls have something to add to that?

P A T M I L L S: I am not sure that you want to hear what I have to add, and I would like to tell you why I am here, how I got here, and if you are interested in my testimony.

I did want to come to this hearing as a direct-line, front-line worker. I have been a protective service worker for eight years with the Division.

ASSEMBLYMAN OTLOWSKI: And you still are.

MS. MILLS: I still am. Now, I was told that I could not represent the Division, so I want you to know that I am not representing the Division. I am here because the Union asked me to come. I believe that the reason they asked me to come was because I had the honor last year of being named the "New Jersey State Protective Service Worker of the Year," and I attended the National Abuse Conference.

I would like to tell you about what we do on the front lines and what we are up against and what the problems are. If you wish to hear that, I have that to tell you.

ASSEMBLYMAN OTLOWSKI: Can you do that so that we can get it within a reasonable amount of time?

MS. MILLS: Well, I can talk very quickly. All right? And --

ASSEMBLYMAN OTLOWSKI: I don't mean to hurry your speech.

MS. MILLS: I just feel that if you are going to have hearings regarding the deaths of children, you need to hear what we do.

ASSEMBLYMAN OTLOWSKI: But, we are limited in time, and I just want to make sure that it fits into the time frame.

MS. MILLS: Okay. I want you to be aware that I do have an MSW, and I do have a BSW from Seton Hall. My MSW is from Fordham.

ASSEMBLYMAN OTLOWSKI: "M" what?

MS. MILLS: Pardon me?

ASSEMBLYMAN OTLOWSKI: "M" what?

MS. MILLS: MSW, I am a Master in social work. I am also a part-time therapist in the Family Service Agency. I would like to just tell you about some of the things that we face in the field that I think are very important, and you should know, because they do impinge on our ability to do the job as it should be done. I am not here to put the blame on any person or any group of people. That is an impossibility.

First of all, as someone pointed out earlier, we are living in a time in which the ills of society are horrendous. We all know that. We face drug addiction, mental illness, alcoholism, economic stress and violence every day that we are on this job. Seven years ago, Ann Klein, who was Commissioner -- you may remember her. Ann Klein was a caseworker at one time, and seven years ago, she stood and said that she could not believe the complexity of the cases. She had seen the change in that period of time. I wish she could see them now.

And, we talk about multi-problem families. I could curl your hair with some of the stories that I have to tell you. They are so bizarre that they would be

identifiable. Confidentiality says that I cannot tell you that.

One of the things that we run into, as was pointed out, as all of these ills increased, the staff decreased. This was due to freezes, layoffs, cutbacks, and budget cuts. The caseloads became unmanageable. The intensive casework that we used to do was replaced by putting on Band-Aids and meeting emergencies.

The reporting -- before I get to the reporting, I need to tell you about policy in the Division. It is very, very important what the policies are in the Division, because we are not sure what the policies are in the Division.

Originally, when I first started with this Agency, you took a child out of the home if there was any kind of safety factor or health factor. What happened along the way was that we came up with what was called a "least intrusive policy." I am not quite sure what that means.

ASSEMBLYMAN OTLOWSKI: The what?

MS. MILLS: A least intrusive policy. That means that we do not intrude upon the family any more than we have to. Coming from that policy was a situation where we became -- instead of intensive caseworkers, we became the investigator and coordinator of services. We'll discuss what services later.

At that point, we became case managers. At the same time that this was happening, we were told to keep the child in the home, if at all possible, by putting in-services to help the family. I have no problem with that. Families belong together. All right? We need to do everything possible to keep that child with his family, if we can get the monies and the community organizations to help us do that.

Now, the emphasis then went to permanency planning -- permanency planning, meaning that children who have been shuffled from foster home to foster home should have a permanent place. We also believe in that. But, this was at the expense of PRS work, and resources were diverted.

ASSEMBLYMAN OTLOWSKI: What is PRS?

MS. MILLS: Protective Services. I'm sorry; I speak with the lingo. Protective Services is PRS. These resources were diverted to many of these kinds of policies. The policies and the guidelines in our Division change, they are inconsistent, and they are unclear. They lead to confusion in the community, they lead to confusion on the part of the client, and they certainly lead to confusion on the part of the workers. No one educates the public on what we can and cannot do. People call us.

I should tell you -- I am a crisis immediate response worker, and I am a screening intake worker. I get phone calls day in and day out, two weeks out of every five weeks -- "Why can you do this, why can't you do that?" People do not understand what we can and cannot do. It is politically expedient to accept a case that we are not under our guidelines to accept, we are told to accept it.

As far as public speaking goes -- well, somebody asked the question before, and I think it was you who asked the question, "If a client calls, and is dissatisfied with what we tell them at the screening level," correct? You wanted to know if they can go further. I think that the question was misinterpreted. I think that is what you had asked.

How do you get -- all right, well, what happens if someone calls us and we say to him, "I'm sorry, but we can't handle that." They do have recourse.

They can go to my supervisor, and they can then go to that supervisor, and they can end up down in Bernice Manshel's office.

ASSEMBLYMAN OTLOWSKI: But, what would be politically expedient?

MS. MILLS: Well, a case that -- a residential placement happens all the time. Then somebody will say, "Well, we cannot place that child," and it goes further than that, and somebody comes back and says, "Place that child." Okay?

In other words, we have guidelines at the local level. The District office level --

ASSEMBLYMAN HAYTAIAN: I just have to question that. Is that a matter of politics, as we know it, or is that a matter of a --

MS. MILLS: Well, we call it politics from where we come from because we have guidelines.

ASSEMBLYMAN HAYTAIAN: All right. It may be politics within your organization, but it is not outside --

MS. MILLS: Right. No, no, not outside of the organization. No, no, no.

ASSEMBLYMAN HAYTAIAN: Then I think you had better be clear there because too much inference is made that it is a political, expedient policy, and all of a sudden, they look at elected officials saying, "What did you do?" We didn't do anything.

MS. MILLS: Okay. Well, you can ask me those questions. I talk very fast. No, no, we don't mean that.

ASSEMBLYMAN HAYTAIAN: Okay.

PEGGY ROBINSON: Excuse me, sir. There have been instances where we have been forced to take the involved families, where we have not been able to substantiate abuse and neglect because of pressure -- political pressure --

ASSEMBLYMAN OTLOWSKI: Excuse me, what you are saying -- let's put this in the proper context. What you are saying is, that you have probably been overruled by your superior who has that right. That is what you are saying.

MS. MILLS: But not if we are sitting at a phone and telling the public that these are our guidelines, and someone comes and says, "No, they aren't." They undermine what we are doing.

ASSEMBLYMAN OTLOWSKI: No, excuse me, you can sit by the phone and tell people what your guidelines are, but if your superior has a different opinion, and he overrules you, that is it. That is the nature and structure of any organization.

MS. MILLS: Well, that goes right on up the line, and then that --

ASSEMBLYMAN OTLOWSKI: Because, if that weren't so, there would be chaos.

MS. MILLS: Then our guidelines are unclear.

ASSEMBLYMAN OTLOWSKI: If there wasn't management -- you have got to have management, and management itself implies a structure of supervision.

MS. MILLS: Did management give us the guidelines?

MS. MILLS: Where did you get the guidelines?

MS. MILLS: We have guidelines by which we can or cannot accept a case.

ASSEMBLYMAN HAYTAIAN: Is it by statute?

MS. MILLS: Yes. Well, as far I know, it is statute.

ASSEMBLYMAN HAYTAIAN: No, I don't think it is by statute. I think it

is administrative guidelines that can change --

MS. MILLS: Well, it is policy.

ASSEMBLYMAN OTLOWSKI: Excuse me, frankly, I don't think we are going to get anywhere with this.

MS. MILLS: Yes, well, it is not an important piece anyhow.

ASSEMBLYMAN OTLOWSKI: Let's stay with the record, please.

MS. MILLS: Okay. So, what we are faced with at this point is half the community saying to us, "Why don't we take the child out of the home?" The other half of the community is saying, "Why did you take the child out of the home?"

We then get to reporting. We get the cases at the screening level, and then we are discussing what happened on this case. Not invariably, but many, many times, we find out that a school knew this abuse was taking place. The family might have known; the relatives might have known. Many times -- there are many people that knew. No one reported it to us, and this includes professionals and doctors.

Under the law, that is prosecutable. I don't ever see that being prosecuted. We find that a very, very important part --

ASSEMBLYMAN OTLOWSKI: Excuse me, do you make the recommendation that it be turned over to the prosecutor? You have that right as the -- do you make the recommendation?

MS. MILLS: Yes, I do. No, we refer those kinds of instances to our supervisors.

ASSEMBLYMAN OTLOWSKI: Yes, but don't you make a recommendation to your supervisor that, in your opinion, you think this should be prosecuted?

MS. MILLS: Most certainly we do.

ASSEMBLYMAN OTLOWSKI: You make that recommendation. Then your superior may overrule you and completely ignore your recommendation.

MS. MILLS: Most certainly. I don't think it is so rampant that there is not -- nobody has the kind of time to follow up on this. One time we followed up on a school system. It took months of caseworker's documentation to get this in order, and so, people just don't bother anymore.

ASSEMBLYMAN OTLOWSKI: Are you saying, so that we get the record straight -- are you saying that when you make recommendations that there be prosecution in a certain case, that nothing is being done about it?

MS. MILLS: I am saying that it is not being prosecuted. I am saying that nothing at all is being done about it.

ASSEMBLYMAN OTLOWSKI: Let me rephrase the question, because what you are saying now is -- if there is merit in what you are saying -- if there is substance to it, then we would want to pursue that.

Let me ask you this. To your knowledge, are there cases where caseworkers made the recommendation that prosecution take place, and nothing was done about it?

MS. MILLS: Caseworkers don't -- where would you make that kind of recommendation, except verbally? We don't do anything in writing.

ASSEMBLYMAN OTLOWSKI: Where would you make that what?

MS. MILLS: We don't do that. We go to our litigation specialist or our supervisor, and we say, "This is what occurred."

ASSEMBLYMAN OTLOWSKI: And you don't do it in writing. Do you do it orally?

MS. MILLS: Right, orally.

ASSEMBLYMAN OTLOWSKI: But, you do it orally.

MS. MILLS: Right.

ASSEMBLYMAN OTLOWSKI: It is never done in writing.

MS. MILLS: I've never done it in writing.

CATHERINE DONATOS: Excuse me, I may be able to clear this up a little bit. There are two issues of prosecution that we are talking about. One issue is for failure to report child abuse to the Agency, and the other is the prosecution of the perpetrator of the child abuse. We don't have a formal system for failure to report child abuse, or any mechanism formally for prosecuting those people. None was ever developed at this level, to our knowledge.

In prosecution of a perpetrator, there is a form --

ASSEMBLYMAN OTLOWSKI: Excuse me, from your experience, and from the vantage point that you have as a caseworker, if there is no such system -- no such administrative procedure, what would you recommend -- what would you recommend be done so that the caseworker who is in the front line, so to speak, when they discover a case where there should be prosecution, where there is child abuse -- how do you suggest that that be done? What authority do you think that the caseworker should have? How should he proceed? Should there be a regulation, or should there be statutory provisions that the caseworker do that in writing -- document his or her reasons for recommending the prosecution? How do you suggest that that be done?

MS. DONATOS: I think that this is a very delicate issue, and I don't mean to sound like I am hedging, but I think that the foremost issue here is that the public has to be educated -- that there is immunity already under Title IX statutes from reporting. I don't think that the public is totally aware that a report can be done anonymously, and that they are immune from any liable suits being brought against them for doing so. I think once that issue has been done, I think a legislative mandate --

ASSEMBLYMAN OTLOWSKI: Are you saying now that the public is not aware of the immunity that exists in making reports, and they are not making reports that would be helpful to the social worker?

MS. DONATOS: Yes, I am.

ASSEMBLYMAN OTLOWSKI: All right. That is one thing. How do you think that that can be developed?

MS. DONATOS: I think that overall, the Division needs to have a public image campaign, with public service announcements and programs to talk about protective services, to talk about child abuse, to talk about prevention, and to talk about this very issue of immunity.

ASSEMBLYMAN OTLOWSKI: But, this very issue now about the public having immunity, and the public having a citizen's obligation to report child abuse -- how would you do that better than it is being done now?

MS. DONATOS: I would either extend funds, or through the network channeling for public service slots, develop 60-minute and 30-minute public service announcements that would simply say that -- that you have a responsibility and

you are immune, and that prosecution is the result under the statute for not reporting.

ASSEMBLYMAN OTLOWSKI: But, in any event, you think that that system should be developed and sophisticated and geared up.

MS. DONATOS: Absolutely.

ASSEMBLYMAN OTLOWSKI: Let me ask you the second part of that question. What do you think the social worker, the caseworker can do to be more effective in recommending prosecution?

MS. DONATOS: I am not sure that I understand the question.

ASSEMBLYMAN OTLOWSKI: It has been said here that there is no mechanism that the social worker has for recommending prosecution. What mechanism would you recommend to give the social worker, so that the social worker could make an effective recommendation for prosecution?

MS. DONATOS: I would recommend a similar mechanism that is being used for prosecuting perpetrators, although that also needs to be tightened up, and that would be an internal form within the Division regarding briefly who the person is, what the incident was, and what your recommendation is, either for prosecution, and the reasons --

ASSEMBLYMAN OTLOWSKI: And there is no such form?

MS. DONATOS: At this point, there is no such form for not reporting child abuse.

ASSEMBLYMAN OTLOWSKI: So, the caseworker doesn't have that particular instrument.

MS. DONATOS: That is correct.

ASSEMBLYMAN OTLOWSKI: Good.

MS. MILLS: Excuse me, I spoke with our prosecutor about this a week ago, and she seemed quite shocked to know that this was still going on in the community and was willing to set up some kind of a system where we could --

ASSEMBLYMAN OTLOWSKI: I think this point is well taken, and I think it was important to develop.

MS. MILLS: To continue from where I was, we then find out that we -- what we do all call -- our Division is the "grand dumping ground" when other agencies refuse to or cannot service the kind of clients that they have. At this point, we are dealing with mentally ill people who are psychotic and schizophrenic. Although we are trained, I don't know that we are trained to deal with psychotic and schizophrenic patients. We are not psychiatrists. We are dealing with juvenile delinquents who are fire setters, who are suicidal, who are sexually acting out -- you might like to hear our foster home finder on the phone saying, "Would you please take this child? Now, he sets fires, and he stabs people, etc." Okay? I am just telling you that this is the way it is, and these are the kinds of people that we are dealing with.

ASSEMBLYMAN OTLOWSKI: Excuse me, with that kind of a child -- one of the girls here this morning, I think, pointed out that under ten years of age -- what did she call a child under ten? An abused child. Over ten, she called him incorrigible. You are dealing in that kind of an area. As a matter of fact, you are not only dealing in that kind of an area with a child, but in many cases, you are dealing with adults with those same problems. You are not dealing with those

adults as much, probably, as the police are -- with the adult who sets fire to a building because his girl didn't show up for the date that he had with her -- it used to be that you looked for another girl. Now, they set fire to the house. But, in any event, what you are talking about -- this problem that you are talking about -- how can you handle that?

As a matter of fact, the foster home -- it is probably the wrong place for that child.

MS. MILLS: One of the things that we are faced with here, and I'm talking -- of course, you must understand, I am talking from my vantage point in my Agency in my community.

ASSEMBLYMAN OTLOWSKI: From your experiences, yes.

MS. MILLS: One of the things that happened in Essex County --

ASSEMBLYMAN OTLOWSKI: But, what you are talking about -- for example, the category of the cases that you are talking about -- I can't see how they could even deal with a child like that in the foster home.

MS. MILLS: They can't. That is the point I am making. They cannot take those children, and if they are there tonight, they won't be there tomorrow night, and we are back placing them again. Where? That is my question. Where? Our shelters are closed. We closed our Essex County Childrens' Shelter, and we closed our Jamesburg Shelter.

ASSEMBLYMAN OTLOWSKI: The next question, of course, and you don't have to answer this if you don't want to, because maybe you don't -- What do you do with a kid like that?

MS. MILLS: Well, I have seen the caseworker last week spend from nine in the morning until eleven at night, and finally drive the child from Essex County into Somerset County.

ASSEMBLYMAN OTLOWSKI: But, what do you do with a child, as we just talked about, who has the propensity to be an arsonist that sets fire to the mattress, sets fire to anything that is burnable, and he is with other children?

MS. MILLS: We attempt to get him into counseling or into an inpatient program. Those are some of the things that we might try to do in a residential setting. I mean, this is just an endless list of places to look for children. There are no resources. Resources are our biggest problem.

ASSEMBLYMAN OTLOWSKI: Resources are what you are saying are limited.

MS. MILLS: And, I have more to tell you about resources.

Mentally retarded -- I don't know whether the DMR has outreach workers.

ASSEMBLYMAN OTLOWSKI: Who is DMR?

MS. MILLS: I'm so sorry --

ASSEMBLYMAN OTLOWSKI: I only know what WPA was because I am not familiar with all of these modern alphabets.

MS. MILLS: Division of Mental Retardation. They may have outreach workers. I'm not sure, but many times, we are faced with (inaudible) police calls an abandoned child. A child is mentally retarded, and sometimes, they are adults, but we don't know they are adults. We don't know his name, we don't know where he lives, we know nothing. And, we drive around for days and hours trying to find out where this child belongs. Okay? I am just giving you an **incidence** of what

some of things are that we deal with.

One of my biggest concerns, at this point, is that we are becoming a financial assistance agency, and it is taking out a tremendous amount of our funds and our time. Somebody brought up here before the bringing of welfare and DYFS together. I don't know that we need to bring them together, but I think that we need to separate them as an income maintenance program, and us as a social service program, dealing with abuse and neglect.

ASSEMBLYMAN OTLOWSKI: Why do you say that?

MS. MILLS: Okay, because now we get calls where people say, "We have no gas and electric. The heat and the gas -- everything is off." We help to pay the utility bills.

ASSEMBLYMAN OTLOWSKI: Your Agency pays it.

MS. MILLS: Oh, yes. "I have been evicted. There isn't housing."

ASSEMBLYMAN OTLOWSKI: Why doesn't welfare pay that?

MS. MILLS: We don't really know why. Okay? I can't answer that. We argue with each other all the time. Evictions -- we have to place the children, but we can't place the mother because we have no housing, and we don't deal with the parent. That is a very sad situation.

ASSEMBLYMAN OTLOWSKI: How could you establish better coordination, a better single approach to this problem that you are talking about, you know, where you get into that kind of conflict between welfare and DYFS? Was that what we were talking about this morning -- to tighten the whole thing up?

MS. MILLS: This is just my personal opinion, but I would like to see welfare take over the financial assistance programs, and let us do the social service work.

ASSEMBLYMAN HAYTAIAN: One thing I don't quite understand, and maybe I have missed something somewhere along the line during the last six or seven years -- you are saying that welfare has the jurisdiction, and if a client comes to you and says they don't have anymore money for electricity or heat, that your Agency supplies the money to them?

MS. MILLS: That is right, because we cannot let children go without heat and light.

ASSEMBLYMAN HAYTAIAN: Well, how do you know that they haven't used the money in say, half a month's time, that they received --

MS. MILLS: We pay it directly to the public utility.

ASSEMBLYMAN HAYTAIAN: Yes, but you still have not answered my question.

MS. MILLS: Oh, I'm sorry.

ASSEMBLYMAN HAYTAIAN: How in the world do you know what they did with the money they received from welfare? In other words, are you saying that they are eligible or can be eligible just because they don't have anymore money for heat and electricity? Well then, there is something wrong here.

MS. MILLS: There certainly is. Now, they call us up --

ASSEMBLYMAN HAYTAIAN: There is something wrong with your Agency giving them the money.

MS. MILLS: I would say so. I think there is something wrong with the whole system, but what is happening is, that comes under the guidelines of neglect, if you don't have utilities. These children have to have utilities. So, they then become neglected children under our guidelines.

What happens here is that sometimes the bills are \$900 or \$1200. We only pay what it takes to turn on those utilities. Those are our emergency funds. But, how is she going to pay the rest of that bill?

MR. ROBINSON: Can I explain something?

ASSEMBLYMAN HAYTAIAN: Yes, you had better explain something here, because I'm --

MS. ROBINSON: The emergency funds that she is talking about came about -- I've been with DYFS now for twelve years, so it was at least six years ago. The reason that came about was because it was much more expensive to remove children from their homes and put them in foster care and pay a foster mother \$800 for five or six children -- \$1000 when it was a family of eight -- than to give a family \$200 for a security deposit, or give a family \$200 to get their gas and electric turned on. Now, I have a --

ASSEMBLYMAN OTLOWSKI: Excuse me, let me just follow this question up that the Assemblyman has asked. How long do you continue to furnish that money after you once do it? Is it just a one shot thing?

MS. ROBINSON: We are only allowed to do it once a year.

ASSEMBLYMAN OTLOWSKI: It is a one shot thing?

MS. MILLS: Well, \$500 a year is the most any family can receive in emergency funds, whether it be for security, rent, utilities, food, hospital --

ASSEMBLYMAN HAYTAIAN: But, don't you ask the question as to why it was turned off in the first place?

MS. ROBINSON: Oh, certainly.

MS. MILLS: Sure, we get investigated.

MS. ROBINSON: We have many circumstances where we know why the parents are misappropriating the funds because they are drug addicts or alcoholics, or they live in very urban areas where there is high-crime --

ASSEMBLYMAN HAYTAIAN: Why would you want to keep the children with drug addicts and alcoholics?

MS. ROBINSON: Because, under the State law, just because a parent is a drug addict or an alcoholic, it does not mean that they can't take care of their children.

ASSEMBLYMAN HAYTAIAN: Well, if they can't pay the bills, then you are telling us that we have to put more money out to help them pay the bills, and we are still going to keep them with the drug addicts and the alcoholics. It doesn't make sense.

MS. ROBINSON: Well, sir, if you have ever removed a child from a natural home and saw the trauma that a child goes through in foster care, you are left with a situation of the lesser of two evils all the time. There is very seldom that our decision -- that there is an ideal decision to make -- very, very seldom.

ASSEMBLYMAN HAYTAIAN: Now, wait a moment. We haven't heard that type of testimony up until this time. What we have been hearing is that to keep the child in the home, usually that child is abused, and we should be taking that child --

MS. ROBINSON: But, sometimes that is the lesser of two evils. I am not saying that in every instance, a child should stay with a drug addict or an

alcoholic mother. I am not saying that. What I am saying is, in certain instances, depending on how attached that child is to the mother, depending on a whole list of things -- sometimes it is best to leave children in a not so great situation. If you have removed children, and I have been at this now for twelve years, if you have ever removed children and have seen what happens to them in our foster-care system, despite the tremendous, wonderful foster parents that I have worked with, the emotional trauma -- the emotional damage that is done by removing -- if you have ever seen how hard it is to get a family back together after you have removed the child, then you do it as a last resort.

And that, again -- it costs the State so much more money to maintain children in foster care than to sometimes provide them with some emergency money. And, there are times that I knew that people had abused the money, and I give it to them. There have been times that I have made that as a judgment call, where I know that it is not going to solve the problem down the road.

For instance, there is a child now that I want to return home. The child has been out of the home for seven months. That family has made tremendous progress, but there was no way, given the economic times, that they were going to be able to come up with the \$600 that they needed to get into a place. They came up with \$400 of it; I came up with \$200, and that child is going to be able to go home next week because I had those emergency funds.

So, please -- if this was eight years ago, that child would have to remain in foster care. I would not have had that resource, and this would have been a case where I would have been very frustrated.

ASSEMBLYMAN HAYTAIAN: How much, and I don't know if it is appropriate to ask you -- I can look at the budget. Is there a line item of emergency care under DYFS? How much money is appropriated there?

AUDIENCE: A gentleman from audience answers "yes." \$300,000.

ASSEMBLYMAN HAYTAIAN: \$300,000, and is that all used at year's end?

AUDIENCE: The majority of what is left (inaudible)

ASSEMBLYMAN HAYTAIAN: And, do you have vouchers as to what it was used for, or is it just given?

AUDIENCE: **Yes**, sometimes it is allocated to each District Office, and they use it on the basis of who needs it. We make out a request, outlining, as well as why the persons needs the money. It is signed by the supervisor of the worker and administrator of the office.

ASSEMBLYMAN HAYTAIAN: All right, and the money is not -- if I understand correctly, the money is not given directly to the people; it is given to the utilities or whatever. Is that substantiated?

AUDIENCE: Yes.

ASSEMBLYMAN HAYTAIAN: Okay.

MS. MILLS: And, you should also know that when it does not appear that it is going to be budgetable for these people to live in the same place that they are living, we will not give them that money. We will supervise that case and try to find other means. But, the point I am trying to make is that we have become a --

ASSEMBLYMAN HAYTAIAN: We have to get that --

MS. MILLS: A lot of financial assistance is going on here. Okay.

I just want to run through this quickly. Our cars -- we are always in crisis situations. If we can get a car, great. If we can't, we are out of luck. Is the car safe? Half and half, it is. It usually breaks down if you have the old one.

ASSEMBLYMAN OTLOWSKI: If you can't get a car, what happens?

MS. MILLS: We wait until somebody comes back.

ASSEMBLYMAN OTLOWSKI: You wait until a car is made available.

MS. MILLS: Okay. In the summer, in the cities and in some of the arid areas, there is no air conditioning in these cars, and it is very unsafe. We have had workers attacked in projects and in cars through car windows that had to be open.

We do not have charge cards. We have to go to a specific place for gas if it is open, when it is open. Their hours aren't too long. So, we always have to be sure that the cars are gased up. That is our responsibility.

Anyplace that we go that costs money -- we have to pay for that out of our own pocket, and then we have to list that on a travel voucher. There are many people in our office who can't afford the kinds of money it takes to do the parking and the driving. There should be a petty cash fund where we can get that money to do those things without having to wait for it.

The clients who we meet, as I am sure you are well aware, are hostile, unmotivated and resistant most of the time. I will certainly not say that about all of our clients because some of them are real happy to see us. Some aren't. We have a dual role to play that you might know about, which is an advocacy/adversary kind of role. We are a helper and we are the policeman. It is not easy to do work in that kind of role.

The safety problems that we have to deal with -- I just mentioned physical attacks, certainly verbal abuse -- one of our workers was confronted with a boa constrictor as a threat. Another worker, last week, after Assemblyman Pelly left, was bitten by a huge roach and treated at a hospital. It was the first time that I found out that roaches could bite. We have had two workers during the last three weeks attacked by dogs. We have had a rock thrown through our window that just missed a worker in our office. We have had a bomb threat to one of our workers. Those are just some of the things that have happened.

ASSEMBLYMAN OTLOWSKI: You have got a lot of company. That happens to mayors too.

MS. MILLS: Okay, good. I am glad to hear that. I'm just trying to give you an idea of what we are up against.

Decision-making responsibility, and this is something that I think is extremely important. When we are out in that field, we are alone. Okay? I want you to know that we are alone. There is no psychiatrist, there is no supervisor, there is no one but us there to make that decision about what has to be done at that very moment. Yes, we can call a supervisor, but that supervisor does not see what we see. He doesn't know what we know, and there is no way that we can tell him what we see and what we know completely. Okay? We assess risk; we do not make judgments.

ASSEMBLYMAN OTLOWSKI: What?

MS. MILLS: We assess risk, and we are trained, and we know how to

assess risk. When we go out, we don't just make crazy judgments with personal bias and so forth coming into it; we assess all kinds of different things.

ASSEMBLYMAN OTLOWSKI: But, you make the judgment.

MS. MILLS: And then, based on those assessments, we make a judgment and a decision, and we have to live with that. We have to go home with that at night. Did we do right, or did we do wrong? Along with this, we have no mal-practice or liability insurance. The State gives us none of that. I think it is something that the State needs to consider, especially after what has happened this year.

Now, our resources are the biggest problem. Our shelters are closed. We do not --

ASSEMBLYMAN OTLOWSKI: So you have statutory immunity?

MS. MILLS: Obviously not. Somebody I just heard was being sent for criminal prosecution.

ASSEMBLYMAN OTLOWSKI: Why can't we give you statutory immunity on your job?

MS. MILLS: We think it is great. We would love it.

MS. DONATOS: We think it is a wonderful idea. No one has every proposed that. We have been asking since the arbitration hearings for such --

ASSEMBLYMAN OTLOWSKI: Would you please send me a note just to tell me about the Committee coming up with a bill to give you statutory immunity, which isn't much, but that is the only thing we can probably give you?

First, just let me say this. Your job isn't an easy job. It is a tough job. To be out in the street today, it is a tough job. When you are out in the street, you are out where the action is. Just as the Assemblyman here was upset when you were talking about drug families having children -- this is the horror of our times, and you are in there. You are in there all hours of the day and all hours of the night, and you are there unarmed. And, you are not policemen, and yet you are put in these delicate and dangerous situations. It is a tough job.

I think that the Committee is aware of that, and if there is something that we can be helpful with, we want to be helpful to you. But, by the same token, I think that you would be the first to recognize that we are dealing with human limitation here too. We are dealing with human limitation here.

But, I just want you to know that it is not that you are not appreciated, and it is not that you are unsung. The fact of the matter is, those of us who are close to the situation know the kind of job that you have. It is a tough job. It is the tough job of this period, and frankly, I am glad that you came. I am glad that we had the benefit of your testimony.

MS. ROBINSON: Can I ask one thing though?

ASSEMBLYMAN OTLOWSKI: Yes.

MS. ROBINSON: I really was concerned this morning. I heard Mr. Albanese's speech, and frankly, the caseworkers have an attitude of "We don't believe it." We have been hounding the beat for ten years now to get these things brought to someone's attention. I really hope that Mr. Albanese can reform the Agency. I certainly had very few arguments with him this morning, though I do have a few. My concern is --

ASSEMBLYMAN OTLOWSKI: Well, that is great progress in itself. Let me just tell you --

MS. ROBINSON: My concern is that this is not going to --

ASSEMBLYMAN OTLOWSKI: Let me just tell you this. You know, I didn't appoint George Albanese. I had nothing to do with his appointment, but I think this: I think he deserves a chance to see what he can do. I think when he came here this morning, he gave some indication that he wants to do something. Let's give him that chance. I think that Assemblyman Pelly pressed him hard about dates and times, and he said that he would be able to, hopefully, do something by July. Let's give him that chance.

MS. ROBINSON: My concern, sir, if I can just take the time for a few more seconds --

ASSEMBLYMAN OTLOWSKI: But, I want to tell you this, and nobody knows it better than you. We are not going to be able to do anything about a lot of these things because, as we said, there are human limitations.

MS. ROBINSON: But, my concern is that, at this point, I do not see any attempt on Mr. Albanese's part to consult with the direct-line staff before making some of these changes, and I have seen many well-intentioned plans that have only made our burden worse because they missed something -- not having been --

ASSEMBLYMAN OTLOWSKI: But, I think the fact that you are here today, the fact that you are testifying, and the fact that we have the benefit of your testimony -- as a matter of fact, I'm going to sit down with Mr. Albanese and tell him about your testimony, tell him about --

MS. KING: He is meeting with the Union, by the way, tomorrow.

ASSEMBLYMAN OTLOWSKI: That what?

MS. KING: He is meeting with the Union representatives tomorrow, and we intend to get that information back.

ASSEMBLYMAN OTLOWSKI: You know, I just want to tell you something too. If I understand your Union, you are not the weakest creatures in the country. I am sure that he will listen to you. I am sure he will appreciate what you have to say.

MS. MILLS: Could I just say one more thing? One of the things that came up today that a good many of our people do leave -- They go up or out because there is no career ladder, and there is no incentive pay-wise to stay. Training was something that was brought up repeatedly today, and what I would like to tell you is that I have done a study in my office, and it is a big office. Out of 56 people, excluding clerical and aids, who do not have degrees, in our office, we have 14 MSW's -- that is a master's in social work -- 4 related master's, 12 BSW's -- that is a bachelor's in social work -- and 17 related BA's. We have only 5 unrelated degrees in our office, and I would like you to know that our Assistant Supervisors have 8 plus years of experience in DYFS, and everyone of our workers, on an average, I am talking about, has 6 plus years in DYFS, and 4 years social service work prior to that.

Now, I went through a BSW program and an MSW program; only three years ago, I graduated from Fordham. At no time is there any emphasis on protective services, and I know that Meyer Schreiber is trying very hard. He said so this morning, and I have talked to him before. But, I want you to know that there is

nothing that gets you ready to face this kind of job -- nothing. You can get skills, and you can learn how to interview, and you can learn theory, but until you have been on that job and in that field, you don't know what you are going to do. I will tell you that on-the-job training is what we need with trained workers.

ASSEMBLYMAN HAYTAIAN: The five unrelated degrees --

MS. MILLS: They were hired long before the programs began.

ASSEMBLYMAN HAYTAIAN: If a person **was** hired with an unrelated degree today with one year's experience, what is the average caseload of each caseworker?

MS. MILLS: First of all, that is not happening today. BSW's are coming in every day. That is what we are hiring.

ASSEMBLYMAN HAYTAIAN: Okay, so then --

ASSEMBLYMAN OTLOWSKI: What are the BSW's?

ASSEMBLYMAN PELLY: Bachelor's in social work.

ASSEMBLYMAN HAYTAIAN: So, what you are saying is, that is not going to be a problem?

MS. MILLS: I think that you should be hiring, or we should be hiring, BSW's. There is no question in my mind.

ASSEMBLYMAN HAYTAIAN: Okay. Assuming that doesn't happen all the time, and there are some that are hired without BSW's and the one year's experience, what is the average caseload?

MS. MILLS: The average caseload range is from office to office. It is different. There are 27 or 28 in our office; some have 60 cases in other offices.

ASSEMBLYMAN HAYTAIAN: Okay, so then there could be the possibility of sixty children being supervised by a caseworker --

MS. MILLS: It is a possibility. I am talking families.

ASSEMBLYMAN HAYTAIAN: Wait a minute. All right, families, so then maybe it is 120 children being supervised by people who really don't have the background, which could cause us major problems in the State, because if we had nine deaths, and it is all in one area of caseworkers who don't have the experience, that could happen like that.

MS. MILLS: If it is, does anyone know that it is? I haven't heard that.

ASSEMBLYMAN HAYTAIAN: Well, that is what we are trying to find out. That is the reason we are trying to find these things out.

MS. MILLS: Well, I think there needs to be a very close study of those nine cases because we have one of the lowest death rates under supervision in this country.

ASSEMBLYMAN HAYTAIAN: That is true, and that is why we asked the question. That is correct, that is right.

MS. MILLS: Okay, and I think everyone needs to know that.

ASSEMBLYMAN HAYTAIAN: And, yet, it was in the headlines.

MS. MILLS: Yes, and we have supervised 3,500 children this year. Okay? And, I think, if that is the case, we should know that, but I haven't heard that.

ASSEMBLYMAN OTLOWSKI: Let me ask you a question from your experience, and I don't want to downgrade the academic community. Let me ask you this question from your experience and your honest opinion. Someone with a bachelor's degree, the basic degree who comes into the Department, who applies himself and who is

conscientious, and who wants to learn, and who learns on the job -- does that person usually serve well?

MS. MILLS: Yes.

MS. ROBINSON: Sir, I came with a bachelor's in history in 1970, and believe me, I did some stupid things over the years, and I am still doing some stupid things now that I have a master's degree. The person who took my place when I went to graduate school has a bachelor's degree, and she took over my caseload, and I think she is an excellent worker.

I believe there has to be some credentials --

ASSEMBLYMAN OTLOWSKI: The basic degree -- the basic degree. The fact of the matter is, when a person comes in with a basic bachelor's degree, and that is the requirement -- a lot depends upon that person, what that person does with the job. Isn't that a fact?

MS. MILLS: How committed and dedicated one is to this job?

ASSEMBLYMAN OTLOWSKI: Exactly.

MS. MILLS: Believe me, we could not be here if we were not committed and dedicated.

ASSEMBLYMAN OTLOWSKI: But, am I stating a fact when I state that? And, without downgrading the academic community, I think that is basic, and I think that should be appreciated, because there are many good people out there with a basic degree who are doing an outstanding job.

MS. ROBINSON: The academic community -- when I went to graduate school, most of my professors did not have the experience in child welfare, and it might sound conceited, but I knew much more than they did. I had been in child welfare for nine years before I went to graduate school.

There is a need for excellent training. I am not so sure that it is at the graduate level.

ASSEMBLYMAN OTLOWSKI: But, somebody said, too, on-the-job training is very important. On-the-job training is very important.

MS. MILLS: It certainly is.

MS. DONATOS: If I may, I think that we need both. I think that it would be outstanding for colleges and universities that are credited in social work and related degree programs within this State, to begin looking at development and implementation of protective service permanency and adoption programs within that concentration, and increasing the internship requirement from two semesters to four semesters before you are allowed to graduate.

ASSEMBLYMAN HAYTAIAN: How to you get the one-year training if you are not in social work?

MS. MILLS: That is one of my very favorite ways of being trained. I was placed in the Division when I went to Seton Hall and did my year's placement there. I learned on the job, and it was super. That was my year's experience, and that is what we should be doing with students coming out of programs.

ASSEMBLYMAN HAYTAIAN: So, actually what we are saying, and what we discussed this morning with the Commissioner and Mr. O'Grady is that they are going to have to look at a technique of training in the Division, regardless of who comes in with what degree. It is still a matter of training, and we are going to have to have uniformed training throughout the Division.

MS. MILLS: But, it is not something that can be done out there. It needs to be done in that office. They need to be there, and they need to see it. They need to accompany workers on cases, and the workers accompany them on cases.

ASSEMBLYMAN OTLOWSKI: I really want to express my appreciation. You were very helpful, and I think we got a very dramatic picture from you of what happens out in the field. Thank you very much, and I am sure that some of the things that you mentioned for the record here -- we're going to attend to it, and I hope that I am going to get that note from you about the --

MS. DONATOS: (inaudible)

MS. ROBINSON: You'll get plenty of (inaudible)

ASSEMBLYMAN OTLOWSKI: Right. Will you please?

MS. MILLS: Thanks for letting us speak to you.

ASSEMBLYMAN OTLOWSKI: Thanks very much, girls. Thank you very much. May we have James Harrell?

ASSEMBLYMAN PELLY: Greetings, Mr. Harrell.

J A M E S H A R R E L L: My name is James Harrell -- H-A-R-R-E-L-L, for the record, and I am the Director of the National Center on Child Abuse and Neglect. I have some written testimony that I will turn over to you, and I will not go through it word by word, if you don't mind.

ASSEMBLYMAN PELLY: Fine.

MR. HARRELL: Maybe I will just make two or three points. I came to speak basically about the perspective on New Jersey's child protective services system, which is kind of a national perspective -- how you stack up in terms of other states, and how we see it from a Washington view, if you don't mind. I have to say two things about that.

Number one is something you have heard some of today, but it needs to be made very clear, and that is that New Jersey is not unique in its inability to have a perfect record in protecting children. It is a very, very difficult job that child protective service workers and agencies are trying to do all over the country. Your situation, if anything, here, and particularly, in terms of fatalities, stacks up in good contrast with most other states this year. We hear of a number of states that are showing increases in numbers and in rates over last year, running 50%, 100% in terms of fatalities. It is really quite a critical problem nationwide.

Secondly, I would have to say that New Jersey's DYFS is very unique in something else, and contrasts very positively with other states in a kind of willingness to explore and be open to improvements in how to provide child protective services. My mode or my means of kind of indicating that, are really the fact that DYFS has, year after year, consistently and successfully, gone after our little store of Federal discretionary research and demonstration money that we have available through the National Center on Child Abuse and Neglect to try to get some projects in the State, which would allow it to improve what it is doing. It is working right now on dealing with children who have developmental disabilities, who come into the child protective services caseload, and finding that there are, in fact -- it is quite a large correlation of children who have problems and may be hard to be hard to parent, if you will, because of the problems they themselves have, which can be remediated through developmental disabilities kinds of programs.

They have taken the lead in terms of adolescent maltreatment so that maybe not all of those children over ten will be immediately seen as incorrigible. Some will be recognized as maltreated and in need of the same kinds of attention and family kinds of attention that children at an earlier age get. And, they have taken the lead very successfully, I think, in terms of dealing with protection of children who are placed in residential institutions. All of these and others -- the emergency fund actually started out as a kind of a demonstration project that the State took on and found that it was useful and successful several years ago and institutionalized it. I think that it speaks positively about the State of New Jersey and DYFS, and I think that other states recognize it as a leader because it has taken on these kinds of problems and tried to find better ways to address them.

I wanted to say two other things quickly, and that is, the National Center has, again, a little store -- a soft-shrinking store of research money and demonstration money available this year. Two of our priorities which we have stated -- I think it came out in the Federal Register just yesterday -- are ones that are relevant to the issue before you. We are inviting proposals this year for state Agencies or county Agencies and those county-administered kinds of programs to address more rational, clearer decision-making guidelines for intake and investigation of child abuse and neglect cases. Since many of the really crucial, critical decisions are made right there at the beginning, which has an effect on what is the fate of the subject child, those kinds of decisions, which are not totally gut decisions **after all**, need to be looked at. We are inviting proposals to do that.

A second that is even more relevant is that we would like to support an effort to develop and test out means of making inquiry into child fatalities in a way which does not go out to establish or point the finger of personal or even Agency blame, but rather to look at the kinds of system or organizational lapses or procedural problems that may have contributed to a child's kind of slipping through the safety net -- a child ending up dead, whose death might have been prevented with better protective kinds of attention. We are very impressed with the model which we have borrowed from Great Britain, which uses multi-disciplinary committees of inquiry into child fatalities for just this purpose, and we are hoping that several states will -- I think this is particularly a courageous issue -- will have the courage to step forward and be willing to try to develop some of these kinds of approaches so that when the tragedies of child fatality do occur, they can be attended to in a way that might make it possible to prevent future ones from occurring.

I guess the only other thing I would say quickly is that in hearing the problems today, it has been a good refresher for me too. They are the problems in many other states, and other states have taken some steps to address some parts of the issues that have come up. I would hope that, as the Commissioner goes about reorganizing, as procedures get changed, and as new things occur, that you would be looking at the experiences of some of the other states, which might make it possible that you don't have to spin your wheels or reinvent the wheel, but could adapt and adopt efforts that have already been tried and tested in other states.

That is what I had to say.

ASSEMBLYMAN PELLY: Mr. Harrell, you are suggesting that we look at the experiences of other states. Could you inform us as to perhaps a state, or several states, who are, in your opinion, model states?

MR. HARRELL: Well, in some sense, I have always felt that New Jersey was a model state, and I want to start off by saying that. I know that for me to follow-up hearing about the problems that are on the front line -- that may sound strange, but you could go to any state and hear problems like that. The only thing is, I think you hear a quality of leadership from the women who were here just now, which you might not find in other states because there has been a real, I think, New Jersey emphasis on quality services. I really have seen that and heard that.

Two states that come to mind -- one of them is Illinois, and the other one is Connecticut. Illinois is really determined to make a division within its organization between intake and investigation with the issue of whether the child needed to be protected, and ongoing services. And, that division goes clear up to the Director of their division of the Department of Children and Family Services, so that they kind of try to separate out that issue of the initial investigative quasi-police role, with the helping providing ongoing service role. I think that system is worth looking at, plus Illinois has a model information system, and I heard the Commissioner saying he wished that he had better quality information more immediately available to him. Well, the Director of the Department of Children and Family Services in Illinois does have that information available to him.

Connecticut is kind of on the other side. I kind of put them on a spectrum of right and left of a more investigative police kind of approach as opposed to a more social service, social work approach. Connecticut has made two really important improvements, it seems to me, in child protective services -- or one -- and that is to, by policy, say that child protective services requires self-help groups and parent-aid programs. They are crucial services that, in effect, social casework -- we will never have enough well-trained social workers to provide intensive enough casework to these kinds of problem families to be able to give a solid kind of protective services. We have to rely upon non-professional services. We have to rely on a network at the community level that groups like Parents Anonymous and programs like Parent Aid Programs can provide. So, that is another one that might be worth looking at.

ASSEMBLYMAN PELLY: Thank you. Assemblyman, do you have any questions?
(no response) We thank you very much for your testimony, Mr. Harrell.

We now call upon Mr. and Mrs. Sims -- Virginia and James Sims.

Good afternoon. Why don't you identify yourselves for the record?

V I R G I N I A S I M S: Virginia and James Sims.

ASSEMBLYMAN PELLY: And you represent?

MRS. SIMS: DYFS -- I am one of their clients.

ASSEMBLYMAN PELLY: You are a DYFS client.

MRS. SIMS: Yes.

ASSEMBLYMAN PELLY: Okay.

MRS. SIMS: I am just here to say that I have been involved with DYFS

since 1979. I had a mishap with my youngest boy, and the hospital that my husband had taken him to turned me in. They called, I guess, the hotline for DYFS, and the following day they were out. I have gotten a lot of support from them, and they have helped me in everything. They have put my boys in pre-school, and they have done real well. They have sent my boys to camp, which I can't afford to do, and there were times that my electricity was shut off. My caseworker and I have come across a human coalition that has helped me restore my electricity and gas, and through them, my kids had a terrific Christmas last year. They brought me food, they had given me a nice check, and without the DYFS office, I don't know what I would be doing.

Now we have checked out my two oldest boys -- they have hearing problems, they have learning disabilities, and my caseworker has seen me through all this, and has helped us to find the right people to see to help them. We have learned a lot about our own kids through DYFS.

They have given my boys Medicaid 65, which has been very helpful, because I cannot afford to go to a doctor myself. I really do like the DYFS office.

ASSEMBLYMAN PELLY: Would you like to add to that, Mr. Sims?

J A M E S S I M S: Everything I know about DYFS is like my wife said, and I think if they keep cutting back on DYFS, a lot of people will be sorry about it. They are there to help, and I hope you keep them going strong.

That is all I would like to say.

ASSEMBLYMAN PELLY: Thank you very much. We appreciate your testimony. Thank you very kindly.

We would like to hear from Linda J. Wood, Executive Director, Association for Children of New Jersey, and is Julie Turner going to be speaking at the same time?

L I N D A J. W O O D: Yes, she is.

ASSEMBLYMAN PELLY: Okay, great.

Thank you very much for appearing before us. Is this a prepared statement that you have?

MS. WOOD: I am giving you a prepared statement, but I am not going to read all of the 12 pages. I am going to summarize my comments, and Julie is going to talk briefly as well.

ASSEMBLYMAN PELLY: Okay, fine. Proceed.

MS. WOOD: Okay. I guess I need to introduce myself for the record.

ASSEMBLYMAN OTLOWSKI: Are you going to introduce yourself now?

MS. WOOD: Yes, I will. Chairman Otlowski, members of the Committee, I am very, very pleased to have the opportunity to talk about some issues that have concerned our organization for a long time. On my right, I would like to introduce Julie Turner, who is a citizen volunteer and a member of our Board of Trustees. Also, she is a member of the Bergen County Citizen Review Board, and she will begin by talking a little bit about some of the concerns that we have.

ASSEMBLYMAN OTLOWSKI: Let me ask you -- you are a volunteer organization?

MS. WOOD: Yes, we are.

ASSEMBLYMAN OTLOWSKI: And, the name of your organization is what?

MS. WOOD: Association for Children of New Jersey.

ASSEMBLYMAN OTLOWSKI: And, you are a State organization? Are you affiliated with any national organization?

MS. WOOD: Yes, we are a non-profit statewide -- No, we are not.

ASSEMBLYMAN OTLOWSKI: No, all right.

J U L I E T U R N E R: Okay, I think it is worth saying that I am a fairly full-time volunteer because many years ago, I was a DYFS worker, so that from that perspective, I understand many of the problems, and I see it as coming at it as a volunteer.

I think that as we look at all of the numbers and all of the statistics and all of the structures that have been talked about, maybe the significant thing is not the nine deaths per se, as tragic and horrible as they are, but maybe it brings to light that out there, there are at least 24,000 kids who were reported as being abused and neglected last year. Nine of those kids were in that 24,000. What is happening to all the others? They may not be dead, but they are the ones who may be suffering some significant abuse and some significant neglect.

I remember from my days as a caseworker, as I think the caseworkers who testified here can say -- once you have seen a four-year old standing there with a broken nose and both eyes blackened, you know what abuse and neglect mean. You have asked for solutions, and you aren't going to like it all, because what we are talking about is basically an issue of where we prioritize, where we put our money. Do we, as people, care enough about the kids who are out there? And, I think the answer so far has been no, we don't. When the State budget cuts were made, the people who were impacted were kids. When the Federal budget was passed, kids were suffering, and they continue to suffer. We have not, as people, made that kind of commitment.

One of the things that the Association for Children has been doing as part of the national project is what is called "Child Watch," which has been an attempt to try to assess the impact of budget cuts on children and families. We have been doing this in New Jersey through many, many volunteers interviewing in several counties. The preliminary findings are, I think, quite serious for our kids, not just kids who are directly in the protective service system -- kids out there. Probably one of the most significant things, and we are beginning to read about it a little bit, is that kids are going hungry. Now, I come from Bergen County, which is supposed to be a pretty affluent county. The week before Thanksgiving --

ASSEMBLYMAN OTLOWSKI: Excuse me, how are you going to deal -- let's assume, with a family who is on welfare, and since they are on welfare, they are getting family assistance because there are children involved, and then the children go hungry, and then the children aren't fed, and then the children aren't clothed, and then the children are beat up -- in the meantime, they are getting money from the Federal government and from the State for welfare. How do you deal with a problem like that?

MS. TURNER: Let me talk about a couple of things. One, in the past -- I think, roughly a year -- one-fifth of New Jersey's kids were cut off of welfare -- one-fifth --

ASSEMBLYMAN OTLOWSKI: But, I'm talking -- how do you deal -- no, no --

MS. TURNER: Those are kids that I am even more worried about.

ASSEMBLYMAN OTLOWSKI: I'm talking about a specific case, and I am asking you the question, how do you deal with the family who is receiving family assistance, and where the child is neglected, where the child is abused, and yet, the money is being poured into that home?

MS. TURNER: Okay, which brings me to my second point: Let me say it and I think it will answer --

ASSEMBLYMAN OTLOWSKI: Or not into that home -- actually it is not a home because it is probably just a house.

MS. TURNER: During the time that all these budget cuts have affected the way that families function, we have also been cutting the direct services that DYFS workers can provide. I think the caseworkers were saying, and believe me, I can tell you from years back -- if you have a caseload of 60 or 70, no way can you do a semi-adequate job, making a decision of, can this family be helped, how can we help the family?

ASSEMBLYMAN OTLOWSKI: Excuse me, I think we are dealing with a problem here from the testimony that was given here today, and money doesn't solve those problems. We are dealing with what we said here -- mother and father may be on drugs, mother and father may be alcoholics, mother and father may be totally indifferent, mother and father may be brutal -- how do you deal with a thing like that?

MS. TURNER: Okay. You need three separate things. One, you need caseworkers who are adequately trained -- exactly what they are talking about -- not in schools -- to make a good investigation, to make a decision whether the child should be removed from the family, or whether that family can be helped, and if so, how. That is stage one. There are families where there is no way that they can ever, ever be helped enough --

ASSEMBLYMAN OTLOWSKI: In those cases, you are recommending that the child should be taken away from that kind of environment -- from that kind of a setting.

MS. TURNER: Yes, sir. If an intelligent investigation and an intelligent assessment is made that indicates that that family cannot be rehabilitated, the child's right to safety and a decent life must take priority, and that means removal. It is a hard thing.

ASSEMBLYMAN OTLOWSKI: Suppose the situation continues to deteriorate, and the aspects of that part of society get worse where the neglect gets worse, the indifference gets worse, the parental thing completely breaks down -- then we are getting into a situation where almost everybody is going to be a ward of the State.

MS. TURNER: I have a little more faith in families than that, sir.

MS. WOOD: I just want to comment. I don't think the answer lies solely with State intervention. I think that is one of the big points -- that we have to do a lot of things within the community, and there has been this sort of feeling, I think, since the early 1970's, that we can take these kinds of problems, give them to a State agency, and they can deal with it. There are things communities can do.

ASSEMBLYMAN OTLOWSKI: What you are saying is, the worse thing that can happen to a person is to become the ward of the the State.

MS. WOOD: That is right. We are not in favor of all of the problems going to the State agencies, and I think one of the things that has to happen is that the community has to get involved.

When you look at some of the cases -- I happen to be scanning the back of the report from the Department of Human Services -- you'll note that neighbors knew about abuse and neglect of some of these children, and they didn't do anything about it. They didn't report it, and they didn't intervene. I think we have got to make the community very sensitive to the issue of child abuse, and they have to make some effort to intervene in that situation. If it is a very minor kind of a situation -- a couple of slaps or some degree of neglect -- perhaps that neighbor or relative can help.

ASSEMBLYMAN OTLOWSKI: How do you do that?

MS. WOOD: How do you do that?

ASSEMBLYMAN OTLOWSKI: Yes.

MS. WOOD: There are a number of things you can do, depending on the situation --

ASSEMBLYMAN OTLOWSKI: But, let's hear them -- one, two three.

MS. WOOD: Okay, assuming that one, you are a relative, and I know of specific situations where people have come to me and said, "my relative is beating this kid every week. What can I do about it?"

One of the things you can do is sit down with that parent and explain to them that this is not acceptable to you, because social pressure is probably the most effective deterrent to abuse and neglect of anything, and we have lost that. We don't have a real community; we have a lot of families who are very isolated.

ASSEMBLYMAN OTLOWSKI: But, really, isn't that the kind of work that only can be done by organizations such as yours, you know, to get that word out?

MS. WOOD: No, I don't think so, no. One of our jobs as an organization is to get other organizations to go out there and talk to people in the community.

ASSEMBLYMAN OTLOWSKI: All right, so get other organizations. But, isn't it really your role to do that kind of a community job?

MS. WOOD: Yes, it is one of them.

MS. TURNER: I just want to mention that we have just developed a slide presentation on abuse and neglect that we are going to be sharing with other organizations in the State, in terms of trying to get as wide as possible distribution on reporting, dealing with abuse and neglect, the kinds of services that can be developed in the community. We would be very happy to show that slide presentation to you, Chairman Otlowski and members of the Committee, at some point --

ASSEMBLYMAN OTLOWSKI: I think that that is very important.

MS. WOOD: I think another key in it that has been alluded to briefly is the real support of self-help groups such as Parents Anonymous. We have a chapter in New Jersey. I also serve on that Board. It has been shown to be effective in preventing, dealing with child abuse on a very, very low-cost basis. It needs its support, and it needs expansion to be able to deal with other families.

ASSEMBLYMAN OTLOWSKI: Excuse me, in your organization, are you encouraging other organizations to get involved in what you just said? You just said that there was nothing more effective than community pressure or citizen pressure.

I agree with you, but, are you doing anything about that with your organization?

MS. TURNER: Absolutely. We have been doing something about it since the early 1970's, and one of the predecessor organization was Informed Citizens' Committee for Children, and we developed the first brochure on the Child Abuse Law. This will give you an example of the kinds of things that we have been doing all the way along.

We are also working very closely with the media. We try to provide information -- background information -- to T.V. programs. We have done a number of programs in terms of child abuse, and we will be working on one upcoming very soon. We work with groups like Parents Anonymous, the National Committee for Prevention of Child Abuse, which is doing a very fine job in parenting education projects, and I think those are critical.

The other effort of our organization, in addition to awareness, is trying to get changes within the system, both in administrative practices, and within, obviously, the Legislature, since you see our people out here.

ASSEMBLYMAN OTLOWSKI: And, we'll be happy to listen to that.

MS. TURNER: All right, I have some recommendations that I would like to --

ASSEMBLYMAN OTLOWSKI: As a matter of fact, if you have specific recommendations that you feel we ought to attend to from a legislative point of view, again, I would just ask you and your organization to give us a brief memorandum so that we can pick it up from there.

MS. TURNER: Okay. Would it be possible for us to just go over a couple of other recommendations for the record?

ASSEMBLYMAN OTLOWSKI: Let me hear a couple.

MS. TURNER: Okay. I think a number of these things have been said, and that is always the danger when you come late -- is that many of these have been said, but I would like to emphasize --

ASSEMBLYMAN OTLOWSKI: Well, that is the good thing, because you don't have to repeat it.

MS. TURNER: I would like to emphasize, and there has been a lot of discussion about training, and we are very, very supportive of the need for training of protective services workers, particularly in investigative techniques. I think this is an area that has not been dealt with appropriately in the past. We have been studying this issue for about three or four years.

There is a report that I would like to draw to your attention, if you haven't already seen it. It is a report of the Child Protective Services Resource Institute, which talks about the kind of training that is needed for direct-services workers. We are a little bit concerned about this being a university training program, because what comes out in the report is that workers want people who have had experience in the field, and they want people who really know what goes on day to day, and not some theoretical kind of training. I think that has been the problem. There has been money coming into the State for training, but it hasn't really been used to provide the nitty-gritty, day-to-day help that the workers need.

We would like to see a reallocation of casework staffing. This is one of the recommendations within the Department of Human Service's Report because

it has been our experience that in some offices, there are very few workers and a lot of cases. In other offices, there are a lot of workers and relatively few cases, and the urban areas has been particularly impacted. And some of those workers -- there is no way that they could protect a child.

We would like to see more intensive supervision by the Division of Youth and Family Services for children remaining in their own homes. Roughly, sixteen hours per year, at this point in time, is devoted to that kind of supervision. We are devoting almost twice as much to a child in a foster home, and more than that to children in residential care. The child in the home is, in some ways, the most dangerous situation because he or she doesn't have anybody to reach out to and to complain to.

MS. WOOD: And, I think it is worth saying that one of your questions was, "What about these families? What can you do?" If you are only spending sixteen hours, it is a Band-Aid approach. You can't help families improve their functioning with that kind of time. It is a waste of a caseworker's time and money. They are paper children where people say, "Ah, DYFS is taking of them." They aren't, and they can't.

There was some discussion of the Emergency Fund. We would like you to look at the possibility of increasing the amount of that emergency fund, which is \$300,000 per year. There is now a maximum of \$500 that can be given any one family in a year, and many children come into placement solely for economic reasons, and we feel that children should not be placed in residential care for those kinds of reasons. It is much less expensive in the long run to provide the money for the heating, the food, or whatever.

I was a caseworker for the New York City Department of Social Services, and it is easy to say that families should budget, but quite honestly, with the rents that people are paying and the checks that they are receiving, there is a big gap left at the end of the month. Sometimes people just can't do it; they just cannot pay the rent, and they find themselves in the situation of being evicted.

I think one of the issues that we are very concerned about and have been concerned about, and I would like to refer back to a report we did in 1980, "Beneath the Labels." Copies are there for you. At that point, we felt very strongly that there needed to be some kind of monitoring of the operations of the district offices, and that one of the ways that this can be done is through some kind of case-record review -- taking a sample of case records to find out -- to pinpoint any problems in terms of service delivery.

ASSEMBLYMAN OTLOWSKI: What do you think of the suggestion that was made here about the advisory committees?

MS. WOOD: We are very strongly in support of advisory committees. That is not in our testimony, Chairman Otlowski, but it has been something that we have supported for a long time.

ASSEMBLYMAN OTLOWSKI: What do you think of the report that was made by the Governor's Conference Committee? Have you had a chance to look at that?

MS. WOOD: I chaired the drafting committee who worked with staff on the Commission on Children's Services, and I don't agree with everything in the report, but I certainly agree with most of everything there in terms of the lack of coordination.

ASSEMBLYMAN OTLOWSKI: Well, then, if you helped to draft it, then you have a very high opinion of it.

MS. WOOD: I think the one issue that was raised, and there have been sort of differing viewpoints on it, was the need for concrete services, and that there is a need, perhaps, to refocus the efforts of the caseworkers towards helping families get housing, helping people get jobs, whether it is a referral to another agency. Our sense, over a long period of time, is that many workers are not familiar with the resources in the community, and there certainly is no expertise on the DYFS staff to provide help in these critical areas. That can make all the difference in the world.

If you look at the Foster Care Assessment Report -- I also participated on that project -- you will see that the biological parents, when they were interviewed, said that they got counselling, and what they wanted was help with those kinds of serious problems they face on a day-to-day basis. I think we have to look at -- with precious resources being spent -- that it is very, very important that rather than trying to be therapists, that caseworkers should have the training and the backup support within their office -- the consultant expert on housing, and the expert on jobs, so that they can really be helping these families in more concrete ways than they have been able to do in the past.

Finally, one of the issues that we are concerned about are the cutbacks in services which impact on the ability of the caseworker to provide the help to children and families that they need, and particularly, the proposed cuts - 3%. We are not opposed to all cuts across the board, but I think there has to be a very careful evaluation of what those cuts will mean in terms of impacting on direct services to children. I think that sometimes you get cuts that are not critical to services, but we have to urge you to evaluate any proposed reductions in the budget.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

Is there a Dr. Bhatt in the audience? Doctor? What is your name?

AUDIENCE: Elizabeth Farrell.

ASSEMBLYMAN OTLOWSKI: Elizabeth, we are going to put the doctor on first, and then we are going to put you on.

Doctor, do you have written testimony? Doctor, you are a child psychiatrist?

U S H A B H A T T, M.D.: That is correct.

ASSEMBLYMAN OTLOWSKI: You are with the Mental Health Association of Morris County?

DR. BHATT: That is correct.

ASSEMBLYMAN OTLOWSKI: And, for the record, doctor, your name is?

DR. BHATT: Usha Bhatt.

ASSEMBLYMAN OTLOWSKI: Usha Bhatt. All right, doctor.

DR. BHATT: I am not going to be repeating much of what is said in the written testimony. I think many of the things that were said up until now cover many of the things which were behind the testimony which was written.

I am going to basically highlight some of the things which, to this point, may need to be addressed. I am very eager to share with you some of the things which I have experienced personally in working with children, which might

have some bearing on planning for prevention of abuse.

In hearing other testimonies up until now, one of the things that I did pick up was that they are very aware of how to identify cases. They are also aware of procedures -- what to do at that point, in terms of either prosecuting the parent or taking the children out of the home, leaving them in the home, intervening with social environmental changes.

The one area where I think abused children and abusers also need help is in terms of providing help for their emotional needs. As we have heard, abused children then become abusers in the next generation, and if we do not intervene with an abused child, we do run the risk of having an abuser in the future.

I am just going to pick up one case from the testimony I have, which might highlight some of the aspects of what I am saying.

Mark was identified as an abused child at age 2. His offense was he cried at times, and he could not remember not to touch things when he was twelve months old. He would wet his diapers when he was two years old, and that was his offense for which he was abused -- if he spilled his milk, if he did not go to bed on time, etc.

After having been identified, the child was removed out of the home, placed outside, and then returned back home subsequent to the father leaving the home. Apparently, in this instance, the father was the abuser. However, the mother also seemed to displace her tendencies to abuse onto the father, who took on the role of abusing, which many times the mother felt like, but passed it on to the father to do the job.

So, in fact, returning the child back to this mother was, in effect, returning the child back to someone who might be a potential abuser. Work was being done to help the mother -- to help the family, in fact. The family was referred to a family service. The father refused to seek any help, and the mother did kind of ambivalently continue with help, except her focus in therapy was more in terms of resolving difficulties in the recent breakup in her relationship, rather than in any of the concerns she had with her child, or her management of the child.

The reason I am bringing this up is, two years later, when the child was four, and was acting up in a nursery school -- very violent, very uncontrollable, this was when this child was again detected and referred for an evaluation. The first evaluation was done by a general psychiatrist -- not a child psychiatrist. I am making that distinction also because sometimes it is very important to have specifically trained people to do this kind of evaluation. This child was detected as being neurologically impaired, maybe hyperactive, was put on medication, and did not seem to improve.

Then came a second evaluation where a neurologic evaluation was done. He did have a seizure disorder, and was put on medication for seizure disorder, which, incidentally might have been secondary to abuse. The neurological damage and the seizure disorder might have been secondary to abuse. The child might have been hyperactive, but a second evaluation was done, this time by a child psychiatrist. What became evident at this point was, not only the child was evaluated, but the parents were seen at that point. The parents, specifically

the mother, had serious questions about what to expect in terms of behavior of the four-year-old, and she described all the things she had expected up until then of her child.

I think the point I am trying to make here is, when we detect cases, unless we address specific interventions -- taking the child out of the home, placing him in foster homes, placing him back in homes -- none of these things are going to make any changes.

To close up this, the only other thing I would like to say is, we were looking at cases where children had died after being abused. I don't think an abusive parent knows at what point he or she is going to kill a child. It is only after the child is dead that they find out that they have been violent to the extent of killing the child. So, the key is, again, to help the parent to help the child.

I think the recommendations I have listed and the problems I have detected in the cases which I have highlighted are basically that there was no identified case manager in each case, and I have many cases. I have only listed three to highlight --

ASSEMBLYMAN OTLOWSKI: Doctor, you are talking about the nine cases particularly?

DR. BHATT: No, I am not talking of the nine cases. I am talking of --

ASSEMBLYMAN OTLOWSKI: Oh, you are talking about the cases that you have looked at.

DR. BHATT: Exactly, because after a case is identified, who follows through? Who makes sure that what is needed is done? That is the kind of thing. There has to be someone who organizes, or who follows through. The second thing is the length of time that a case, which needs to be followed, should be reassessed. I am saying this because theoretically, the textbooks refer -- some states do, some institutions do -- I think -- I'm not sure what we do. Whether we do that. What I am alluding to is, in the case of Mark, which I highlighted, had there been a policy that after the child was returned back home, and if the follow up was there, to reassess if abuse did reoccur, or when the father returned -- when the family constellation was changed -- whether abuse was again going to reoccur -- then, maybe this would not have happened.

What I am really suggesting is, maybe the length of time a case is followed needs to be reassessed as we look at the system. The recommendation I have made is interventions should be addressed toward the whole family and its members when . Reassessment of the family needs to take place at every change in family constellation to prevent recurrence of abuse, and I think the last recommendation which I have already said is, intervention should be addressed also toward the child, so that we don't make the child a potential abuser.

Thank you.

ASSEMBLYMAN OTLOWSKI: Doctor, thank you very, very much. We appreciate your appearance. Thank you.

Ms. Farrell, do you --

E L I Z A B E T H F A R R E L L: That is kind of a hard act to follow. I am talking about the woman who was here before --

ASSEMBLYMAN OTLOWSKI: Ms. Farrell, excuse me, who are you representing?

MS. FARRELL: I am representing myself. I am not against DYFS itself as

an Agency; I am against a certain agency.

ASSEMBLYMAN OTLOWSKI: Wait a minute. Ms. Farrell, may we have your full name?

MS. FARRELL: Yes, Elizabeth Farrell.

ASSEMBLYMAN OTLOWSKI: And where are you from, Elizabeth?

MS. FARRELL: Right now, I am from Bellmawr.

ASSEMBLYMAN OTLOWSKI: From Bellmawr?

MS. FARRELL: Yes.

ASSEMBLYMAN OTLOWSKI: And what is it that you want to bring to our attention?

MS. FARRELL: I want to bring to your attention the Agency called DYFS at 705 Sommerfield Avenue in Asbury Park. Not only have they done things to me, but they have done things to other women, so much so, that we have formed an organization called WAD, Women Against DYFS. But, that is neither here nor there.

ASSEMBLYMAN OTLOWSKI: What have they done to you that brings you here?

MS. FARRELL: They have my four children. They have had one child in particular for a year now because I haven't had adequate housing. I signed them in, but I only signed them in temporarily.

ASSEMBLYMAN OTLOWSKI: Wait a minute. Excuse me. They have your four children?

MS. FARRELL: Yes.

ASSEMBLYMAN OTLOWSKI: When did they take your four children?

MS. FARRELL: Last year.

ASSEMBLYMAN OTLOWSKI: Last year? Why did they take your four children?

MS. FARRELL: I signed them in. I didn't have proper housing according to them.

ASSEMBLYMAN OTLOWSKI: But, you signed them in yourself?

MS. FARRELL: Yes.

ASSEMBLYMAN OTLOWSKI: And, you didn't have proper housing?

MS. FARRELL: That isn't really the truth. I was moving. We had lived in North Jersey.

ASSEMBLYMAN OTLOWSKI: Ms. Farrell, why did you sign them in?

MS. FARRELL: It was an emergency situation.

ASSEMBLYMAN OTLOWSKI: What was the emergency situation?

MS. FARRELL: The emergency situation was that we found ourselves without a house, with a moving truck full of furniture, and our four children during the hot summer with no place to go.

ASSEMBLYMAN OTLOWSKI: Since you didn't have a house, you asked them to --

MS. FARRELL: For some kind of shelter for the children.

ASSEMBLYMAN OTLOWSKI: Yes, and what happened to your house that you were --

MS. FARRELL: We lived in North Jersey, and a Cuban refugee took over the house, and because he couldn't do the repairs for a certain amount of money, he blew up the whole house, so there was no house to go to.

ASSEMBLYMAN OTLOWSKI: And then you found yourself in Asbury Park?

MS. FARRELL: We had to move out and so, we put a small deposit on a

house in the Philadelphia area. When we got there --

ASSEMBLYMAN OTLOWSKI: In Philadelphia?

MS. FARRELL: Yes, and when we got there, there was no house. The man had taken off with our money.

ASSEMBLYMAN OTLOWSKI: And then you wound up where? In Asbury Park?

MS. FARRELL: Well, yes, because my son was born in that area. We had lived there for about four years at one time.

ASSEMBLYMAN OTLOWSKI: And when you wound up in Asbury Park, you had no housing, and you called DYFS to ask them to take your children?

MS. FARRELL: We were told by welfare to contact DYFS, because welfare could not help us because we had --

ASSEMBLYMAN OTLOWSKI: Welfare asked you to contact DYFS, and you did, and they took your children.

MS. FARRELL: Yes.

ASSEMBLYMAN OTLOWSKI: And, where are the children now?

MS. FARRELL: Three of my children are in Keansburg, and my oldest daughter -- she is the reason I am here -- is in an institution.

ASSEMBLYMAN OTLOWSKI: How old is she?

MS. FARRELL: My oldest daughter? Eleven years old, and she is what that woman said. She is considered incorrigible.

ASSEMBLYMAN OTLOWSKI: Where is she now?

MS. FARRELL: She is in Arthur Brisbane, and I have proof that they abuse children there.

ASSEMBLYMAN OTLOWSKI: Yes.

MS. FARRELL: I have already submitted proof to the Joint Commission on Accreditation of Hospitals.

ASSEMBLYMAN OTLOWSKI: Let's take one thing at a time. She is in Brisbane?

MS. FARRELL: Yes.

ASSEMBLYMAN OTLOWSKI: How long has she been in Brisbane?

MS. FARRELL: She has been there on two occasions, and this is the second occasion.

ASSEMBLYMAN OTLOWSKI: And she is in Brisbane at the present time?

MS. FARRELL: Yes.

ASSEMBLYMAN OTLOWSKI: Where are the other three children?

MS. FARRELL: They are in a foster home in Keansburg. That was the closest, they said, to my residence.

ASSEMBLYMAN OTLOWSKI: And where are you living?

MS. FARRELL: In Bellmawr.

ASSEMBLYMAN OTLOWSKI: Do you have a house now?

MS. FARRELL: Yes, I do.

ASSEMBLYMAN OTLOWSKI: And you have asked them to return the children to you?

MS. FARRELL: Yes, on various occasions.

ASSEMBLYMAN OTLOWSKI: In your opinion, why haven't they returned the children to you?

MS. FARRELL: Because of the caseworker's inability to handle the case in the right way.

She only cares about her own job, and that is all she cares about. And, the way that she cares about her job is that she wants to keep her job at the expense of my children. I guess she has no other cases. I don't think she does.

ASSEMBLYMAN OTLOWSKI: Just the case of your three children.

MS. FARRELL: I believe so.

ASSEMBLYMAN OTLOWSKI: Is there anything else you want to add?

MS. FARRELL: Yes, I do. I said about Arthur Brisbane. I have a letter that I wrote to the Joint Commission on Accreditation of Hospitals. I have the letter in which they answered me, but they have done absolutely nothing. This has been a while.

ASSEMBLYMAN OTLOWSKI: But, your child is in Brisbane?

MS. FARRELL: Yes, she is. I know the man who did the abusing during the summer, and he is still an employee of Arthur Brisbane.

ASSEMBLYMAN OTLOWSKI: Did he abuse your child?

MS. FARRELL: No, but I have seen it with my own two eyes. I have seen him abuse other children.

ASSEMBLYMAN OTLOWSKI: But, he hasn't abused your child.

MS. FARRELL: Because he only has boys, not girls. My daughter is in the girls' section.

ASSEMBLYMAN OTLOWSKI: In any event, he hasn't abused your child.

MS. FARRELL: No, but there has been others that have.

ASSEMBLYMAN OTLOWSKI: Do you visit your child in Brisbane?

MS. FARRELL: Yes, I do, regularly.

ASSEMBLYMAN OTLOWSKI: And, is your child well and taken care of?

MS. FARRELL: No, and I am not permitted to visit her that much anymore, thanks to my caseworker.

ASSEMBLYMAN OTLOWSKI: Why aren't you permitted to visit her?

MS. FARRELL: The caseworker has done nothing but try to break up my family. She has arranged for visits now every two weeks, and in that two weeks --

ASSEMBLYMAN OTLOWSKI: Well, why aren't you permitted to visit her? Why aren't you permitted to visit your child?

MS. FARRELL: Because my daughter, while she was out of Brisbane, was put into a group home called The Marion House. I want to speak about that too. That is also another place where they abuse children -- not physically, but they abuse them mentally. They do not let the children go to their homes if their homes are nearby. They do not let the children go to the church of their choice. They do not let the children have visits from their parents. The woman who runs that home, from what I understand, has abused animals. She was accused, and she was convicted of abusing animals in Asbury Park seven years ago.

ASSEMBLYMAN OTLOWSKI: She was convicted seven years ago of abusing animals?

MS. FARRELL: Yes, she was, yes, of abusing animals, and now she is running a home for children.

ASSEMBLYMAN OTLOWSKI: Did you make that known to --

MS. FARRELL: They know it. They only have DYFS children -- DYFS girls -- only girls. My daughter ran away from that place four times on four occasions. I took her back twice, and the other two times my lawyer told me to hold her.

ASSEMBLYMAN OTLOWSKI: May we have the name of that place from where your daughter ran away, and from where allegedly this woman abused animals and was convicted for it?

MS. FARRELL: Yes, yes -- it is in Bellmawr. The name of it is Marion House.

ASSEMBLYMAN OTLOWSKI: The Marion House?

MS. FARRELL: Yes.

ASSEMBLYMAN OTLOWSKI: And, it is in Asbury Park?

MS. FARRELL: It is in Bellmawr on 5th Avenue.

ASSEMBLYMAN OTLOWSKI: In Bellmawr on 5th Avenue? What else did you want to say, Ms. Farrell?

MS. FARRELL: I just want to say that I realize that DYFS was a good Agency when it started. A lot of the agencies that have been formed from it have abused the name. I know it was meant to bring families together, to help them in every way.

Now, that other county says they give money in aid. Asbury Park, Monmouth County certainly doesn't. The Asbury Park DYFS in Monmouth County does not give any aid whatsoever. If they did, I wouldn't be in this situation.

ASSEMBLYMAN OTLOWSKI: Are you, individually, getting any kind of help?

MS. FARRELL: I get SSI because I am disabled.

ASSEMBLYMAN OTLOWSKI: What is SSI?

MS. FARRELL: Supplemental Security. I worked during the summer to pay for this house -- in other words, to get my security and my rent.

ASSEMBLYMAN OTLOWSKI: Yes, but you're --

MS. FARRELL: Welfare hasn't helped me at all.

ASSEMBLYMAN OTLOWSKI: But, in any event, you are able to take care of yourself with the help that you are getting. Is there any other kind of help that you are getting?

MS. FARRELL: No, none at all. Oh, food stamps, yes. That is also from the SSI.

ASSEMBLYMAN OTLOWSKI: Are you a member of any church?

MS. FARRELL: Yes, I belong to a church, but it is a chapel. It is not a registered church.

ASSEMBLYMAN OTLOWSKI: Are they able to give you any help?

MS. FARRELL: I haven't asked them. To tell you the truth -- to be quite frank with you, I really didn't want welfare, and I really wanted to get on my feet --

ASSEMBLYMAN OTLOWSKI: But, I mean in the sense that you have somebody to talk to. Do you have somebody to talk to in that church?

MS. FARRELL: Oh, I do. Yes, I do. Oh, yes, there are missionaries. They are lovely people, yes.

ASSEMBLYMAN OTLOWSKI: And, you are able to talk to them?

MS. FARRELL: Yes, I am.

ASSEMBLYMAN OTLOWSKI: And, you are able to talk to them about your problems?

MS. FARRELL: Yes, I am.

ASSEMBLYMAN OTLOWSKI: Are they sympathetic to you?

MS. FARRELL: Yes, very sympathetic, and I have also hired a lawyer who

is very good. We asked for a plenary hearing, and we are just waiting for another hearing because we were postponed.

ASSEMBLYMAN OTLOWSKI: What do you expect to establish by that plenary hearing?

MS. FARRELL: I should be getting custody of all of my children.

ASSEMBLYMAN OTLOWSKI: You're --

MS. FARRELL: I doubt if they are going to let me have my oldest daughter.

ASSEMBLYMAN OTLOWSKI: But, in any event, you are using the courts and your lawyer to get your children back.

MS. FARRELL: Yes, it is a very slow process but, eventually, I should be able --

ASSEMBLYMAN OTLOWSKI: But, you are doing that, and you have the help of a lawyer.

MS. FARRELL: Oh, yes, now I have.

ASSEMBLYMAN OTLOWSKI: Ms. Farrell, thank you very, very much.

MS. FARRELL: You are very welcome. Thank you.

ASSEMBLYMAN OTLOWSKI: Is Mr. Robert Maloney here? (no response)

James McManus? May we have your name and the organization that you represent for the record?

J A M E S M C M A N U S: My name is James McManus, and I am a social worker, this afternoon, representing the National Association for Social Workers, New Jersey Chapter.

ASSEMBLYMAN OTLOWSKI: Excuse, Mr. McManus, do we have your testimony here?

MR. MC MANUS: Yes, you do.

ASSEMBLYMAN OTLOWSKI: This is it here?

MR. MC MANUS: Yes.

ASSEMBLYMAN OTLOWSKI: All right.

MR. MC MANUS: This is Jeff Faue, the Executive Director of the National Association of Social Workers, New Jersey Chapter, with me this afternoon.

We have six pages of testimony, and we would like just to begin at the end, and present the conclusions to you --

ASSEMBLYMAN OTLOWSKI: Would you please? As long as we have it -- All right, good.

MR. MC MANUS: We'll present the conclusion, and we have 20 recommendations after hearing today's testimony, and we will just briefly go through some of the recommendations.

ASSEMBLYMAN OTLOWSKI: Pick out the most important that you think we could deal with and effectively deal with them.

MR. MC MANUS: Okay, at this point, we feel that an important mission for DYFS in its history would be to develop community resources and include that as a portion of their training at the very beginning, because only after many years in the field, even after formal training, does an individual begin to get a feeling for the community and the kinds of things that are available to the people in the community. For an example: mental health services -- specifically, a crisis mental health services where people may decompensate from serious mental illnesses, as a young lady earlier during the afternoon spoke about,

regarding psychotic patients that she had to deal with in her caseload. It is important to realize that we have facilities available to us in communities to handle seriously ill people, and a lot of people don't realize that until the crisis arises.

We have need for more day-care facilities to take care of youngsters during the days. We have need for respite programs, and that is, where there is a tendency for parents to be abusive to children, and when these parents are in treatment with qualified clinicians, they have an opportunity to be relieved of their children during high-stress times. And, that would be times during the weekends and so forth.

They have need to develop better liaison, I think, with the Visiting Homemakers' Association, and in that very direct and concrete way, handle some of the difficulty that people have in managing their households in an effective manner.

I think it would be important for a legislator to spend a day with a protective service worker to feel the flavor of the kinds of crises and the kinds of pressures that the protective service workers are confronted with on a daily basis. They are asked to juggle the privacy of the family, and the individual's rights, as well as the safety and well-being of the child, and this is certainly not an easy task.

We recommend continued support for the response system, but upgrade the community feedback mechanisms and place more emphasis on treating the family. What we are talking about is developing more -- I don't want to say capable -- I just -- more effective hospital and school liaison, for an example, so that when there is evidence of abuse, the individual knows who directly to plug into in the appropriate agency.

We recommend implementing the National Association of Social --

ASSEMBLYMAN OTLOWSKI: Excuse me, on that point, it is just amazing that in all of the schools today, and mostly in the public schools, you have a psychiatrist, you have a psychiatric assistant, you have a social worker, you have a psychologist, and, as a matter of fact, I am aware of a child who wet his pants and they called in the psychiatrist and the psychologist and the social caseworker and the nurse -- my God, if that child had a bowel movement, they would have called in the United States Marines. But, in any event, they have all of this at their disposal, and what are they doing with it?

MR. MC MANUS: I am a school social worker, and I think I can address some of that. I would really be upset if someone called me in to look at a kid's wet pants. That would be really difficult.

We have close to, I would say, 100 referrals a year from the school system, and that includes psychiatric evaluation in approximately 20% of those cases -- a full psychological evaluation, a social work evaluation involving the child and the parents, and a learning disability specialist's evaluation.

ASSEMBLYMAN OTLOWSKI: What I am saying, and I agree with you that there should be a tie-in.

MR. MC MANUS: Okay, right, sure.

ASSEMBLYMAN OTLOWSKI: And it should be highly sophisticated with the kind of staffs the schools have.

MR. MC MANUS: Exactly, and I think that the mission of the School Social Work Association is to try to make the referrals to that child-study body appropriate, and part of that is to recommend, to recognize abuse situations and potential abuse situations and how to deal with them. In that instance, I think that it is important to recognize that, for the most part, DYFS is aware of our concerns when we tell them about them, when we recognize them, when we get good reportage from the schoolteachers and from the other ancillary personnel.

ASSEMBLYMAN OTLOWSKI: How can you develop a better relationship than we have now with the schools and say, with the Department of Human Services and with DYFS? Is there some way that a better connection -- more responsive -- what in your opinion can be done to better that, because it seems to me that here is a whole apparatus that can be plugged in, to use your word -- that can be plugged in and tied in. How can it be done so that it can be more effective?

MR. MC MANUS: Jeff, do you want to respond to that?

J E F F R E Y L. F A U E: I think that the testimony goes into some of the examples of ways that could be done. For example, a required case conference every three to six months --

ASSEMBLYMAN OTLOWSKI: Turn that microphone so that it picks up, all right?

MR. FAUE: Sure -- a required case conference every three to six months that involves the parents, the school team, the treating therapist if there is one in the community, so that the DYFS worker has the opportunity to be kept on board. What is happening with this family? What we are told from our members when we put this testimony together is, the current system picks up, identifies, and intervenes in the crisis situation, but the resources are so taxed that there is no monitoring or very little monitoring case feedback in terms of what is happening, and it goes both ways. It is from the DYFS worker to the treating person, and from the treating person to the DYFS worker. We have got to make those kinds of allowances. And that is, again, in the testimony, we try and lay that out. We are just summarizing here in very (inaudible) ways.

ASSEMBLYMAN OTLOWSKI: Do you cover that in here?

MR. MC MANUS: Yes, we do. As Dr. Bhatt indicated earlier that, on occasion, there are premature returns of children to the families, and I think that increased liaison, or a liaison of higher quality, where the caseworker -- the protective service caseworker, who is responsible for the case, can have access and can have opportunity to meet with the treating mental health professional. I think this would be in everyone's best interest, and would, hopefully, prevent the premature return of a youngster.

ASSEMBLYMAN OTLOWSKI: You deal with that in your formal testimony.

MR. MC MANUS: We recommend that the enactment of S-1253, "An Act to License and Regulate Social Workers," and the reason for this is, and I think --

ASSEMBLYMAN OTLOWSKI: What does that "S" whatever the number is, do?

MR. FAUE: It would restrict the title social worker to those who have social work education. I think today you have heard some slurring of the terms, caseworker and social worker, used interchangeably, and I know the Chairman has tried to make the point several times about education and training. It is clearly the position of NASW that the professional education, not a general baccalaureate

or a master's degree, but the professional degree does make a difference. It is true that wherever the system they go to work in, they need additional training. A physician cannot work in every area; he or she has to specialize.

That is true in social work as well. We think they need that beginning training level if they are going to be called a social worker. That is what the licensing bill would do; it would restrict the titled social worker to those with social work education. And, then let us examine and a look at -- do social workers do a better job? Can that be quantified than the generalized caseworker? We welcome that kind of comparison, and it means that Commissioner Albanese and Civil Service --

ASSEMBLYMAN OTLOWSKI: You would want to be licensed and regulated by the State?

MR. FAUE: Absolutely.

MR. MC MANUS: We recommend that the Division of Youth and Family Services hire only persons with social work education as social workers, and I think that at this point in the economy, this is a distinct possibility. We recommend the development of an extended career ladder for DYFS workers, and we recommend the restoration of funds for professional education of social workers in DYFS.

We recommend that the enforcement of the existing mechanisms to prevent and report child abuse, and I think, in conjunction with this, that we would support the training of caseworkers to compile evidence and to establish what exactly constitutes evidence in an abuse case to make prosecution, when that is necessary --

ASSEMBLYMAN OTLOWSKI: Do you go into any detail of that in your formal testimony?

MR. MC MANUS: We outline in the formal testimony the idea that this is a necessity; this is not happening. The enforcement is not really happening.

Also, we have added a twentieth recommendation after listening this afternoon, and we support the idea of a statutory immunity for the DYFS workers.

MR. FAUE: I would like to clarify one point that was raised earlier, and I think it is a significant one -- that the Civil Service regulations have been changed, so that the social worker, too, the people you are talking about, no longer require baccalaureate degrees, and I think that is a statement that is made in Commissioner Albanese's material, and I think --

ASSEMBLYMAN OTLOWSKI: What do they require under Civil Service?

MR. FAUE: There is an alternative to substitute a year-for-year experience on the social worker too, so in effect, a high school graduate with five years of experience in human services can become that social worker too, without any education beyond the high school diploma. That is a change that has occurred in the last few years for that entry-level position. Again, it is part of the problem around what that title means in the community.

MR. MC MANUS: Finally, we recognize that the family is the appropriate unit for service. The children who are treated, the children of abuse, do not exist in a vacuum. They are part and parcel of a family. They come to the family's history, and they become the future of the family. There is a good chance that an abused child will be an abusing parent, and it is important for society to recognize its responsibility in short-circuiting that system into providing more functional citizens in the community and to recognize that, in many cases, even though after

hearing what we have heard today, some of the situations sound hopeless. Some of the situations are, I think, salvable, and I think that we have to recognize that it is not an accidental situation.

So, that would just about end my remarks.

ASSEMBLYMAN OTLOWSKI: Fellows, thank you very, very much. Thank you for being so patient with us too. Thank you very much.

May we have Mr. and Mrs. Matthew E. Welch? Is Mr. Bord here yet?

B-O-R-D? All right, Mr. Bord, we'll get to you next, all right?

Mr. and Mrs. Matthew Welch -- W-E-L-C-H -- and you are from where?

M R S. M A T T H E W E. W E L C H: New Providence, New Jersey.

ASSEMBLYMAN OTLOWSKI: New Providence, New Jersey? And, you are here as husband and wife, and as individuals?

MRS. WELCH: Yes.

ASSEMBLYMAN OTLOWSKI: You are representing no organization?

MRS. WELCH: No.

ASSEMBLYMAN OTLOWSKI: What do you want to tell us that you think would be helpful?

MRS. WELCH: We became involved with DYFS about three years ago. In my opinion, DYFS did not investigate all information we gave them concerning a family that they wanted to place our daughter in. They never followed the court orders. I feel that DYFS takes the easy way out, gives the child everything he wants. We, as parents, then have to live with all the lies.

DYFS also schools the children -- bring your parents up on charges -- child abuse, sex, etc. DYFS is not showing the children how to face reality, and the children say whatever they want. We, as parents, become the problem because we did not give the child everything he wanted. One of the things they will say: "Leave them alone, and they will come home."

DYFS plays it both ways. They tell the parents one thing, and tell the child another. The child becomes eighteen, and then DYFS is out and the child is on his own. Good luck to the child.

The records are secret. DYFS came into our lives, never explaining. Parents cannot question DYFS. They seem to be God. DYFS: "Remove the child from the home. This solves everything, regardless of whether it is right or wrong." The child then doesn't have to face reality.

Our daughter wanted to live by no rules, and hung around with the wrong people who were involved in drugs and booze. We, as parents, cannot be parents if we permit this. Our daughter would run away, and the group would hide her. Our daughter was missing for six months starting last January. The police didn't even have her on the computer. The reason was that they didn't know how to operate it. We had to hire private detectives. Our daughter was at this home -- we showed DYFS that for the six months that our daughter was there hiding, this was an unfit home. We came up with her on July 2, 1982.

September 3, 1982 -- her boyfriend died. Her friends called DYFS and got no where. DYFS would not talk to them and just hung up the phone. The social worker took my daughter from the JINS shelter to this family -- don't have to tell the parents. Does this keep a family together? Letting us believe our daughter would not go to this home from the beginning -- it made us go into a nightmare.

ASSEMBLYMAN OTLOWSKI: Mrs. Welch?

MRS. WELCH: Yes.

ASSEMBLYMAN OTLOWSKI: Excuse me, let me just now ask you a couple of questions, so that we can bring this into focus for the Committee. Do you mean to tell me that your daughter had a drug problem?

MRS. WELCH: No.

ASSEMBLYMAN OTLOWSKI: No?

MRS. WELCH: No. She wanted to hang around with kids who were involved with drugs. Fortunately, when we found her, she was not into drugs. Thank God.

ASSEMBLYMAN OTLOWSKI: She did not have a drug problem, but she had a problem, in your opinion, that was a wrong association. Is that correct?

MRS. WELCH: Yes.

ASSEMBLYMAN OTLOWSKI: How did DYFS come into your home and interfere with the management of your child?

MRS. WELCH: Someone made an anonymous phone call stating that my husband was abusing her -- physically and sexually.

ASSEMBLYMAN OTLOWSKI: Let me ask you this: Did you have the benefit of a lawyer?

MRS. WELCH: Yes, we did.

ASSEMBLYMAN OTLOWSKI: Did you challenge DYFS in court?

MRS. WELCH: Yes, we did.

ASSEMBLYMAN OTLOWSKI: And what did the court say?

MRS. WELCH: At the end result in December, they said on December 1st -- the judge said to either bring my husband up on charges or forget it.

ASSEMBLYMAN OTLOWSKI: For you to bring your husband --

MRS. WELCH: For DYFS to bring my husband up on charges or to forget it.

M A T T H E W E. W E L C H: The judge had been sick and tired of listening to the allegations for such a long period of time.

ASSEMBLYMAN OTLOWSKI: And then what happened? DYFS never --

MRS. WELCH: They never brought us up on charges.

MR. WELCH: They gave me a statement saying that they couldn't be substantiated.

ASSEMBLYMAN OTLOWSKI: What other action did your lawyer take against getting custody of the child back into your --

MRS. WELCH: We never lost custody. We never signed any papers or --

ASSEMBLYMAN OTLOWSKI: But, the child has been taken away from you.

MRS. WELCH: She was placed before a court illegally. The judge did not want her there. He asked to have the home investigated.

ASSEMBLYMAN OTLOWSKI: Yes, but just because she was placed there, you had a lawyer. Didn't your lawyer -- your lawyer could, simply by a writ of Habeas Corpus, get her into court -- get DYFS and everybody else into court.

MRS. WELCH: They don't show.

ASSEMBLYMAN OTLOWSKI: And, he didn't do that?

MRS. WELCH: Yes, they tried. We were supposed to have hearing after hearing.

MR. WELCH: We went to court for three weeks, and we did, in fact, have our daughter removed from the home. It took three weeks to do so, and a court

order was given to this woman to have no further contact with our daughter. On that very same day --

ASSEMBLYMAN OTLOWSKI: The woman -- you mean the DYFS woman?

MR. WELCH: No, the woman who DYFS had given our daughter to. The court removed our daughter from the home, gave a court order -- I have the documents with me -- gave a court order to this woman to have no further contact with our daughter. On that very same day, our daughter ran from the JINS shelter and went right back to the very same home and hid in that home for the entire six months.

We had private detectives on it for that six months. It cost us all of our savings, and it forced us deeply into debt. We finally did recover our daughter. Very fortunately, our daughter --

ASSEMBLYMAN OTLOWSKI: Where is your daughter now?

MRS. WELCH: She at home with us. She would have been here today, but she's --

ASSEMBLYMAN OTLOWSKI: How old is she?

MRS. WELCH: She is seventeen.

ASSEMBLYMAN OTLOWSKI: Is the relationship at home now a normal one?

MR. WELCH: Yes.

MRS. WELCH: Yes.

MR. WELCH: The reason -- I think maybe you should understand the reason why all of this came about. The original reason why all of this came about was the fact that my daughter wanted to hang around -- when she was fourteen years old, she wanted to hang around with a man as a boyfriend who was involved with drugs. The police department in our town told us. He was forbidden from even being on the school property because of being involved with drugs.

ASSEMBLYMAN OTLOWSKI: He was a drug peddler?

MR. WELCH: This is what we were led to believe -- that he was a drug peddler. I cannot say that. I do know that he was involved in taking drugs.

ASSEMBLYMAN OTLOWSKI: But, you believe that he was?

MRS. WELCH: Yes.

ASSEMBLYMAN OTLOWSKI: And, you acted upon that, on that belief.

MR. WELCH: We knew he was taking drugs; we knew that for a fact -- that he was taking. In fact, he died from an overdose of drugs.

Very fortunately, we had our daughter recovered very shortly before he died from an overdose of drugs.

ASSEMBLYMAN OTLOWSKI: How long of a period did you go through this bizarre experience that you are talking about?

MR. WELCH: Almost three years.

MRS. WELCH: Three years. We have been involved for three years.

MR. WELCH: We would get our daughter back, we would have her separated from the group, she would be rehabilitated, and at the advice of various different professionals, they said don't remove her. Don't run from the problem, so we put her back into the high school, although we wanted to put her in a different high school. But, we were advised to put her back into the high school, and she got involved again with the group. This woman came and took her into her home against

our wishes, and then we ended up back in the courts again, and DYFS ended up --
ASSEMBLYMAN OTLOWSKI: She came into your home and took your daughter out of your home against your wishes?

MR. WELCH: No, my daughter went to her home, and she took my daughter in, because my daughter, in her home, would be able to see her boyfriend, which there were court orders against my daughter and this guy being together.

ASSEMBLYMAN OTLOWSKI: During that period, your daughter had a bad relationship with you and your wife? She had a difficult relationship with you?

MR. WELCH: Yes, because we wouldn't let her be with her boyfriend and her friends. She brought child abuse charges against me.

ASSEMBLYMAN OTLOWSKI: There was that strained relationship because of that.

MRS. WELCH: Yes.

MR. WELCH: Yes.

ASSEMBLYMAN OTLOWSKI: Then she wouldn't subject herself to the discipline of the home?

MR. WELCH: No. Also, there were approximately six other homes that were suggested for my daughter -- two DYFS -- and none of them were investigated because the attitude is, "Well, if you don't put the child where the child wants to go, the child is going to keep running away. So, we might as well give the child his own way."

Now, the home where my daughter was placed -- we offered proof, first of all, and I have it here in my daughter's own handwriting -- letters that she was writing to friends of hers, talking about how drunk she gets, and everything else.

ASSEMBLYMAN OTLOWSKI: How long ago did this take place?

MRS. WELCH: Last year.

MR. WELCH: This was last year.

ASSEMBLYMAN OTLOWSKI: To whom did you talk to in DYFS?

MR. WELCH: We went all the way to Pam Zern.

ASSEMBLYMAN OTLOWSKI: To whom?

MR. WELCH: Pam Zern. We went all the way to Pam Zern to complain.

MRS. WELCH: She is the Assistant Director to Bernice Manshel.

MR. WELCH: She was the Assistant Director to Bernice Manshel. We went through the chain of command and finally ended up at Pam Zern's office.

ASSEMBLYMAN OTLOWSKI: And then what happened?

MR. WELCH: We offered proof that the daughter of the woman who my daughter was being placed with had been in the hospital many times, wild drunk -- I believe on one occasion there was an attempted suicide by her daughter -- that my daughter was being allowed to associate with this boy to whom there were court orders against.

ASSEMBLYMAN OTLOWSKI: This was the history of the woman to whom your daughter was given for custody?

MR. WELCH: That is correct.

MRS. WELCH: Yes.

MR. WELCH: Not custody -- placement. Temporary placement.

ASSEMBLYMAN OTLOWSKI: For placement? She was placed in that home with the problems that you allege that that woman had?

MR. WELCH: Yes.

ASSEMBLYMAN OTLOWSKI: DYFS was aware of those problems in that home?

MRS. WELCH: Yes, they were.

MR. WELCH: In fact, I have a copy of a letter here --

ASSEMBLYMAN OTLOWSKI: Is that woman still taking in children?

MR. WELCH: I don't know. I have no idea. I don't think so, because we have caused so much trouble about the situation that I believe that DYFS now, even without an investigation, has to know what kind of a family it is.

But, she did have other children. My daughter was not the first one who went there.

ASSEMBLYMAN OTLOWSKI: For the purpose of this Committee, and I don't want to do this publicly because, frankly, a thing like this should be heard in Executive Session, not in a public session. I wouldn't want to expose you to some of this questions that I would ask you.

But, I wish that you would do this, so that I can talk to the Committee about it privately. Would you send me a letter, giving me the name of the case-worker, the name of the woman who was involved, the home, the name of the judge and the name of the lawyer who was involved? Let me have all of that information so that I can talk to the Committee and, as a matter of fact, after I do that, I'm going to ask the Commissioner to look into this whole thing as a special request that I am sure I'll have the support of the Committee -- as a special request of this Committee. May I have that from you?

MR. WELCH: You definitely will receive that.

ASSEMBLYMAN OTLOWSKI: I feel that anything --

MR. WELCH: Could I make one statement here, please?

ASSEMBLYMAN OTLOWSKI: What?

MR. WELCH: Could I make a statement here, please?

ASSEMBLYMAN OTLOWSKI: Yes.

MR. WELCH: I have received a lot of input from a lot of people who have been familiar with our situation, and their input has been that DYFS should be abolished. I do not share in their opinion. It is my opinion that the children of New Jersey, the children of our country, must be protected from abuse, and they must be protected against neglect.

One of the problems that we have here is that there is a conflict. When a teenager wishes to get his own way, and they bring the parents up on abuse charges -- my daughter was taught this. The first abuse allegations were not made by my daughter. They were made anonymously **about** my daughter, without my daughter even knowing it. But, this showed her the way. What happens then is that it is recognized that the child is going to do bizarre things to get his own way.

We brought my daughter to psychiatrists -- she went to two psychiatrists. Both psychiatrists had stated that it would be the worst thing in the world to remove my daughter from the family. Yet, still, my daughter was removed from the family.

ASSEMBLYMAN OTLOWSKI: Was this made known to the court?

MR. WELCH: This was made known to the court, yes.

ASSEMBLYMAN OTLOWSKI: By statements from the psychiatrists?

By aff davits?

MR. WELCH: By statements from our attorneys.

ASSEMBLYMAN OTLOWSKI: By your attorney.

MR. WELCH: By our attorneys. We stated that we would sign any forms whatsoever, seeing to it that any medical records or any psychiatric records could be released for examination. None of this was ever investigated.

My point that I am trying to make here is that if we could properly, somehow, get DYFS to differentiate between the child who is manipulating the system to get his own way, this could free up other caseworkers and a lot of money to help the children who really need the help.

ASSEMBLYMAN OTLOWSKI: Wait a minute, excuse me. The Assemblyman has a question.

ASSEMBLYMAN HAYTAIAN: Mr. Welch, did you have the legal aid, the legal services at the start of this whole problem?

MR. WELCH: No.

ASSEMBLYMAN HAYTAIAN: In other words, DYFS came in, took your child, and you didn't have legal representation up until that point?

MR. WELCH: No, that is correct.

ASSEMBLYMAN HAYTAIAN: In other words, I think the Chairman has to understand that the legal representation came after, probably a year or two, I would assume, based on what you are saying.

MR. WELCH: It came within weeks when we realized that this was going to be, if you will, excuse the expression, a kangaroo-type thing.

ASSEMBLYMAN HAYTAIAN: All right. Your child was taken out of the home, and you didn't have any recourse -- you could have, but you didn't go to an attorney. Is that what you are saying?

MR. WELCH: No, we did not, because what happened was, we were asked by the police department and by someone from the Youth Service Bureau, who had been involved, to sign incorrigibility charges against my daughter so that she could go to intake and we could get the proper help. We were told that it would be an informal situation, not go before a judge or any of that -- it would be informal. We learned that this type of thing is available, but we did not receive it. We went before a judge, and my daughter was given a court order to stay away from this person. He had been a product of the very same courts in DYFS through his life, and my daughter immediately ran away from home. This is where the problem ended up -- where my daughter was removed from our home, simply because she stated that I beat her, and "I don't want to go home. He is going to beat me up again."

Then we decided that we had better get an attorney because we were not getting help here. Actually it was going the other way.

ASSEMBLYMAN OTLOWSKI: Is there anything else that you wanted to say?

MR. WELCH: Yes, we recovered my daughter, and I have statements here, and my daughter will testify. In fact, my daughter has testified before one judge already -- that my daughter was in the home in which the woman had been given the court order to have no further contact with my daughter. But, she was in that home for the entire six months -- couped up in this home. If that isn't abuse, I don't know what is. Even though, maybe, she wasn't held there by force, it

was a mental-type captivity. We have tried to prosecute, we have tried to bring these people to court, we tried to bring her into the juvenile court on the contempt of court charges, we've been blocked in every way, shape and form. None of the witnesses who we have had, who can testify to the fact that my daughter was in the home -- we had people go into the home, visit with my daughter -- we had private detectives on the situation. We recovered my daughter through an informant.

I think we have had more than ample information, plus the statements by my daughter herself, that she was in this home. We can get absolutely nowhere with getting any prosecution of these people. They are free as a bird. We can't even get them into court.

ASSEMBLYMAN OTLOWSKI: You can't even what?

MR. WELCH: We can't even get them into the court.

ASSEMBLYMAN HAYTAIAN: And you spent your life's savings.

MR. WELCH: I have spent my life's savings, and we are very deeply in debt over this whole thing. My wife has a very good mother and father, and they have spent almost their life's savings, and they are retired. But, fortunately, we did recover our daughter, and she is now, hopefully, safe.

ASSEMBLYMAN OTLOWSKI: Let me ask you this question: What kind of a community association do you have? What part of the community -- do you have any church affiliation, any organization affiliation? How are you a part of the community? I just don't understand how this could happen in America.

MR. WELCH: We belong to the Catholic church, Our Lady of Peace Church. As a matter of fact, my wife called the deacon of the church because we learned that his son had visited my daughter -- excuse me -- had conversations with my daughter on the telephone at this woman's home, and we were requesting his assistance, figuring he was a deacon, and maybe he had the type of rapport with his family -- possibly greater than many of the other alcoholic-type kids who went to that home, and that he could help us. We could get nowhere.

ASSEMBLYMAN OTLOWSKI: Did you ask for any help from Catholic Social Services?

MR. WELCH: No, we did not. We were going through the legal channels, through attorneys and so on and so forth. We were not asking for any help -- any money from the church or any organization, because we had money in the bank, and as long as I was working and bringing in money, we paid our own bills all the way. We were very grateful that attorneys and the private detectives gave us time to pay them. We were able to borrow money, and there were people who just handed money to us, without asking us to sign an agreement saying, "We know some day, you will pay us back." They knew the grave injustice that was going on here. These are some of the people who called DYFS and complained about the home that she was being put in.

ASSEMBLYMAN OTLOWSKI: I just can't believe this story. I just can't believe that a thing like this could happen.

MRS. WELCH: It is a nightmare. My other two children --

MR. WELCH: You can read it in my daughter's own handwriting. It is right here.

ASSEMBLYMAN OTLOWSKI: Are you giving that to us?

MR. WELCH: Yes. I will sign any statement that is true.

ASSEMBLYMAN OTLOWSKI: I want that letter from you, and the Committee is personally going to ask the Commissioner to conduct an intensive investigation. I'll tell you what I'm going to do, too. I am going to meet with the Attorney General. I just can't believe this.

MR. WELCH: There is one other thing that I would like to mention. During the six months that my daughter was missing, I received -- or, I made several telephone calls to the Plainfield DYFS office, and there was one gentleman there -- the caseworker who put my daughter in this home was removed from the case, and I had gone to the Public Advocate's office and put in a complaint. He found that my daughter was, in fact, illegally placed in the home, but, since the following day, the judge backed it up, there wasn't much he could do. He backed it up, based on the DYFS report by the very woman who had illegally placed her there.

We were given a new caseworker, and he kept telling me, he said, "I have yet to see that your daughter is missing on the teletype." And, I said, "Well, yes, I have spoken to the police about it. Do it again; check again." And then finally one day he said, "Mr. Welch, will you please get, in a written statement, from the New Providence Police that your daughter is, in fact, listed as a missing person?" So, my wife went down, and they refused to give it. So, I went to the State Police about this. First, I called the Trenton State Police; they told me to go to our local State Police in person and speak with someone.

My daughter, five months after she was missing, was not listed as a missing person, and the excuse that the New Providence Police gave was, "We did not know how to operate the computer."

She was right in our town -- right in New Providence.

ASSEMBLYMAN OTLOWSKI: May I have the information that I requested? Frankly, I just want to tell you something. I'm sure that you have the sympathy of the entire Committee to expose yourself to this kind of hearing, and to expose your bare emotions as you did here, with a deep and personal family problem.

Will you let me have that information, and I am sure that I'll have the Committee's support. I am going to ask the Commissioner to look into this in great depth, and I am also going to ask the Attorney General to look into it. Okay?

MR. WELCH: I thank you.

MRS. WELCH: Thank you. We do have two other children --

ASSEMBLYMAN OTLOWSKI: What are their ages?

MRS. WELCH: My son is 14, and I have another girl who is 12, and they have lived through a nightmare, too, because when this first happens, children are not nice. People are not nice, and they have come a long way too. Thank God, I think they have learned a lot from it, and they are doing well. They are, naturally, happy that their sister is home, and hoping that this year, we have her for Christmas.

Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you very much. Thank you.

Mr. Bord? Mr. Bord, you represent --

M A R S H A L L B O R D: My name is Marshall Bord. I am the Executive Director of the New Jersey Association of Children's Residential Facilities, and with me,

although she looks hatless, is Dorothea Kronyak, wearing at least three hats. Dorothea is the Vice-President of the Association of Children's Residential Facilities --

ASSEMBLYMAN OTLOWSKI: What is the New Jersey Association of Children's Residential Facilities?

MR. BORD: I was just about to get there.

ASSEMBLYMAN OTLOWSKI: I was just what?

MR. BORD: I was just about to get there, after introducing Dorothea. It is a voluntary association of some 36 group and residential treatment centers for children. All but one are non-profit. They cover the State from the south to the north.

ASSEMBLYMAN OTLOWSKI: And it is an Association of all of those homes?

MR. BORD: It is an Association of all of those folks.

ASSEMBLYMAN OTLOWSKI: You are the President?

MR. BORD: I am the Executive Director.

ASSEMBLYMAN OTLOWSKI: Oh, Executive Director.

MR. BORD: Of that Association.

ASSEMBLYMAN OTLOWSKI: How many homes are there like that?

MR. BORD: In addition to the 36 that are members of the Association?

ASSEMBLYMAN OTLOWSKI: Yes.

MR. BORD: This does not include the four State facilities -- Ewing, Cedar Grove, etc. There are, perhaps, another five or six; the number changes daily. I really couldn't give you an absolutely fast answer without a very late census.

ASSEMBLYMAN OTLOWSKI: How many children are in these residential facilities?

MR. BORD: In the Division, DYFS placed -- there are approximately, and again, the number will vary from day to day -- there are approximately 800 children in these group and residential treatment centers in the State of New Jersey, with another 400 children placed by the Division -- or 325 -- placed out of the State of New Jersey.

ASSEMBLYMAN OTLOWSKI: So, there are about 800 children in these residential facilities.

MR. BORD: In the State -- DYFS placed. Yes, this does not include children placed by Mental Health, Mental Retardation --

ASSEMBLYMAN OTLOWSKI: All right, I think we have the picture that we need to understand your testimony. Are you submitting written testimony?

MR. BORD: Yes.

ASSEMBLYMAN OTLOWSKI: Did you give it to the Committee?

MR. BORD: There is also included in there some written testimony from Dorothea Kronyak. Dorothea, in addition to being the Vice-President of the Association, is also the Director of Mount Saint Joseph's, which is one of the residential treatment centers constituted in the membership of the organization. In addition, Dorothea is here representing the Catholic Family and Community Services of the Diocese of Paterson, so that she is here in a number of capacities and will be willing to answer questions, I think, based on all three roles.

I would rather not read my testimony; rather just let me make a few

statements --

ASSEMBLYMAN OTLOWSKI: Would you please, because --

MR. BORD: I appreciate that.

ASSEMBLYMAN OTLOWSKI: As a matter of fact, I promised the Committee that I would adjourn at 4:30. Obviously, it was a political promise. It is twenty minutes to five.

MR. BORD: Let me then help keep your promise as close as possible. I have written some, hopefully, nice-sounding statements. I won't bother to repeat them.

The recommendations are fairly straight forward. If I had had more time to prepare, there would be more recommendations, I think, but so be it.

One, we totally concur with the need for additional training. Let me go back. We need more attention paid to the recruitment and training of protective service workers than now exists. The DYFS budget occasionally shows money there, but when one tries to find out what training was given to these protective service workers, the answer comes back, "apparently very little." That is critical.

I would also like to say as a very quick aside that responsibility for child abuse and neglect cannot and should not be laid solely upon one organization. There are too many other variables, too many other factors that tie into it -- social economics, psychological, and Lord knows what else. No matter what comes out of these hearings, I strongly believe -- it will be it subjectively -- that abuse of children will not stop, no matter how wisely the laws are drawn, no matter how carefully and well they are administered. We are still going to find, somewhere along the line, that some children are going to be abused and neglected. Again, the human factor, as you put it several times, is very much at play here, so that we are not looking for perfection. In no way could I sit here an offer to you that if there were more and better group homes, more and better residential treatment centers, abuse and neglect in the State of New Jersey would be eliminated. If I were to say anything approaching that, I think you would appropriately laugh me out the door.

So that any --

ASSEMBLYMAN OTLOWSKI: As a matter of fact, I assumed that you are related to Benjamin Franklin because you are talking like a wise man.

MR. BORD: Yes, Ben was my slightly younger brother, I think. I am aging rapidly.

So that anything I have to offer is in that limited context that we need to take. There are steps that can be taken. They may be small steps, but still need to be taken to protect the recruitment -- who gets hired, what kind of initial training and ongoing training exists or should exist for protective service workers, must be examined.

As a very brief aside, I would disagree with my former student, Mr. Farrell, that I see no correlation between the professional degree and the labels. I don't know what that has to do with child abuse and neglect. Anyway, that is beside the point.

I guess the critical point from my Association's point of view, and all be it, it may sound like ax grinding or self serving, and perhaps it is -- that the Association individually and collectively is dismayed at the diminution of kids

in foster care in the State of New Jersey, the foster families -- the number over the last three years has dropped from something like 9,000 to something under 6,000 --

ASSEMBLYMAN OTLOWSKI: Why is that happening, yet this problem is of such a magnitude?

MR. BORD: Damn, I don't know. Forgive the -- I don't know. I could give you some guesses, and that is all they would be, guesses.

More important to the Association, or very directly bearing upon the Association, that in the last five years, some 19 or more group homes and residential treatment centers for kids have closed, and many of those that have been left open have had very few referrals and have been left to sort of waver in the winds, starving to death slowly, rather than shutting down quickly. Some facilities have opted, rather than to remain in that position, they simply close.

There are probably a number of reasons, including some very good reasons why facilities close. I am not here to protect every facility that has ever existed in the State of New Jersey, nor do I ever want to find myself in that position. But, a number of good facilities closed. They closed because they were getting an inadequate number of referrals from the Division of Youth and Family Services. The Division, in turn, said, "Well, you are not taking the kids who we want you to serve. We are getting all the kids, we're getting more difficult kids. Take them." Some of those facilities that agreed to take those harder, more difficult, more multi-problem children, if such a phrase exists, found themselves in a whole lot of trouble because suddenly their programs, which were geared for, and their staff, who was geared for one kind of child -- they were suddenly taking in another kind of child, and they really couldn't handle it. In many cases, they did a bad job. In some cases, those facilities closed. In other cases, those facilities were threatened with closure. "You're not doing a good job; we're not going to send you anymore kids."

I would like to add briefly and quickly, too, that the current administration -- the current Commissioner -- gives much greater evidence of concern and interest in the problems of children, the families, the group homes, and the residential treatment centers than seems to have existed in the past, so that I'm -- while I may sound angry at this point, it is in part, and hopefully, a past anger or anger at what has taken place in the past. Currently, the situation seems more optimistic.

ASSEMBLYMAN OTLOWSKI: What do you think ought to be done? What do you think we can do?

MR. BORD: Very specifically, in terms of the three separate categories that I touched upon, I think we could make more and better use of foster families. The number has diminished. I think a stronger, better organized, more public relations oriented recruitment of foster families in the State of New Jersey might well be undertaken with a good deal of success. I think the board rate there is inadequate. This, by the way, has nothing to do with my Association. This is a separate -- this is my own personal perspective.

ASSEMBLYMAN OTLOWSKI: You are speaking from your own personal point of view, as a recommendation.

MR. BORD: Yes. There are some cases of specialized foster care that the Division currently does use, but on a very, very limited basis. There may be --

I don't know -- I know of one place that has 8 specialized foster care situations, where they take in one child who has, perhaps, been in five or more placements -- extremely disturbed, very difficult, and they work one to one with that child. They don't take in two kids, they don't take in three kids. These families are well trained; they have ongoing supports. They have respite care if the kid gets to be too much. Somebody leaves -- either the parents or the kids. It seems to be a good working system.

You might want to contact, if you are interested in more information about that -- the person to contact would be Grace Sisto at the Childrens' Aid and Adoption Society in Morris County.

ASSEMBLYMAN OTLOWSKI: In what town in Morris County?

MR. BORD: She is in Bogota. Sorry, the office is in Bergen County. I have just been corrected; Dot is here for a good reason -- to correct me. She does have a group home in Morris, as well, but that is beside the point.

I think -- I begin to hear now, as caseworkers talk, as other people talk, not necessarily in this room, but over the last five, six months, over the last year, that, "Gee, we would like to place these kids into group and residential treatment, but the facilities no longer exist." Or, the only ones that are available are so far away from home that it becomes inappropriate. If you want the kid, the child to have contact with his or her family, yet you don't want them in the family situation -- you want them within a relatively short traveling distance time-wise from home --

ASSEMBLYMAN OTLOWSKI: In your opinion, are there vacancies in these group homes? There are vacancies in --

MR. BORD: It depends on how you calculate it. To answer you very simply, the answer is yes. The "yes" gets even bigger if you look at the real capacity of some of these facilities, rather than the official listed capacities. I have been to several -- group homes are limited to twelve, by legal definition. Anything more than twelve children, it is no longer than a group home; it is a residential center. But, some of the residential centers around the State have a physical plant that could hold -- if they have 23 kids, 24 kids now -- the physical plant could comfortably, legally and properly accommodate twice that number, and in some cases, even more. So, there are gaps.

In some cases, the gaps are, perhaps, legitimate. Maybe there aren't -- I am now doing the DYFS -- maybe I shouldn't be doing that, perhaps, I don't know -- One of the arguments made is that this is a very specific kind of program. Let's say it is for boys between the ages of 11 and 13, with a specific emotional disturbance -- that is why they are there. We can't take in 10-year old boys, we can't take in 14-year old girls, we can't take in kids with -- and there may be a limited number of those kinds of children who ought to be in placement. The last thing I want is a child put into a group home or into a residential treatment center who could be better served at home. I don't want those children in any of those facilities that I represent. I think I speak for the Executive Directors of those facilities and the Boards, as well. They don't want them either. They don't want them either.

We're not talking about kids who ought to be serviced at home. Unfortunately, unfortunately -- again, subjectively -- the term "least restrictive

environment" became -- or "least restrictive placement" became, and it is a marvelous concept. I couldn't agree with it more as a concept. However, what it has come to mean, or what it came to mean, for the last four or five years is the least costly alternative. So, the child remains at home. Fine. What are you doing for that kid at home? Often, the answer is very little.

For a child to remain at home, where the child is in jeopardy, where there is alleged abuse, where there is some evidence of neglect, where there is evidence of emotional family disturbance, it is significant. There are many cases where the child could and should remain at home, only if a full range of services were brought into that home. That would include, but not be limited to, a job training for the parents, if that is appropriate. Perhaps an intensive family counselling component. Perhaps it might mean a daily visit from or a visit to a psychiatrist or a psychologist. It might mean medical attention being brought to that family.

ASSEMBLYMAN OTLOWSKI: Mr. Bord --

MR. BORD: And, that costs money.

ASSEMBLYMAN OTLOWSKI: All right, getting --

MR. BORD: The point I am making is that really good -- Sorry.

ASSEMBLYMAN OTLOWSKI: All right, getting down now to the specific -- you are recommending what to this Committee?

MR. BORD: I am recommending to this Committee one, in terms of protective service training and recruitment, that more intensive training be offered to those people who are hired to perform protective service actions. I am suggesting, or asking, this Committee to look at the possibility of augmenting the number and the quality of the group and residential facilities that are now in existence. These facilities spent the last five years -- three years, more accurately -- up until this current year with a 5% cap on what their budget could be presented when they contracted with the Division. At the same time in that last three-year period, the Division turned back \$7 million to the Treasury Department that was earmarked initially for group and residential treatment.

I could not understand this. So that, what has happened in some facilities is that you can't raise your staff. They leave. You get turnover, you get instability, you get a less adequate program.

ASSEMBLYMAN OTLOWSKI: Yes, I think, Mr. Bord, that we have some conception of what you are talking about, and I think you have made your point. Does your Associate have anything to add to that?

D O R O T H E A K R O N Y A K: Yes, with regard to the residential treatment, I think we have to look at abusive children from our point of view. We have children in placement who received the maximum services that we could give to them, and are ready to return to another more permanent placement. What happens is that, because the families either do not want the children, or cannot provide for the children, the children are kept in placement a lot longer than they should.

In our facility right now, we have -- there are several children who are still in placement. One boy is a twin. His twin was released by the parents for adoption. The young boy who is still with us was not released by the parents for adoption. The parents cannot provide for him; they do not want him --

ASSEMBLYMAN OTLOWSKI: Anyhow, the point that you are making --

MS. KRONYAK: Is that there has to be some process --

ASSEMBLYMAN OTLOWSKI: The point that you are really making -- that both of you are making -- both of you feel that the residential home and the group foster home is not being used properly and not being used to capacity. And, as a result of that, many of the children, of course, are kept home and who should be taken from the home. Is that what you are saying?

MS. KRONYAK: Okay, my point of view is just the opposite. We have children in placement in our residential treatment center who should be in a more permanent placement now.

The caseworkers are saying to us that they cannot terminate the parents' rights, so therefore, the child is kept in our placement because the parents' right to not terminate him --

ASSEMBLYMAN OTLOWSKI: Beyond the period that the child should be there --

MS. KRONYAK: Absolutely.

ASSEMBLYMAN OTLOWSKI: But, you think that the child should have been returned home.

MS. KRONYAK: Not returned home, but to a more permanent placement.

ASSEMBLYMAN OTLOWSKI: To a more permanent placement.

MS. KRONYAK: Yes, but that permanent placement is not the child's home now --

ASSEMBLYMAN OTLOWSKI: And, that permanent placement would be what?

MS. KRONYAK: Possibly another foster home or an adoptive home. The parents' rights should be terminated for certain children, and this takes years and years. This the point that Toni McHugh was making earlier. By the time the parents' rights are terminated, the child is 14, as this young boy is now, and he is a hard-to-place child.

ASSEMBLYMAN OTLOWSKI: All right, I think you have made your point. I am going to have to cut you off because we are running out of time. I am terribly sorry, but I think you have made your point, and I think you have made your impression upon the Committee.

I would like to call Florence Gowin. Am I pronouncing the name correctly? Florence? What are you doing here?

F L O R E N C E G O W I N: I wrote you a letter about my granddaughter. I had one contact --

ASSEMBLYMAN OTLOWSKI: Florence, give us your name and your address. All right?

MS. GOWIN: My name is Florence Gowin. I live at 3 Throop Avenue in Spotswood, New Jersey.

Last year, during the first week of October, my daughter informed me that I would no longer babysit for my granddaughter. She had taken a man in to live with her in her apartment. I didn't know the man --

ASSEMBLYMAN OTLOWSKI: How old is your daughter?

MS. GOWIN: She is now 22; she was 21 then last year. I immediately was --

ASSEMBLYMAN OTLOWSKI: But, she was an adult.

MS. GOWIN: Yes, she was, but I had taken care of my granddaughter from the time she was born. My daughter had a very stormy marriage, and she was in the process of getting divorced.

I just felt that I didn't want my granddaughter raised with a live-in boyfriend. I wanted to take care of her so that my daughter could go to work, so I --

ASSEMBLYMAN OTLOWSKI: And, you wanted custody of the child?

MS. GOWIN: No, not custody at this point. I was just babysitting. My daughter had her own apartment.

ASSEMBLYMAN OTLOWSKI: What is the point that you are making, Florence?

MS. GOWIN: The point I am making is, Friday, it will be one year -- my granddaughter was brutally murdered by my daughter's live-in boyfriend.

ASSEMBLYMAN OTLOWSKI: Your daughter was murdered?

MS. GOWIN: My granddaughter. I wrote you a letter. I believe you have a copy of the letter there.

What I would like to know is, how a concerned parent or grandparent -- when I called DYFS -- I called the hotline -- yes?

ASSEMBLYMAN OTLOWSKI: Florence, when did you send me the letter? Oh, it is in our file.

MS. GOWIN: Yes, he has the letter. Yes, it is. Mr. Price called and asked me if I would want to come to the hearings to testify.

ASSEMBLYMAN OTLOWSKI: Florence, just refresh my memory. The child was murdered?

MS. GOWIN: Yes, she was. It will be a year on Friday.

ASSEMBLYMAN OTLOWSKI: How long ago.

MS. GOWIN: One year ago Friday.

ASSEMBLYMAN OTLOWSKI: Was the murderer apprehended?

MS. GOWIN: Yes.

ASSEMBLYMAN OTLOWSKI: And prosecuted?

MS. GOWIN: Oh, yes, he's --

ASSEMBLYMAN OTLOWSKI: And convicted?

MS. GOWIN: Oh, yes.

ASSEMBLYMAN OTLOWSKI: So, now where are we?

MS. GOWIN: I called DYFS, and I asked them if there was any way that I could go before a judge or a panel of some kind to ask if my granddaughter could not be raised by a live-in boyfriend. I didn't want that. They asked me if there was any evidence of child abuse. I said, "I don't know. I don't know the man. I have no idea who this man is who she brought into the house to live with her." They told me that it was a moral issue, and their main concern is child abuse.

ASSEMBLYMAN HAYTAIAN: Excuse me. Who is Donna Marie Gowin?

MS. GOWIN: That is my daughter-in-law.

ASSEMBLYMAN HAYTAIAN: That is your daughter-in-law.

MS. GOWIN: Yes, she wrote you a letter, too, but she wasn't called to testify.

ASSEMBLYMAN HAYTAIAN: Okay, so they are both on the same case?

MS. GOWIN: Oh, no.

ASSEMBLYMAN HAYTAIAN: Separate cases?

MS. GOWIN: Oh, yes.

ASSEMBLYMAN HAYTAIAN: Okay.

MS. GOWIN: Separate cases.

ASSEMBLYMAN HAYTAIAN: We just got the file here, that is why -- If we seem a little confused, we're not.

MS. GOWIN: No, that is quite all right.

ASSEMBLYMAN HAYTAIAN: We just want to get things in order. I'm sorry.

MS. GOWIN: That is quite all right. It is late in the day, I know that.

They referred me to my local police department. They asked me to call them and see if there was an old law on the books that prohibited people from living together who weren't married. I called the police department, and they said that there was no such law on the book, and that I should talk to the juvenile detective -- Detective Adisano -- and possibly he could refer me to another agency. When I spoke to him, he said it was a question of morals, that I should try to live with the idea that my granddaughter would be raised with a live-in boyfriend. He told me that there was nothing that I could do about it legally.

What I would like to know from you is, isn't there any way that you can pass some sort of legislation where a concerned grandparent, as myself -- I have six other grandchildren -- she was our seventh grandchild -- there is some way that you could have a judge or a panel or someone investigate these cases when there is a concern shown? I know there is no such law on the books. I was told that.

ASSEMBLYMAN HAYTAIAN: Was there any case of abuse from the live-in boyfriend?

MS. GOWIN: No, you see, he moved in there during the first week of October, and Aimee was dead eight weeks later. I didn't even know this man.

ASSEMBLYMAN OTLOWSKI: Is he in prison now?

MS. GOWIN: Yes, he is in prison now. I didn't know the man. She hardly knew him. I can't even figure out why she took him in to live with her. She didn't even know him actually.

ASSEMBLYMAN OTLOWSKI: What you are saying and telling this Committee -- that if the child were given to you, today the child would probably still be alive.

MS. GOWIN: My granddaughter would have been alive. I took very good care of her. My daughter always worked.

ASSEMBLYMAN HAYTAIAN: Would your daughter have allowed her to move in with you?

MS. GOWIN: No, my daughter --

ASSEMBLYMAN HAYTAIAN: She would not have.

MS. GOWIN: No. My daughter is destroyed now. She never thought -- none of us ever thought anything like this would ever happen -- none of us.

ASSEMBLYMAN HAYTAIAN: What you are asking -- and you have to understand that we are all sympathetic to this, because stories like this truly crack me up. It is difficult to understand how people can act and react the way I hear. I have children of my own, and I just can't believe that things like this can happen. As George said, in America, these things aren't supposed to happen. But, we hear they do. What you are asking us though, is to legislate morality in this case. In other words, say, because your granddaughter -- your late granddaughter lived with

her mother, and her mother decided to take in a live-in boyfriend, that we should try to legislate so that it could not happen in the future. That is very difficult to do.

MS. GOWIN: No, I don't mean that. I don't mean. I wanted to speak to someone, to have someone listen to me. Nobody would listen to me.

ASSEMBLYMAN HAYTAIAN: That is different, but it is already a year passed.

MS. GOWIN: Everybody referred me to other people.

ASSEMBLYMAN OTLOWSKI: Yes, because as the Assemblyman just indicated to you, it was a very difficult situation here, one in which, of course, there really wasn't any authority -- any legal authority -- for you to get the child. Really, the child, of course, was with her mother. The question of her mother's life was a question of morality, as it was pointed out to you. And, really, it was a question that she had to answer in her own conscience.

MS. GOWIN: But, the child suffered for it. See, this is my -- I didn't hear anything else here today mentioned about morals. This kills me; it does. I hear child abuse, child neglect --

ASSEMBLYMAN OTLOWSKI: I think that one of the -- I think -- excuse me,

MS. GOWIN: Where does this come from?

ASSEMBLYMAN OTLOWSKI: I think that we have come to this part now with you, and, as a matter of fact, it is probably a good part to just sum up what we are talking about, and what we, at least some of us try to elicit from some of the witnesses here. You are not going to solve these problems with master's degrees, and no universities are going to solve these problems. These are problems, of course, that basically rest on the kind of values that society establishes, and the strength of a family -- the strength of family ties. This is a very difficult thing to establish, and, as a matter of fact, nobody knows it better than you because you have experienced it now.

American is going through a great traumatic experience in the erosion of values, and they show up in tragedies such as this where they destroy lives, and yet from a legal point of view, there is very, very little that can be done. From a legislative point of view, there is very little that can be done. The only thing, of course, as the Assemblyman pointed out -- all of us who sit here are not just legislators. We are fathers, we are grandfathers, we are parents, and I think the reason that we are sitting here is the fact that we have some feeling about some community feelings, some feelings about our fellow man, but yet there is a limit to what we can do. If we made any promises to you that we could do something, we would be giving you a false hope. That is why even today, if you will excuse -- if the Assemblyman will excuse me -- that is why today I just didn't want to let some of these people think that they had all of the solutions, coming with a degree, or coming with training. There is more to this whole thing -- there is more to it, so that, in any event, what you have just done is you have just put the cap on it. You have just culminated this whole hearing by the fact of telling us how much there is to this whole approach.

All of the human frailties that are involved in it, and once the toboggan starts going downhill, there are no breaks. The only thing that I can say to you is that we are terribly sorry for you, and the fact of the matter is, you have our sympathy. We hear you, and the only thing is, of course,

is the fact that it is important that the man was convicted and sentenced, and that he is yes, indeed, punished for what he did. And being punished for what he did, notwithstanding about what some do-gooder would say about rehabilitation. He belongs in prison, and he should be in prison for a long time.

MS. GOWIN: Not enough. Well, they are not going to kill him, so it is not enough. They didn't give him the death penalty.

ASSEMBLYMAN OTLOWSKI: But, in any event, beyond that I hope that you have the other comfort from your other grandchildren, and from the love that many other people are going to give to you. Other than that, I don't know what else we can suggest to you.

MS. GOWIN: You are telling me that there is no way that, even if I went and knocked on doors --

ASSEMBLYMAN OTLOWSKI: I don't know of anything. I think the Assemblyman pointed out --

MS. GOWIN: For petitions.

ASSEMBLYMAN OTLOWSKI: (continuing) that it is very difficult. A legislative body cannot deal in morality. If we do that, we would be making a terrible mistake. You can't legislate morality.

MS. GOWIN: Not in the sense of morality. I know what you are saying, but in a sense where somebody wants to be heard. I mean, nobody would listen to me.

ASSEMBLYMAN OTLOWSKI: Yes, but the truth of the matter is, that in this forum, you have been heard. We have heard you, and we told you how sympathetic we are to you.

MS. GOWIN: But, no, I meant before it happened. Maybe if somebody would have listened to me and investigated, because all people --

ASSEMBLYMAN OTLOWSKI: Yes, but I don't think that --

MS. GOWIN: After it happened, people came to us and said that the man was unstable.

ASSEMBLYMAN OTLOWSKI: Your daughter was the mother of that child.

MS. GOWIN: Oh, yes, she was.

ASSEMBLYMAN OTLOWSKI: And, there wasn't any sign of abuse, as the Assemblyman said.

MS. GOWIN: Oh, no.

ASSEMBLYMAN OTLOWSKI: It is very, very difficult to deal with a situation like that.

MS. GOWIN: No, but if there was some kind of investigation, they might have found out that he was unstable. People came after it happened and told me that he was.

ASSEMBLYMAN OTLOWSKI: Yes, but that is --

MS. GOWIN: But, not before.

ASSEMBLYMAN OTLOWSKI: Excuse me, dear. That is speculative. You can't get the law to operate on speculation. The law has to have some basis before it can become operational.

ASSEMBLYMAN HAYTAIAN: What greater love and understanding than a mother to a child? If you couldn't convey your feelings, and this is harsh for me to say -- I am sorry I have to say it, but it is the truth. If you couldn't convey your

feelings to your own daughter, how could someone else do it? It is very difficult.

MS. GOWIN: I know it is.

ASSEMBLYMAN HAYTAIAN: I know how difficult it is when I speak to my own children, when I have to reprimand them, but at least it is me to my children.

MS. GOWIN: I know it is difficult, but --

ASSEMBLYMAN HAYTAIAN: What you are asking is, is to have someone investigate something where there is no evidence of wrongdoing. You can't do that. That is very difficult for you to even ask of us because we have looked at this whole situation, I think, with a lot of understanding, and the very fact that the Chairman took a case that was brought to us, and said, "I want an investigation immediately," that indicates that here it is -- it is after the fact also, but it is going to be done, and we'll find out what happened. But, in the case where you are asking, "Can't something be done?" -- the only thing we can do is what Chairman Otlowski said, and that is to change the moral values of this country and where it is going. With that, I think, maybe we could get some changes, but you can't legislate that. That has to come from human understanding, and no other way. I don't understand, and if someone told me they could legislate that, I would tell them that they are wrong, because you can't.

MS. GOWIN: Thank you very much.

ASSEMBLYMAN OTLOWSKI: I hope that we at least gave you some relief, some comfort. Thank you for coming and talking about it, because it is good for you to talk about it.

I think that concludes the hearing, and I am going to adjourn the hearing.

Yes? You are from where, dear?

AUDIENCE: Community Council for the Prevention of Child Abuse.

ASSEMBLYMAN OTLOWSKI: Come on up here. And, your name is what, dear?

R O S E C O O P E R: Rose Cooper.

ASSEMBLYMAN OTLOWSKI: Rose Cooper?

MS. COOPER: Yes.

ASSEMBLYMAN OTLOWSKI: Are you representing somebody?

MS. COOPER: The Community Council for the Prevention of Child Abuse.

ASSEMBLYMAN OTLOWSKI: Is that a State organization?

MS. COOPER: No, it is not. It is a non-profit organization located in Jersey City.

ASSEMBLYMAN OTLOWSKI: What is your position?

MS. COOPER: I am the Executive Director.

ASSEMBLYMAN OTLOWSKI: How long have you been in existence?

MS. COOPER: We began in September of 1981 as a volunteer organization.

ASSEMBLYMAN OTLOWSKI: Do you have written testimony?

MS. COOPER: Yes, I do.

ASSEMBLYMAN OTLOWSKI: Do we have copies of it? And, your name is what?

MS. COOPER: Rose Cooper.

ASSEMBLYMAN OTLOWSKI: Rose Cooper?

MS. COOPER: Yes.

ASSEMBLYMAN OTLOWSKI: Rose, you have one written page of testimony here.

MS. COOPER: Yes, I would like to limit that to the statistics and the --

ASSEMBLYMAN OTLOWSKI: What is the point that you want to make, Rose?

MS. COOPER: That we have been in existence for approximately a year and a half, and we have been virtually unable to acquire any **statistics** as to show cause in our community to establish a prevention center with the scope that we had planned on --

ASSEMBLYMAN OTLOWSKI: A prevention center?

MS. COOPER: Yes.

ASSEMBLYMAN OTLOWSKI: How would you do that?

MS. COOPER: We have submitted proposals and we were told by Congressman Guarini's office that --

ASSEMBLYMAN OTLOWSKI: You submitted the proposals to the Congressman?

MS. COOPER: Proposals, yes. No, we submitted proposals to the Federal government for a Child Abuse Prevention Program.

ASSEMBLYMAN OTLOWSKI: To the Federal government?

MS. COOPER: Yes.

ASSEMBLYMAN OTLOWSKI: Through Congressman Guarini?

MS. COOPER: No, we had -- in other words, we had submitted the proposal, and we had waited for a response as to why we were not funded. They had told us the reason was because we couldn't show cause --

ASSEMBLYMAN OTLOWSKI: Rose, did you submit the proposals to the Federal government?

MS. COOPER: Yes.

ASSEMBLYMAN OTLOWSKI: To what Agency, do you remember? What Federal Agency?

MS. COOPER: It was a Child Abuse Demonstration Prevention project.

ASSEMBLYMAN OTLOWSKI: How long ago did you submit that to them?

MS. COOPER: I believe it was in July.

ASSEMBLYMAN OTLOWSKI: In July?

MS. COOPER: Yes.

ASSEMBLYMAN OTLOWSKI: And, you haven't heard anything from them?

MS. COOPER: We were told that because of the competition aspect of the project --

ASSEMBLYMAN OTLOWSKI: For money.

MS. COOPER: Right, exactly, that we weren't accepted, and we had tried to follow through on that to find out why we weren't accepted through Congressman Guarini's office, and we found that the reason they wouldn't consider us was because we couldn't show cause for our community.

ASSEMBLYMAN OTLOWSKI: You couldn't show what, Rose?

MS. COOPER: We couldn't show cause for our community. We did find some statistics, but they dated back to 1978, I believe it was. At that time, it showed Hudson County to have the highest rate of child abuse in the State of New Jersey.

ASSEMBLYMAN OTLOWSKI: And, you applied to the State?

MS. COOPER: The grant was a Federal grant.

ASSEMBLYMAN OTLOWSKI: It was a Federal grant.

MS. COOPER: Right. We then applied to a community development block grant fund, and we received \$15,000 for funding.

ASSEMBLYMAN OTLOWSKI: You received \$3,000.

MS. COOPER: We received \$15,000 from CDBG, which is the Community Development Block Grant Funds allocated through Human Resources, and the City of Jersey City manages that money.

ASSEMBLYMAN OTLOWSKI: And, you received the \$15,000.

MS. COOPER: Yes, we received the \$15,000, but the initial grant was \$142,000. The reason --

ASSEMBLYMAN OTLOWSKI: So, you are nowhere near that?

MS. COOPER: No. We have opened up a prevention program --

ASSEMBLYMAN OTLOWSKI: But, Rose, there is nothing that we can do to help you with that. That is a Federal problem.

MS. COOPER: No, I understand that. Right. The only thing that I am here for today is to try to find out why we can't get any statistics.

ASSEMBLYMAN OTLOWSKI: Well, frankly, you know what I would suggest? You are from Jersey City?

MS. COOPER: We have investigated every possible resource.

ASSEMBLYMAN OTLOWSKI: Who is your Assemblyman or Senator there in Jersey --

MS. COOPER: Congressman Guarini is the --

ASSEMBLYMAN OTLOWSKI: No, he is the Congressman. Bob Janiszewski?

MS. COOPER: Janiszewski, that is right.

ASSEMBLYMAN OTLOWSKI: Bob Janiszewski is the Chairman of the Appropriations Committee.

MS. COOPER: Right.

ASSEMBLYMAN OTLOWSKI: You are talking to the wrong Committee, honey.

MS. COOPER: I have been to him. I have been to the Board of Education, I have been to the Division of Youth and Family Services. I have absorbed every available resource.

ASSEMBLYMAN OTLOWSKI: Let me just tell you. I am going to ask for an extra copy, ~~and Monday~~, I am going to talk to Bob Janiszewski and ask him if he can be of any help to you. Beyond that, there is nothing that this Committee can do, Rose. But, I am going to give this to Bob Janiszewski on Monday to ask him to see if he can be of any help to you.

MS. COOPER: But, in the DYFS system, there is a centralized computer that records every case of child abuse, and statistics must be kept, so why wouldn't we be able to acquire them?

ASSEMBLYMAN HAYTAIAN: All right, so what you are looking for actually is, if DYFS can furnish you with statistics of child abuse cases in Hudson County --

MS. COOPER: Right.

ASSEMBLYMAN HAYTAIAN: That is, in essence, what you are asking for. Is that correct?

MS. COOPER: Right, yes.

ASSEMBLYMAN OTLOWSKI: Paul, will you see that Bob Janiszewski gets this and talk to him to see if we can be of any help to Rose, and then let either you or after you talk to him --

ASSEMBLYMAN HAYTAIAN: Maybe it would be good to give a copy to Sandra Clark, because that is possibly where these statistics can be received.

ASSEMBLYMAN OTLOWSKI: Since you are in his district, let's make that

Bob Janiszewski's problem. Okay?

MS. COOPER: Okay. The next, and last question that I would like to address is that I feel that DYFS should encourage community involvement. We have been involved in the community. We started in September of 1981, and we still haven't been able to work out a cooperative relationship with DYFS in that we felt, when we started out, in our community -- Hudson County -- DYFS was the Agency responsible for the protection of children, so they are the ones that we should go to.

We were looking for prevention services, and you do get your prevention services through DYFS, but when you come in contact with DYFS. In other words, if you were not --

ASSEMBLYMAN OTLOWSKI: Excuse me, Rose. What I am going to do, and I don't want to cut you off. But, what I am going to do is, I want to talk to Bob Janiszewski about your whole problem. Bob can go to the Commissioner, as well as anyone of us, and, as a matter of fact, the Commissioner will be happier to see him than he will be us. In any event, let me talk to Bob, and then we'll go from there to see if we can be of direct help to you. Okay?

MS. COOPER: Okay, thank you very much.

ASSEMBLYMAN OTLOWSKI: Thank you for being so patient with us.

The Committee stands adjourned, and the record will be made available shortly for the Committee and for everybody else. Thank you.

(HEARING CONCLUDED)

Explanation of a Flowchart for Protective Services

When a report of abuse or neglect is received, a determination is made by an Intake Supervisor or by staff of the Office of Child Abuse Control whether immediate response is required.

The immediate response determination is made based upon two criteria--severity of alleged abuse/neglect and how recent the abuse/neglect was. In some cases, a severe abuse is alleged but is reported to have occurred 3-4 weeks prior to the report and an immediate response would not be made. By law, the Division must respond to all allegations within 72 hours. Policy guidelines exist which specify whether a response is immediate, within 24 or 72 hours.

The assigned worker may contact the police to accompany them on a visit. Police are contacted if the nature of the allegation suggests danger to the worker's safety (father alleged to have a gun) or if the area is a very dangerous one, especially at night. In less dangerous situations, another worker may go along.

When the caseworker arrives at the home, if the parents cooperate, an investigation is done. This at a minimum includes a physical inspection of the child and interviews with parents, siblings and child as appropriate. The first concern is to determine the physical condition of the child and obtain medical care if needed. The second concern is to determine if the child is in imminent danger if allowed to remain in the home.

If the child is determined to be in imminent danger, the parents are asked to consent to a placement (relatives, neighbors, foster care, hospital or whatever is appropriate). If they refuse to consent or if they refuse to allow an investigation to be completed, the Division has two alternatives. If it is believed that the child can safely remain in the home long enough for a court order to be obtained, the worker leaves the home and after consulting with a supervisor and Deputy Attorney General, an immediate court order may be obtained (this may be an oral order by telephone).

If the child's safety will be at risk by this delay, DYFS, a probation officer or the police may remove without parental consent of a court order. If possible, a supervisor is consulted before this action is taken. If a child is removed without consent or court order, a hearing is held on the next court day. If parents obstruct the removal or a worker's safety is threatened, the police are called to assist.

After the emergency removal and dependent upon the outcome of the court hearing, a full investigation is completed and DYFS either:

- o advises the court that the child can now return home,
- o another court hearing is held, or
- o a voluntary consent for continuing placement is obtained.

Services are then provided according to a case plan until the child can safely remain at home without DYFS involvement or another permanent plan is made.

The same basic procedures are followed for cases responded to between 24 and 72 hours after receipt. At the point at which DYFS has determined that a child's injury is probably not accidental and the nature of the injury falls into a certain category of severity, the case is reported to the prosecutor. This may be at the conclusion of the investigation or earlier if this determination is made sooner. Reporting to the prosecutor is governed by a formal written agreement between DYFS and the Department of Law and Public Safety.

It is possible that a DYFS investigation may not substantiate abuse or neglect but will uncover some other service need. In that case, non-PRS services are provided. When DYFS consults with the DAG to determine if legal grounds exist for any court action (an order to investigate, supervise the home, custody or guardianship), the DAG determines whether grounds exist for the desired action. If the DAG determines that grounds do not exist and DYFS disagrees, there is a review procedure which leads up to involving the Office of Regulatory and Legislative Affairs to determine if this issue should be pursued at a higher administrative level.

At any point in the process where a parent who has been cooperating with DYFS refuses to continue to cooperate, the DAG is consulted concerning court action if the child's safety is at risk.

Child Abuse/Neglect Procedures

I. Child Abuse/Neglect Referral

- A. During office hours, referrals go to the local district office
- B. After hours, referrals go to the Office of Child Abuse Control
- C. The law mandates DYFS to investigate all allegations of child abuse or neglect within 72 hours of the referral
- D. Investigations must be done immediately when:
 - 1. a child is currently being physically or sexually abused
 - 2. a child has been physically injured by abuse or neglect
 - 3. a child may need medical treatment due to abuse or neglect
 - 4. a child is without adult supervision and not competent to provide for his own care
 - 5. a child or family is in a severe crisis that cannot be handled over the phone
 - 6. there is doubt about the severity of a referred situation

II. Initial Investigation

- A. During working hours investigations are done by a caseworker from the district office
- B. After hours, a worker from the Special Response Unit connected with the District Office makes the initial investigation. These workers are on call at all times.
- C. DYFS has the authority to request police assistance when:
 - 1. personal protection for the worker may be needed
 - 2. the nature of the referral dictates it (e.g., death of a child)
 - 3. past experience indicates that a particular parent responds only to the authority of the law
- D. Police should be requested to precede the worker:
 - 1. in an immediate life-threatening situation and police can reach the home first.

2. in a case when violence is believed to be occurring concurrent with the referral
- E. If the parents cooperate, the initial investigation consists of:
1. a physical inspection of the child
 2. interviews with the parents, siblings and child if appropriate
- F. Objectives of the initial investigation are:
1. to determine if the child needs immediate medical attention
 2. to determine if the child is in imminent danger if allowed to remain in the house
 - a) if the child is determined to be in imminent danger, the parents are asked to consent to a placement (i.e., relatives, neighbors, foster care, hospital)
 - b) if the parents refuse to either cooperate with the investigation or consent to a placement, a determination must be made whether a child can safely remain in the home long enough for a court order to be obtained
 - 1) if so, the worker leaves the house, consults with his supervisor and Deputy Attorney General's Office and an immediate court order may be obtained (this may be an oral order by telephone) if warranted
 - 2) if the child's safety may be at risk by this delay, the DYFS worker, a probation officer or the police may remove the child without parental consent or a court order. A hearing must then be held on the next day

III. Full Investigation

A. Components

1. observe the child's physical and emotional state
2. observe the child's physical surroundings
3. secure any necessary medical treatment for the child
4. research collateral resources (i.e., area hospitals for previous admittance, schools, police, neighbors, relatives and any other leads given in collected information)

5. collect relevant and available documents and reports on the child or parents
6. record findings giving specific dates and separating fact from subjective evaluations

B. Possible Outcomes

1. Abuse or neglect is not substantiated - case closed
2. Abuse or neglect is not substantiated - other supportive services are needed (i.e., day care, homemaker services)
3. Abuse or neglect is substantiated but child is not in current danger - supportive services would be provided
4. Abuse or neglect is substantiated and child is in imminent danger - child is removed from home either through parental consent or court order

IV. Involvement with County Prosecutor

- A. At any stage during this process, DYFS is required to report any suspected criminal conduct
- B. All cases involving the following, must be reported immediately:
 1. death of a child
 2. subjecting or exposing a child to unusual or inappropriate sexual activity
 3. any type of injury or condition requiring hospitalization or more than superficial medical attention
 4. repeated instances of physical violence committed against a child or substantially depriving a child of necessary care over a period of time
 5. abandonment of a child

- V. At any stage of this process, if the parents refuse to cooperate, The Deputy Attorney General's Office needs to be consulted to determine if there are sufficient grounds to obtain a court order to either force the parents to cooperate with the investigation or remove the child from the home. The gathering of evidence is the responsibility of the caseworker.

If the DAG determines that there is insufficient evidence, DYFS may appeal this decision but this seldom occurs.



State of New Jersey

COMMISSION ON CHILDREN'S SERVICES

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Governor

Testimony of Alexandra Larson, Director, Commission on Children's Services, before the Assembly Corrections, Health and Human Services Committee on December 8, 1982

Thank you for your interest in children's services issues. All too often the needs of our children are overlooked in the complexities of the state government process. Your public demonstration of concern and your leadership on behalf of children are heartening.

I would like you to know that I come before you with two distinctly different sets of experiences which give me a unique view of the issues. I served for 6 years with the Division of Youth and Family Services (DYFS) as a protective services caseworker and administrator. I investigated child abuse and neglect complaints, carried a caseload of "crisis" cases, and when necessary performed the gut-wrenching task of removing children from their natural home. I regularly meet with line DYFS staffers now so that I can retain a realistic sense of what their jobs entail.

In my role as Director of the Commission on Children's Services, I have had a view from the other side of the fence so to speak. The Commission, a 21-member group established by this Legislature in 1979, conducted New Jersey's first comprehensive review of state programs for children, which included fact-finding activities such as:

1. A series of six public hearings to obtain testimony from more than 100 community members about gaps and duplications in services.

2. A survey of all state departments to compile an inventory of state-administered dollars and programs for children.
3. Hearings with nine state departments to examine how programs are planned, implemented and coordinated.

The Commission sought to answer these questions raised by the Legislature and the public:

How effective and efficient is the current service-delivery system?

What are the barriers to coordination among the many agencies that provide services for children and families?

How adequate are current planning efforts?

To what extent are services centered on the family?

Are sufficient community resources available?

The results of that review, released in October in our report, Linking Policy with Need, disclose some very troubling facts about the overall children's services system. While my testimony today will look at DYFS's handling of child abuse cases, I would like to preface it with an observation gleaned from my work with the Commission.

Traditionally, our public forums on children's services have centered almost exclusively on DYFS. We persist in viewing DYFS in isolation from the larger system of which it is part - the multitude of other state agencies as well as thousands of local agencies. In taking this limited view, we lose sight of a host of other serious shortcomings in our system for serving children - shortcomings that affect DYFS's ability to meet the needs of its clients. DYFS is just one agency among many responsible for serving children. Regardless of how we scrutinize and "re-do" DYFS, we are not going to improve significantly the quality of services available for our children until we tackle some of the problems in the larger children's services system.

Further, it is important to recognize that in many instances children come to the attention of DYFS because of the failure of other agencies to meet their needs - or the needs of their families. DYFS in a sense becomes the "agency of last resort" for families and children who are turned away from other agencies or whose needs have not been provided for by the community.

The tragic deaths of children under DYFS supervision raise some very specific questions about the adequacy of services in these particular situations - I have already conveyed these questions by letter to Assemblyman Otlowski. They include:

- How adequate was the initial investigation? Did it include a medical evaluation and interviews with all parties who might have knowledge of the child's situation?
- What was the caseworker's level of training and experience? Was the worker equipped to make the kind of skilled investigation needed and to identify abuse/neglect where it existed?
- How was case decision-making handled? Did the worker have access to a multi-disciplinary team to review the case. What was the supervisor's role here?
- What was the extent of post-investigation involvement with the child and the family? How often were they visited? What services were provided?
- How many other children was the worker responsible for supervising? Did the size and nature of the worker's caseload permit him/her to provide the kind of attention required for his/her serious cases?

Protective Services is a relatively new art and there is much we do not know about how to determine (1) whether a child's injury is indeed the result of abuse; and (2) if so, the probability of re-injury. We do know, however, that trained, experienced workers are more able to identify abuse and to weigh the risk of future injury to a child by looking at risk indicators such as: history of prior injury, family situation, the characteristics of the child, availability of support services for the family. Further, the quality of decision-making tools for a caseworker is a critical factor. The worker who must do his or her job in a vacuum without the assistance of good supervisory consultation and access to the input of experts such as those found on a multi-disciplinary team - doctor, nurse, psychologist - is operating with a handicap. Determining whether a child has been abused, and, if so, whether the risk of re-injury warrants the child's removal from his natural home involves a careful weighing of a myriad of factors. And, further, if the decision is made to leave the child in the care of his parents, careful planning must be done to assure that the proper services are provided to minimize the risk of re-injury.

It must be recognized that even where the best possible efforts are made, some children will be seriously or fatally injured. But a careful allocation of resources could assure that services are made available for the most serious cases and that has not always occurred. The Department of Human Services has begun such a planning process. However, these additional questions should be addressed:

1. What is the nature of the current caseload?

What kinds of case situations are coming to DYFS? And what kinds of services to these children and their families need?

These questions must be answered in order to set agency

priorities and to see that resources are allocated to the most serious situations.

2. How relevant are the current services to the needs of the families under DYFS supervision?

Middle-class professionals who focus on a traditional case-work services model are often ill-suited to meet the needs of these families. In many instances, the families need concrete services such as housing, food, and furnishings. Further, often paraprofessionals - trained non-degreed community members who know the community and its resources - are better equipped to identify and meet the needs of the families.

3. What factors other than caseload size need to be considered in making staff and other resource allocations?

A caseload of 20 families in a relatively affluent suburb presents a very different set of demands from that of a 20-family caseload in Newark when one weighs in factors such as: severity of the cases; availability of resources from other community agencies; resources of the individual clients - some are better able to purchase their own services than others; and environmental factors such as housing conditions.

4. Is there a statewide problem of attracting and holding skilled staff in the urban areas, and, if so, why?

What should be done to keep skilled staff in the urban areas?

Are there reasons to reduce the caseloads for urban workers?

To provide a higher rate of pay for urban workers?

In reviewing the performance of DYFS, it is important to look as well at the context within which DYFS discharges its duties. We have a tendency to expect DYFS to magically resolve problems which in reality stem

from long-standing social conditions and broad systemic problems which DYFS is in no way equipped to overcome.

For example, research on families referred to DYFS strongly suggests that poverty and its accompanying miseries are major factors that contribute to child abuse and neglect. Today, 400,000 New Jersey children are growing up in poverty. The current Aid to Families with Dependent Children (AFDC) benefits have not kept pace with inflation -- while the cost of living has increased by 136 % during the past 10 years, AFDC benefits have increased by only 18 %. According to a study done by the National Social Service and Law Project, AFDC benefits do not cover the cost of even minimal survival needs.

In light of the economic crisis apparent in New Jersey and across the nation, we may expect that the demands upon DYFS for services would be even greater than they have been in the past. Additionally, we expect instances of neglect in particular will rise since many parents simply do not have the resources -- often through no fault of their own -- to meet their children's basic needs. And, as a result of the cuts in federal funding for health and social services, supplementary services have been greatly diminished.

While we are easily moved by the ugly and obvious marks of child abuse, the less apparent effects of neglect such as malnutrition and untreated health problems can be far more damaging to a child on a long term basis. And, I believe we tend to "neglect" the problem of neglect although in reality it probably affects far more children in far more serious ways than does physical abuse.

As I noted earlier, DYFS does not operate in a vacuum. To effectively meet the needs of children, DYFS must work in a partnership with the many other agencies such as schools and mental health clinics who are also charged with the task of serving children and families.

But, as the Commission found in its review, current policies do not promote such partnerships. No broad policies or administrative arrangements exist to organize public and private programs into a unified system. Moreover, the present method of arranging services fosters fragmentation and duplication of services because current planning mechanisms do not require rigorous needs assessments or efficient use of resources.

(CONTINUED)

Further, there is no single agency providing statewide leadership on children's services. Rather, each agency, including state government units and local public and private agencies, tends to plan programs and act independently of the others.

Why does this occur? In part because there is no statewide listing of goals and objectives for children's services which set priorities and bases resources allocation upon need. Instead, individual agencies are permitted to "do their own thing," without regard to the overall needs of children and families in New Jersey.

And, adequate monitoring does not occur to show who is getting what services at what costs and whether the services are effective. We do not know whether resources are being used to service those children and families who are most in need.

Further, in the absence of careful planning to meet critical needs, some very serious problems have not been given proper attention. For example, today lead poisoning is a major childhood disease in New Jersey, with more than 220,000 children at high risk of this very damaging condition. However, funds are only available to screen 10 percent of the children at risk. The rate of incidence among the screened population exceeds the rate of polio affliction at the height of the polio epidemic. And, it is highly likely that as many children are being seriously damaged by lead poisoning as are currently reported to DYFS for problems of abuse or neglect. Yet, we have placed almost no emphasis on this problem. How many of these children will turn up in the caseloads of DYFS -- referred because their parents cannot cope with the hyperactive behavior characteristic of lead-poisoning children and, as a result, abuse them?

It is one thing to prevent injury to a child; it is another thing to prevent irreversible damage that results in a lifetime of suffering and an inability to achieve self-sufficiency. If we are indeed to assure that the minimum basic needs of New Jersey's children are met, we must begin the business of looking at how we can better utilize all of the resources available and not just those of DYFS.

On a closing note, I would like to state that I do not intend that anything I have said be construed as a criticism of DYFS line staffers. DYFS line staffers have on the the most thankless and difficult jobs in state government. They deal with life-and-death situations on a daily basis and are faced with many very awesome, linely decisions. They are often the butt of everyone's hostility -- the client, the community, and other service providers. We have not provided them with much in the way of recognition for the dedication and commitment they demonstrate for the children of New Jersey. Perhaps that should be one of the points of this hearing.

I am Dr. Anna B. Mayer. I appear before you today as chairperson of the Task Force on Child Advocacy of the Mental Health Association of New Jersey.

The major goals of this task force are to:

1. Develop broad public concern about the serious problems in the delivery of child mental health services,
2. Foster comprehensive preventive efforts to enhance the healthy growth and development of children, and
3. Seek citizen and political support for needed changes.

Mr. Otlowski, it is indeed heartening to know that your Committee is examining the issues in the DYFS social services designed to promote child care and protection. Your efforts are very important, since it is DYFS which bears the major responsibility for deciding whether and under what conditions a child may need removal from home, because his parents are unwilling or unable to provide the necessary care.

In order to make this decision in the best interest of the child, DYFS must have available the appropriate services to help maintain and strengthen the family, or to find a placement alternative. The recent Foster Care Assessment Report indicates that services to keep the family intact and prevent placement are inadequate. Both workers and parents cited the following unmet needs:

Short term emergency shelters for families
Housing

Employment

Financial aid

Parenting education

Transportation services

You will note that most of these are services to alleviate the economic pressures on families. Even strong, mature, mentally healthy families find it emotionally stressful when faced with long periods of severe economic uncertainty and emotional deprivation. But we know that a single mother who is financially destitute, and has experienced family disruption and conflict, at times as far back as her own childhood, often releases her frustration on her helpless young children. Violence and child abuse have become more prevalent as unemployment and economic conditions have worsened.

Not only has the supply of services to the natural family proved to be inadequate, but placement alternatives are also short.

Too often social services reach the family after much of the harm is done. The Mental Health Plan of 1976 showed that 60% to 70% of the children placed or awaiting placement by DYFS, were diagnosed as either emotionally disturbed, had problems of adjustment, or were socially maladjusted. Thus the bulk of young children and adolescents for whom DYFS is responsible, suffer mental health problems in varying degrees. These DYFS children are placed either in foster family homes or various

types of treatment-oriented residential facilities.

The newest DYFS resource for disturbed children is the Teaching Family Home, in which there are two salaried staff, specially selected and trained to care for and work with four or five problem children or youth.¹ By all accounts, this program, wherein qualified adults make no pretense of being substitute parents, seems to be a useful and promising approach. This raises the question as to whether providing substitute parents in foster homes is really the best facility for many of the disturbed children DYFS serves. For many children, the conflicting loyalties between foster and natural parents are very difficult to handle; and dealing with the relationship between natural and foster parents can be overwhelming for the worker and the two sets of parents as well. It is our feeling, therefore, that we need to re-evaluate the kinds of children who can best use foster family care, as well as those who need special residential settings.

It is clear that the mental health system has a stake in what DYFS can provide to disturbed children, and DYFS, in turn, must have available adequate specialized mental health services. These services, including the Community Mental Health Centers (CMHC), private clinicians, in-patient units in general hospitals, and the two remaining state hospital children's units (Brisbane and Trenton State) are presently available to DYFS

1. one such home cares for as many as eight children.

workers for developing treatment plans, screening, pre-placement decisions, and after-care planning. In fact, the recently released Foster Care Assessment Report ranks mental health services second as among those most often used to prevent the removal of children from their homes.

However, the present treatment-oriented residential services are totally inadequate to cover DYFS needs. Since closing the three state hospital units, the development of community-based services to help families keep their children home have not been sufficiently expanded.

The Governor's Commission and our Mental Health Child Advocacy Task Force findings indicate an urgent need to extend the following community-based services:

1. Community Mental Health Center screening, partial hospitalization, advocacy, and crisis intervention services.
2. At least three more in-patient units in general hospitals for Essex, Hudson and Mercer counties.
3. Services for autistic children.
4. Day treatment programs.

Increasing the services offered by the CMHCs and the in-patient hospital units would require an increase in mental health funding for children. In the

1981-82 Mental Health budget, only 6% of the \$152 million, amounting to about \$9 million, was allocated to children. When the per capita payments for community-based mental health services are passed, some of the new funds should be allocated for children.

In addition, DYFS needs to extend its home-maker services, Teaching Family Homes, its early childhood development and after-school programs. Also the Family Enrichment program in Morris County, when evaluated, should offer DYFS some knowledge as to the effectiveness and cost of family supports for children in their own homes as contrasted to the very costly foster family home programs. Placement is expensive, and while necessary in some instances, should only be used when this is the preferred service in the interest of the child.

There are three additional major recommendations:

1. There should be closer cooperation between the Division of Mental Health and the many other state divisions and departments responsible for planning services to disturbed children. This would include the County Welfare Boards, Health Department, Child Study Team program in Education, Early Prevention Screening, Diagnosis and Treatment, Juveniles in Need of Supervision, and Corrections. There are already written agreements for cooperation between Division of Mental Health and the Division of Youth and Family Services.
2. The Mental Health Association urges that early public hearings be held on Senator Orechio bill, S 614, to establish an Office for Child Development. Such an office could offer the mechanism needed to collect, analyze, assess and prioritize service needs and gaps

on the basis of data from departments, divisions, and county planning offices offering social and human services affecting children and their families.

The data collected would have to be based on a common language, definitions, and assumptions to describe emotional and behavioral symptoms, as well as general recipient characteristics. A record of the nature and type of services offered, who received these services, the length of services, and other such data is necessary for sound planning. Such planning would add coherence to the Budget process and make it possible in time to evaluate the effectiveness of our policies and funding decisions.

3. There has been a wide consensus in the state that the delivery of social and human services are characterized by lack of coordination, duplication of effort, and critical service gaps. Inefficiency and waste are caused by too many access points, conflicting eligibility and funding policies, and fragmentation of the locus of responsibility.

Our following recommendations would make it possible to deliver children's services efficiently, effectively and equitably:

- a. The establishment of county-wide information and referral offices to improve access to social and human services, and to collect data which would facilitate county and state planning efforts.
- b. The combining of the social services now provided by the County Welfare Boards with those provided by DYFS district offices into one county social service system. This should be a voluntary decision by each county when it is ready and able to do this. Such a consolidation has been recommended in the Wechsler, Musto, and the Governor's Commission on Children Reports.

To mention only a few advantages, the creation of a single county social service office would:

1. Provide a structure which would eliminate the present divided responsibility for determining whether a child should remain at home or be placed; that is, the possibility of two conflicting assessments.
2. Reduce administrative problems and inherent cost in maintaining two functionally separate social service systems dealing with quite similar client groups.
3. Provide a single system which could more effectively develop accountability measures through consolidated case planning.

Once the new system was established it would be necessary to review the kind of agreements and linkages with the other county service agencies for assuring a comprehensive continuum of care and accountability.

TESTIMONY ON
CHILD PROTECTIVE SERVICES SYSTEM
FOR ASSEMBLY OTLOWSKI HEARINGS - TRENTON

Conrad F. Draper
Child Placement
Advisory Council

AT THE NOVEMBER 19 MEETING OF THE STATE CHILD PLACEMENT ADVISORY COUNCIL, THE MEMBERS REQUESTED THAT I APPEAR ON THEIR BEHALF TO TESTIFY TODAY. THE ADVISORY COUNCIL CONSISTS OF ONE REPRESENTATIVE FROM EACH CHILD PLACEMENT REVIEW BOARD IN EVERY COUNTY THROUGHOUT THE STATE. FOR THE PAST FOUR YEARS, WE HAVE OCCUPIED A UNIQUE POSITION: ATTEMPTING TO PROTECT THE BEST INTERESTS OF EACH CHILD PLACED OUTSIDE HIS/HER HOME BY REVIEWING THE PLANS MADE TO ASSURE HIS TIMELY RETURN HOME OR HIS ADOPTION. WE HAVE TAKEN TESTIMONY FROM CARETAKERS, CASEWORKERS, NATURAL PARENTS, AND THE CHILDREN THEMSELVES. WE TAKE OUR OATH OF CONFIDENTIALITY VERY SERIOUSLY INDEED. WE HAVE, HOWEVER, BEEN FRUSTRATED AT TIMES BY OUR INABILITY TO PROTECT CHILDRENS' INTERESTS DUE TO WHAT WE BELIEVE IS A LACK OF SAFEGUARDS IN THE PROTECTIVE SERVICES SYSTEM AND WE WOULD LIKE TO SHARE THIS WITH YOU. OUR PREMISE IS THAT THE PROTECTIVE SERVICES ^{system} SHOULD BEGIN LONG BEFORE A FAMILY SELF DESTRUCTS.

I WOULD LIKE TO RAISE TEN QUESTIONS FOR YOUR CONSIDERATION BUT BEFORE DOING THAT LET ME INTRODUCE YOU TO TWO CHILDREN. FOR A MOMENT PUT YOURSELF IN THE ROLE OF A REVIEW BOARD MEMBER. BOTH OF THE CASES YOU ARE REVIEWING ARE VOLUNTARY PLACEMENTS, WHICH MEANS THAT THE PARENTS HAVE SIGNED AGREEMENTS WITH DYFS TO PLACE THEIR CHILDREN.

JOHNNY — IS AGE 5 AND HIS BROTHER IS 7. THEY WERE TAKEN AWAY FROM THEIR MOTHER BY A WOMAN THEY HAD NEVER SEEN AND PLACED IN SEPARATE FOSTER HOMES. JOHNNY WAS TAKEN TO LIVE WITH A FAMILY HE DID NOT KNOW. THERE WERE OTHER CHILDREN IN THE FAMILY. JOHNNY ALWAYS GOT A SMALLER AMOUNT OF FOOD THAN ANYONE. HE DID NOT KNOW HOW TO GET TO HIS OWN HOME FROM HIS FOSTER HOME. HIS MOTHER HAD NO PHONE. ALTHOUGH HE CRIED FOR HER AT NIGHT THE NEXT TIME JOHNNY SAW HIS MOTHER WAS THREE MONTHS LATER WHEN A DIFFERENT LADY TOOK HIM TO HER OFFICE AND HE SPENT AN HOUR WITH HIS

MOTHER. THE CASEWORKER THEN TOOK HIM TO A DIFFERENT FOSTER HOME BECAUSE SHE HAD NOTED THAT HE WAS UNDERNOURISHED.

THE REASON FOR PLACEMENT - NEGLECT - JOHNNY'S MOTHER WAS AN ALCOHOLIC AND WHEN THERE WAS FOOD IN THE HOUSE SHE WAS USUALLY TOO DRUNK TO PREPARE A MEAL. NEIGHBORS HAD REPORTED THAT THE BOYS LOOKED UNDERNOURISHED AND UNCARED FOR.

THE PLAN - SEND MOTHER TO ALCOHOLICS ANONYMOUS AND EVALUATE HER PSYCHOLOGICAL AND PHYSICAL CONDITION. WHEN SHE HAS RECOVERED FROM ALCOHOLISM - RETURN JOHNNY AND HIS BROTHER HOME.

YOUR NEXT CASE AS A BOARD MEMBER IS MARY'S.

MARY IS 12. SHE WAS REMOVED FROM HOME BECAUSE HER TEACHER HAD NOTED BLACK AND BLUE BRUISES ON EACH ARM JUST BELOW THE SHOULDER AND REPORTED IT TO DYFS. MARY HAS A SISTER WHO REMAINED AT HOME WITH HER MOTHER AND FATHER.

REASON FOR PLACEMENT - SUSPECTED ABUSE

THE PLAN - TO PSYCHOLOGICALLY EVALUATE MARY'S PARENTS IN AN EFFORT TO DETERMINE IF MARY WAS AT RISK, AND TO KEEP MARY IN A FOSTER HOME UNTIL EVALUATIONS HAD BEEN COMPLETED AND A PLAN DEVELOPED. THE REVIEW BOARD AGREED WITH THIS PLAN AND THE JUDGE SO ORDERED. BUT MARY'S CASEWORKER MADE A DETERMINATION TO RETURN HER BEFORE THE EXAMINATIONS WERE COMPLETED. DESPITE THE JUDGE'S ORDER MARY WAS RETURNED HOME. ONE MONTH LATER MARY CAME BACK INTO PLACEMENT AFTER SHE HAD BEEN BRUTALLY RAPED BY HER FATHER AND SUBSEQUENTLY HOSPITALIZED.

THESE CASES AND OTHERS RAISE QUESTIONS ABOUT OUR PROTECTIVE SERVICE SYSTEM. THEY ALSO SUGGEST AREAS WHERE SAFEGUARDS ARE LACKING FROM THAT SYSTEM.

FIRST --

THE FIRST QUESTIONS MUST BE DIRECTED AT NEW JERSEY'S LAWS. WHAT DOES NEW JERSEY'S CATEGORY OF VOLUNTARY PLACEMENT REALLY MEAN? CAN ANYONE SUGGEST THAT THESE ARE VOLUNTARY PLACEMENTS? SOME STATES DO NOT RECOGNIZE A LAW WHICH CONDONES THE SPLITTING ASUNDER OF A FAMILY UNDER THE GUISE OF VOLUNTARINESS.

SECOND --

WHAT OBLIGATION DOES A COMMUNITY HAVE TO PROVIDE SERVICES TO ITS RESIDENTS? WHAT OBLIGATION DOES THE STATE HAVE TO ASSURE THAT THE COMMUNITY PROVIDES THOSE SERVICES? WAS TAKING JOHNNY AWAY GOING TO CURE HIS MOTHER'S ALCOHOLISM? WAS THIS REALLY THE FIRST TIME ANYONE KNEW THAT JOHNNY - AGE 5 - WAS BEING NEGLECTED? WHAT WOULD HAVE BEEN NEEDED TO KEEP THAT FAMILY TOGETHER?

THIRD --

WHAT ARE THE SAFEGUARDS IN THE DECISION-MAKING PROCESS WHICH ASSURE THAT DECISIONS ARE MADE IN ACCORDANCE WITH THE BEST INTERESTS OF THE CHILD? WHO DECIDED TO REMOVE JOHNNY AND HIS BROTHER? WHO DECIDED JOHNNY AND HIS BROTHER COULD BE PLACED IN SEPARATE FOSTER HOMES? WHO DECIDED TO RETURN MARY TO HER HOME?

FOURTH --

WHAT ARE THE QUALIFICATIONS OF THE DECISION MAKERS--AND THE SERVICE DELIVERERS-- AND WHAT ARE THE PERSONNEL PRACTICES WHICH GOVERN THEM? WHAT ARE THE SAFEGUARDS WHICH WILL ASSURE THAT PRACTICES WORK ON BEHALF OF THE CLIENTS? JOHNNY HAD A NEW

CASEWORKER BECAUSE HIS FIRST ONE LEFT EMPLOYMENT, TAKING VACATION PAY IN LIEU OF VACATION. A NEW CASEWORKER COULD NOT BE HIRED UNTIL THE VACATION TIME HAD LAPSED. THE FACT THAT SHE WAS REQUIRED TO SPEND TWO DAYS OUT OF FIVE IN HER OFFICE TO DO PAPERWORK RELATED TO HER CASELOAD DELAYED THE NEW WORKERS VISIT TO JOHNNY.

FIFTH --

WHAT SAFEGUARDS ARE THERE TO ASSURE THAT APPROPRIATE, ONGOING, WELL DELIVERED TRAINING IS PROVIDED TO CASEWORKERS, FOSTER PARENTS AS WELL AS SUPERVISORY STAFF?

SIXTH --

WHAT SAFEGUARDS EXIST TO ASSURE THAT CHILDREN ARE NOT RETURNED HOME TOO SOON? REVIEW BOARDS HAVE NOTED MANY TIMES WHEN CHILDREN HAVE BEEN RETURNED TO UNSTABILIZED SITUATIONS DESPITE A COURT ORDER. AND WHAT AUTHORITY DOES A CASEWORKER HAVE TO OVERRULE A JUDGE?

SEVENTH --

WHAT SAFEGUARDS ARE BUILT INTO THE FOSTER CARE SYSTEM? WHAT ASSURANCE IS THERE THAT GOOD FOSTER HOMES ARE RECRUITED AND WHAT KIND OF MONITORING EXISTS FOR ALL FOSTER HOMES?

JOHNNY DID NOT REALIZE HIS FOSTER FAMILY WAS STARVING HIM BECAUSE HE WAS USED TO STARVING. THE ADVISORY COUNCIL WILL BE REPORTING OFFICIALLY SOON THAT MANY CASEWORKERS ARE DISTRESSED AT THE FOSTER HOMES IN WHICH THEY MUST PLACE CHILDREN.

EIGHTH --

WHY ARE CHILDREN PLACED IN FOSTER HOMES OFTEN WITHOUT ANY SEARCH FOR THEIR FATHER OR OTHER FAMILY MEMBERS? WHY ARE WE SO WILLING TO OVERLOOK PATERNAL RESPONSIBILITIES?

JOHNNY'S FATHER LIVED NOT FAR FROM HIS ALCOHOLIC MOTHER. ALTHOUGH HE DID NOT VISIT OFTEN, HE WAS CAPABLE OF CARING FOR HIS BOYS AND HE LIVED IN A PROJECT APARTMENT WITH ADEQUATE SPACE.

NINTH —

WHAT SAFEGUARDS ASSURE THAT CHILDREN SEE THEIR FAMILIES REGULARLY AND OFTEN, ONCE THEY HAVE BEEN TEMPORARILY REMOVED FROM THOSE FAMILIES? WHAT RIGHT DOES NEW JERSEY HAVE TO PREVENT COMMUNICATION AMONG FAMILIES IN TROUBLE? PARENTS DO NOT KNOW WHERE THEIR CHILDREN ARE PLACED WHEN IN FOSTER CARE. CASEWORKERS DO NOT NEED TO VISIT THE CHILD ANYMORE OFTEN THAN ONCE EVERY THREE MONTHS.

TENTH —

WHAT ARE THE SAFEGUARDS THAT ASSURE THAT PURCHASED SERVICES ARE GOOD QUALITY SERVICES? CAN WE BE CONTENT KNOWING THAT JOHNNY'S MOTHER AND MARY'S MOTHER AND FATHER ARE GOING TO HAVE EVALUATIONS, THERAPY AND COUNSELING? AS A REVIEW BOARD MEMBER I HAVE SEEN SOME EXCELLENT THIRD PARTY REPORTS BUT I HAVE SEEN FAR TOO MANY REPORTS FOR WHICH TAXPAYERS SHOULD NOT PAY 1 CENT, MUCH LESS A PURCHASED SERVICE RATE.

THERE ARE MANY OTHER QUESTIONS WHICH MUST BE ASKED—SOME BELONG TO DYFS AND THE DEPARTMENT OF HUMAN SERVICES OF COURSE, BUT MANY QUESTIONS BELONG TO THE LEGISLATURE, TO THE COURTS AND TO THE CITIZENS OF NEW JERSEY.

THE CHILD PLACEMENT ADVISORY COUNCIL COMMENDS THIS COMMITTEE FOR ITS INTEREST IN THE WELFARE AND SAFETY OF NEW JERSEY'S CHILDREN AND HOPES THAT THE COMMITTEE WILL CONTINUE TO FOCUS ON AND DEAL WITH THE QUESTIONS RAISED TODAY.

Communications

C-188

NEW JERSEY AREA OFFICE

(201) 272-9212



Workers of America

(AFFILIATED WITH A.F.L.-C.I.O.)

21 COMMERCE DRIVE
CRANFORD, N. J. 07016

January 3, 1983

The Honorable George Otlowski
511 New Brunswick Avenue
Perth Amboy, New Jersey 08861

Dear Assemblyman Otlowski,

The Communications Workers of America was pleased to have the opportunity to testify before your committee on the Division of Youth and Family Services. We felt it was important for the DYFS Field Workers perspective to be represented at the hearing.

During our testimony you requested we get a memo out to you on the question of immunity from prosecution for workers in the Division of Youth and Family Services. CWA member, Ms. Catherine Danatos, has recently responded to you on that subject.

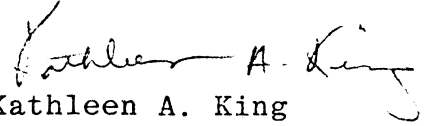
We agree with you that training in itself is not the answer to the problems which DYFS faces. The overwhelming majority of DYFS workers are well trained and dedicated people. Given the premise that DYFS workers are adequately trained, your suggestion of immunity from prosecution makes absolute sense.

In answer to your question, the Commissioner replied that there was no way he could provide a guarantee that no more children would die. The Union of course shares your committee's concern for children's lives. It is very logical, that given all due care in the hiring and training of Social Workers, that they be immune from prosecution in performing their duties.

CWA is interested in being of assistance where possible on this matter.

Thank you for your concern for New Jersey's abused children
and the Social Workers who serve them.

Yours truly,



Kathleen A. King
International Representative

KAK:ph

opeiu 153, afl-cio

TESTIMONY FOR THE NEW JERSEY STATE ASSEMBLY
COMMITTEE ON CORRECTIONS, HEALTH AND WELFARE

By

James A. Harrell
Director, National Center on Child Abuse and Neglect
U.S. Department of Health and Human Services
November 8, 1982

Mr. Chairman, I feel honored to have the opportunity to speak before this committee. I will attempt briefly to provide you with an outsider's perspective on New Jersey's child protective services program, in the context of a national overview, with particular focus on the tragedy of child fatalities caused by abuse and neglect.

There is a sense in which our nation's effort to deal with child abuse and neglect is like swimming against a very powerful tide. Economic conditions, marital and family instability and shrinking resources available to public social services agencies to meet difficult family and community needs all undermine communities' capacities to insure safety for children in homes that are being eroded and to mobilize supports for parents who can barely take care of themselves, much less children for whom they are responsible. Just recently, the Surgeon-General of the United States, Dr. C. Everett Koop, pointed to the tragic effects of these conditions when he labelled family violence as one of our nation's leading public health issues. Your concern with child fatalities caused by maltreatment in New Jersey mirrors his concern about the nation as a whole.

Against this backdrop of family distress, State and county child protective services across the country try to prevent life-threatening harm to children while at the same time protecting, insofar as they are able, the integrity of parental responsibility to raise children. I can say without any hesitation that New Jersey's Division of Youth and Family Services (DYFS) is not unique in its inability to maintain a perfect record in carrying out this mission. I have read different numbers in the press accounts provided to me of children who have died while under protective supervision of a DYFS unit -- nine, thirteen -- each single one, of course, whatever the number, is an individual tragedy which might have been prevented. But it must be said that New Jersey ranks in numbers and in mortality rates quite low among the States. From Maryland, Virginia, Wisconsin, California, New York, Pennsylvania and Texas, to name only a few, we hear of larger numbers of child deaths and much faster rates of increase over previous years than those experienced by New Jersey in 1982. If anything, New Jersey's statistics contrast favorably with those of other States.

I can also, on a more positive note of contrast, say without hesitation that New Jersey is unique among States in its commitment over the past decade to improve the quality of its child protective services. No other State has competed so consistently year after year and so successfully for the small store of Federal research and demonstration funds made available through the National Center on Child Abuse and Neglect. With these funds often amounting to less than \$120,000 per year per project, New Jersey has acted as a pioneer

in developing better ways to meet protective service needs of children in residential institutions, children with development disabilities and adolescents, to name only a few of the special projects DYFS has undertaken. It is important, I think, when scrutinizing carefully DYFS' practice and procedure, as well as its accountability for the death of children at the hands of abusive or neglectful families, not to forget the positive, even courageous way that this agency has engaged problems that other States have seemed willing to ignore.

The National Center sets priorities each year for expenditure of research and demonstration funds against which public and private nonprofit agencies apply competitively to get Federal assistance to carry out projects. This year we have two priorities for which I am hopeful DYFS will compete and which specifically address concerns about DYFS that are the subject of this inquiry. These two priorities were chosen among all the many which could have been justifiably supported in FY 1983 not because they uniquely responded to New Jersey's particular needs, but because they are needs common to child protective services across the country.

The first FY 1983 priority to which I refer is the development and testing of improved decision-making guidance for child protective service agencies to use for intake and investigation of child abuse and neglect cases. It is hoped that this effort will provide rational guidelines for workers to use in determining which child protective calls should receive priority, what kinds of protective actions are required and when protective custody and use of temporary and longer-term foster care is the appropriate protective action to take. DYFS' risk assessment scale is already an important step in the direction of providing such clear, precise procedures for child protective workers.

The second, and more relevant, priority is a call for proposals to develop programs to assess child fatalities caused by abuse and neglect, with particular attention to those cases previously known to child protective services. At the National Center, we are impressed by a model borrowed from Great Britain and in use there since the mid-1970's, which makes use of multidisciplinary committees of inquiry. The committees we are suggesting would be standing bodies, available as needed, with the necessary authority to inquire into facts and make recommendations to change procedures and practices which may have weakened the child protection agency's capacity to insure safety for a subject child. Their purpose is not to fix personal or even agency blame. Rather it is to improve practice and prevent future fatalities due to repetition of avoidable lapses. We believe that these committees must involve persons without direct allegiance to the agency which was most directly involved in providing the child protective services. Not all fatalities would or should be the subject of inquiries; but those where questions of agency practice exist would be carefully analyzed.

Again, let me reiterate that this priority, though it may seem made to order for DYFS' situation, was on our drawing boards fully a year ago and represents a response to reports coming to us from a sizeable number of States across the country. Such an approach, also, will not insure an end to fatalities. It will, we hope, involve our best efforts to insure that no deaths occur because of ineptitude or procedural weakness on the part of the public agencies assigned to protect children on society's behalf.

" For far too many endangered children, the existing child protection system is inadequate to the life-saving tasks assigned it. Too many children and families are processed through the system with a paper promise of help. For example, as many as three-quarters of those children who die in circumstances in which abuse or maltreatment is suspected were known to the authorities before their deaths.

More fundamentally, prevention is an easily touted though little understood and unevenly pursued goal. Existing child protective procedures treat child abuse and maltreatment only after the fact, not on a primary preventive level. As was pointed out ten years ago, "Preventing neglect and battering depends in the long run on preventing transmission of the kind of social deprivation which takes children's lives, damages their physical health, and retards their minds, and which contributes through those who survive to a rising population of next generation parents who will not be able to nurture children."

The challenge we face is not so much to discover what works; to a great extent we know what works. We must now discover how to develop the cooperative community structures necessary to provide needed services efficiently, effectively and compassionately."

From "Children Today" Building a Community
Response to Child Abuse and Maltreatment
By Douglas J. Besharov, Former Director,
National Center on Child Abuse, May 1975

Testimony
of the
Association for Children of New Jersey
Before the New Jersey State
Assembly Corrections, Health and Human Services Committee
Wednesday, December 8, 1982
Trenton, N.J.

Presented by: Linda J. Wood, Executive
Director
Julie Turner, ACNJ Board
of Trustees
Prepared by: Ciro A. Scalera
Senior Staff Associate

My name is Linda Wood. I am the Executive Director of the Association for Children of New Jersey (ACNJ). With me today is Julie Turner, a member of the ACNJ Board of Trustees and an active citizen volunteer for children. Julie is presently a member of the Bergen County Child Placement Review Board and is a former DYFS Protective Services worker.

We appreciate the opportunity to testify before you today and wish to commend the Committee for its concern for the lives of these vulnerable children.

ACNJ is a statewide non-profit advocacy organization dedicated to improving programs and policies which affect children by conducting research and engaging in community education and public policy analysis and review. As an organization, ACNJ has generally focused on improving those systems which deal with children who are at particular risk of harm. Thus, many of our efforts over the past years have been aimed at protecting the rights and improving the care of abused and neglected children, those at risk of placement in foster homes and institutions, and those who are likely to come in contact with the court or law enforcement agencies.

During the past several years, ACNJ, and its predecessor organizations, have done numerous research studies on various children's issues in New Jersey. Major studies included one on child abuse, children's residential care in New Jersey, an assessment of the Child Placement Review Act and two reports on the detention and shelter care system in New Jersey.

Today, we wish to focus our remarks on the current pressing needs of abused and neglected children.

1. Dimensions of Problem of Child Abuse and Neglect

Nationally, from May 1979 to April 1980, there were more than one million reports of suspected child abuse and neglect. Approximately one percent, or over 1,000 children die annually from abuse and neglect. Most of these deaths (74%) occurred to children under 6 years of age.¹

In New Jersey in 1974 there were nearly 10,000 reported cases of child abuse and neglect. By 1981 the number of reported cases of child abuse had jumped dramatically to nearly 24,000 representing an increase in reported maltreatment of nearly 120%. No one knows the actual incidence of child maltreatment since many cases go unreported although the actual numbers are estimated to be considerably greater. In 1973, only 13% of the Division of Youth and Family Services (DYFS) caseload was under supervision for abuse and neglect. By 1981, the figure had soared to 75% of the total caseload or an estimated 30,000.²

2. In March of 1980, ACNJ testified before the Joint Appropriations Committee on the need to increase appropriations for the Aid to Families with Dependent Children (AFDC) program. At that time over 326,000 children, or 14% of New Jersey's 2.3 million children were covered in the program. It was and is our position that the AFDC program is one of the most basic "supports" provided by society to pre-

serve and strengthen families. Unless the AFDC program is maintained at an adequate level, it is likely that more families will experience problems or crisis which may result in harm to children.

In a study done back then on child abuse among AFDC families, respondents reported:³

- a) 60% of all AFDC households had exhausted this benefit in two weeks.
- b) Seven percent of the mothers reported that someone in their family went hungry for a day or more due to lack of food.
- c) More than 50% of the families lived in crowded quarters.
- d) More than 40% often did not have heat in the winter.
- e) Over 75% lived in quarters where there were rodents.

It is our understanding that seven of the nine children under DYFS supervision who died this year were AFDC children. There is growing evidence that federal and state budget reductions, unemployment, dilapidated and overcrowded housing, inadequate income, lack of food and inadequate recreational opportunities can generate stress and crisis which may result in harm to children.

During the past six months and continuing today ACNJ has been the New Jersey coordinator for a nationwide project known as Child Watch. This project is designed to assess the local personal impact of budget cuts and policy changes at the federal, state and local level on children and their families. During the spring, over 150 citizen volunteers in five New Jersey counties (Atlantic, Essex, Hunterdon, Monmouth and Union) completed 430 interviews with program administrators, advocates, service providers and parents. This fall, individuals in three more counties (Bergen, Cape May and Mercer) have been added.

It was apparent from the beginning of the project that it was impossible to identify and isolate which factor caused which problem. The current difficulties to New Jersey's children and their families stem from a variety of factors including the recent cuts in budgets and changes in administrative policies, serious problems in the economy and the culmination of years of inadequate programs which never responded appropriately to their needs. Whatever the cause, these are just some of the facts uncovered by volunteers in the Child Watch program, as they relate to the child welfare system. These findings are preliminary and based on surveys carried out by the volunteers in three counties. In coming months, more definitive results will be compiled.

Aid to Families with Dependent Children (AFDC)

Official statistics as of July 1982 show that more than 57,000 children across the state lost benefits under AFDC - more than one-fifth of all such children - in the first few months after the Reconciliation Act of 1981 and more cuts are anticipated. These reductions primarily affected families of the "working poor" who had some small outside incomes and youngsters who had reached their eighteenth birthday. In Essex County, alone, 5,000 were dropped. In fact, 18,000 youths who were 18 and over were cut from the rolls initially and more have been eliminated since that time, making it impossible for many of them to finish their last years of schooling. Some cases have been reported where families have been broken-up because they were forced to move into smaller quarters due to reduction in benefits.

Child Welfare

Layoffs and a hiring freeze at the Division of Youth and Family Services (DYFS) have caused considerable disruption in child welfare services. Morale of employees is low and caseloads for individual workers have risen because of staff reductions. Under the case management system, which was recently instituted, workers have closed a number of cases and are now left with workloads containing the most difficult situations. Preventive services are almost totally ignored because workers are spending most of their time responding to immediate, crisis situations. Many agencies report that they have stopped referring cases of suspected child abuse because DYFS has a history of failure to respond. A state of crisis exists in the recruitment of foster homes, which many attribute to the inadequacy of boarding home rates. In addition, subsidies designed to encourage families to adopt hard-to-place children are now being terminated when the child reaches 18, instead of at 21 as in the past.

Overall Impact

There has been a dramatic increase in the number of families running out of food in the third week of the month because of the cuts in AFDC and food stamps. Food pantries, soup kitchens and nutrition sites, sponsored by churches and civic groups, have sprung up, but these agencies report that they are running out of food. The Emergency Fund, established by the state, cannot help with food subsidies and in many instances the fund is limited only to those who are homeless. There has also been an increase in requests for emergency shelter in Newark. We have received reports of increases in the number of families being evicted because of delinquent payment of rent, and a rise in the number of squatters in public housing. Other survival needs are also affected - private agencies report increased requests for clothing, rent subsidies, and help with heating bills, at a time when many programs have either been cut or eliminated.

ACNJ has also recently received a report on the Impact of Federal Cutbacks on State and Community Responses to Child Abuse prepared by Dr. Anne H. Cohn of the National Committee for the Prevention of Child Abuse, a copy of which has been provided to the Committee Aide. This report is based on recent telephone surveys of state program administrators in all 50 states. In summary, it found:

"That state child protective service programs around the county have experienced significant effects from budget cuts in federal and state funds which are resulting in layoffs of staff and cutbacks in services for abused children and their parents. In addition, individual workers caseload sizes are increasing. And, states are experiencing increases in reports of child abuse. In some states children appear to be abused more severely than in the past and increased reports of deaths related to child abuse have been noted.

In many states that face reductions in staff and increases in reporting of abuse, rather than strictly following state laws, attention to children is prioritized on the severity of the abuse. Smaller numbers of staff simply cannot handle the increased reports of child abuse. Many of those interviewed are concerned about the effect of unemployment and cuts in other support programs on increasing reports of child abuse." 4

It is clear that this is a time of crises for many children.

3. Prevention and Treatment of Child Abuse is a Community Responsibility

In 1973, ACNJ published a report on child abuse which made a number of recommendations for needed changes including that a broad program of continuing education and training be established for all persons involved in child abuse cases. These include the courts, schools, police, prosecutors, hospitals, doctors, community agency personnel and citizens.

In the 1981 ACNJ *Beneath the Labels* report, we stated:

"The entire report points to the need for developing and implementing a system of comprehensive services in the community which focuses on providing assistance to maintain and strengthen families at the point when serious problems are first identified. While DYFS and the courts may be the agencies which are initially asked to respond, every effort should be made to handle these situations through the use of voluntary programs and not by coercion.

The entire array of private and public agencies and organizations who serve children and their families in each county should be mobilized and concerted efforts made to coordinate their activities and increase their responsiveness and accessibility to children and families in need. Attitudes are sometimes more important than resources alone, as shown by the success of an organization like the Newark Emergency Services for Families.

However, our systems generally still rely too much on overburdened courts, on DYFS and on other state agencies to provide most of the services to these families in crisis and in need. Our current approach is costly, and ineffective for all concerned. In its place, we advocate for a system that assigns responsibility and resources for meeting the needs of children to the family and the community to the greatest extent possible and minimizes unnecessary state intervention into the lives of these families."

ACNJ believes that a multi-faceted approach involving public and private agencies in developing and fostering an expanded community professional and volunteer role in this area should be taken. We support three basic steps in this area:

1. Expansion and development of new programs designed for prevention, both primary and secondary, of child abuse and neglect.
2. Improving the capacity of DYFS, private agencies and the numerous referral sources, such as hospitals, schools and law enforcement personnel to adequately respond to the needs of children and families in this area in terms of prevention, investigation and treatment. Encourage greater utilization of already existing community resources and work for development of new programs in order to develop a range of services and to provide a more responsive and effective system for helping abused and neglected children and their families.

3. Reducing inappropriate placement of children out of their homes particularly in situations where such factors as poverty and low income, inadequate housing, lack of food or medical crises affecting a family or other caretaker may result in placement by providing more adequate income levels and funding for preventive and supportive services to families.
4. Needed Changes in the Child Welfare System

A. Problems

In our January 1981 Beneath the Labels report, (see Chapter Five for an indepth discussion of case histories of children involved with DYFS) we noted a number of problems in the delivery of services by DYFS. We found that:

"Serious problems remain in the way services are delivered by DYFS. Soaring caseloads, rapid staff turnover and expanded responsibilities in the past seven years has meant that all too often that caseworkers in the local DYFS offices operate on a crisis basis, handling emergencies but unable to make a sustained effort to help families on a longrange basis. In the effort to cope with crises, the need for effective training has been overlooked. This is particularly important for workers handling child protective services cases who are handling delicate, dangerous situations requiring critical decisions.

In an era of fiscal cutbacks, it is unlikely that extensive new funding for these services will be readily available. Thus it is essential that a full scale assessment be made of the needs of the children and their families and the appropriate role of the agency in providing services. The practice of leaving cases open for years without setting specific goals and providing needed services is an exercise in futility for all concerned - the caseworker, the child, family and taxpayer. DYFS must make a concentrated effort to develop a clear definition of the types of services the agency is equipped to provide and begin working in a more cooperative effort with public and private agencies and volunteer organizations in the community to meet the needs of the children and their families.

B. DYFS Responses to Needed Changes

During the past two years, DYFS has initiated a number of efforts designed to improve the delivery of services to children in its care. These include:

- 1) The establishment of permanency planning units in offices throughout the state, which use a goal-oriented approach to casework.
- 2) Development of a case management system designed to include decision-making guidelines, permanency planning standards, monitoring procedures and case recording requirements for caseworker guidance.
- 3) Support for the permanent enactment of the Child Placement Review Act system.
- 4) Publication of three internal studies and a child welfare services planning document as follows:

- a) A foster care assessment report in March, 1982.
- b) An adoption report in July, 1982.
- c) A child welfare services plan in August, 1982.
- d) A protective services training report in October, 1982.

Additionally, the Commissioner of the Department of Human Services has prepared a report reviewing DYFS operations, primarily from a management and fiscal accountability perspective.

It is our strong belief that the recommendations in these various reports by and large form the basis of many of the most needed changes to improve the delivery of services to abused and neglected children. In some cases, implementation of some of these changes has already begun, and in other cases there has been undue delay in making needed changes. We have attempted below to indentify the most important of these changes which we believe should be implemented immediately.

C. Needed Changes in Child Abuse and Neglect Services

1. State agency program and workforce reductions should not disproportionately affect programs and services for children and youth. In a recent letter to Governor Kean, ACNJ expressed deep concern that budget reductions made this summer did focus primarily on services to children and that some of the reductions were decidedly not in the best interests of children. We believe that before any decisions to remove funding or eliminate programs for children are made, a thorough needs assessment and evaluation should be conducted in the particular department affected to determine whether the money should be used for currently unmet needs for children within that department or any other state department or community program.
2. There should be development of a uniform training program designed to provide indepth protective services training to all DYFS caseworkers prior to performance of job responsibilities. Particular attention in the training should be paid to the skills necessary for identification and investigation of suspected child abuse cases. Further, other departments with responsibilities in the area of reporting, such as the Department of Education, should continue and expand efforts aimed at increasing awareness of this problem with its employees. The recent development of a hospital protocol and regulations, as well as collaboration on training between the New Jersey Hospital Association and the Department of Health serve as an example of this.
3. There is an immediate need to act upon the Commissioners's recommendation to increase the number of direct services staff in order that DYFS can meet its responsibilities for responding to reports of abuse and neglect. Currently, DYFS staffing is considerably below the ratio recommended in generally accepted national standards.
4. Better allocation of caseworker time should be made in order to increase the time which caseworkers spend supervising those children who remain in their own home because of abuse and neglect. A random moment study conducted by DYFS in 1979 found that field staff spent

approximately 16 hours per year for children in their own homes in contrast to nearly 36 hours annually for children in foster homes and 40 hours for children in institutions. The limited amount of time devoted to endangered children in their own homes does not provide proper protection. Guidelines should be established which ensure that those children at highest risk receive the most intensive supervision.

- 5. The Emergency Fund Program in DYFS should be expanded.
The purpose of this fund is to reduce abuse and neglect by alleviating crises and ultimately prevent the placement of children out of their homes. The funds are used to meet emergency housing needs, to make payments of utility and oil bills and to supply food, clothing and necessary furnishings. Based on conversations we have had with caseworkers and managers, we believe that the current maximum one time payment of \$500.00 is insufficient to meet the purpose for which it was intended. For example, it is estimated that a mother with three children who is facing eviction in Newark will need between \$800-1,200 for rent, security deposit, etc. in order to obtain another apartment and prevent placement of her three children in either unsuitable housing or in foster care.

We believe that there should be more flexible guidelines on the maximum amount to be paid. Further, it is our understanding that the most urbanized DYFS region, the Metropolitan Region, exhausts its allotment each year while allotments in other regions are not totally spent. This should not be permitted to occur.

We believe that language included in a footnote to the 1983 DYFS state aid budget limits expenditures of funds in this program to \$300,000 per year for the entire state and that the legislature should investigate removal of this restriction.

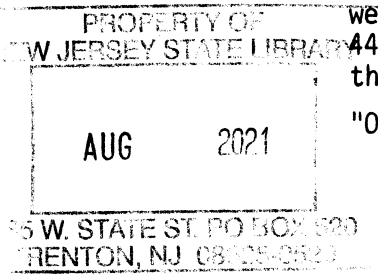
- 6. A system for program monitoring and evaluation of the district offices including an immediate random sample review of case records, as recommended in the Commissioner's recent report should be developed.
Many of the key problems and needed changes documented in the ACNJ Beneath the Labels report came as a result of case record reviews. Currently, an administrative review process has been established which partially duplicates the citizen review system. The two reviews should be coordinated to prevent a waste of precious resources.

Instead, a quality assurance review system should be established in which a random sample of the cases of all children under DYFS supervision are reviewed. This will help to pinpoint major problems in service delivery.

- 7. There is a need to expend more resources in providing concrete services to clients.

According to the Foster Care Assessment study, when biological parents were asked what kind of help from DYFS would be most important to them, 44% responded they would like help in finding housing and 23% felt they needed financial assistance. The report states:

"Overall, district office managers, supervisors and caseworkers reported



offering far more services to prevent placement than were reported by biological parents. They reported social work counseling as the service most often offered to them. When this is compared with the services that parents feel they need, such as housing, employment and financial assistance--services often unavailable-- it is not surprising that such a dichotomy exists between providers and consumers."

Efforts must be made to begin to address and eliminate this dichotomy.

8. Funds to the Department of Public Advocate for representation of children in child abuse and neglect cases should be re-instated. After many years of such representation, the Department was forced to give up this vital function when a \$190,000 line item appropriation for their Law Guardian program was eliminated by the Governor. We have already begun to hear of problems, particularly in the larger counties, with members of the private bar assigned by judges to represent these children.
9. New Jersey child welfare statutes should be consolidated, revised, and expanded, particularly with respect to provisions governing pre-placement support services to families, voluntary out of home placements of children by their parents and termination of parental rights. ACNJ has been involved for years in developing recommendations for comprehensive revisions in all of these substantive areas. The DYFS foster care and adoption reports similarly document the need for analysis of changes in these areas. A report on these issues has been submitted to the Assembly Judiciary Committee by one of its Advisory Committees and ACNJ has been working closely with Assemblyman Martin Herman to have it considered soon in committee, along with ACNJ draft legislation. We would hope to be able to bring more information to this Committee on this issue in the future as part of a coordinated legislative effort in the child abuse area.
10. Pending legislation to expand New Jersey's adoption subsidy program should be enacted. S-1143, sponsored by Senator Carmen Orechio, would expand New Jersey's adoption subsidy program to enable more children to benefit from a permanent adoptive home. The amendments all have one goal: to secure more permanent homes for children who are available for adoption but whose prospects for adoption are not good because they have a handicap, are older, are of mixed race or otherwise have special needs. This bill was released from the Senate Institutions, Health and Welfare Committee and is pending in the Senate Revenue, Finance and Appropriations Committee. If favorable action is taken in the Senate, it is likely to be referenced to this Committee and we will be seeking your assistance in this important children's issue.

In conclusion, we believe that while there have been many positive advances made in New Jersey's child welfare system, there are still a significant number of changes that need to be made. We believe that you, Mr. Chairman and this Legislative Committee, are to be commended for your concern for the needs of these vulnerable children. We would ask that when the transcripts of this hearing have been analyzed and the lists of recommendations prepared, that this Committee continue monitoring progress on these recommendations. We would be very interested in coming back to this Committee in six months or a year to discuss the problems and needs of abused and neglected children and the improvements we hopefully all will have made in better addressing their needs.

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1982.

Testimony on Child Abuse

December 8, 1982

By Usha Bhatt, M.D.

Mental Health Association of Morris County
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Child abuse is a problem which affects all socio-economic groups. However, ninety percent of the families have serious social problems and forty-seven percent of the families in one study were on public assistance. Many of these parents are emotionally crippled secondary to their own feelings of insecurity, rejection, loneliness, and need for affection. Hence, their perception and expectations of themselves and their children are unrealistic and at times distorted. In addition, there is a role reversal with the child becoming the parent or expected to be the parent.

To illustrate this, Mrs. Jones would be a case in mind. She grew up in a large family. She saw her mother beaten by her father. Father also used to abuse the children (including Mrs. Jones.) Mrs. Jones grew up to feel imperfect - expected perfection from others, especially her children. She persistently made it possible to be unhappy by turning down every opportunity including things like buying good clothes, having good food etc. She beat her children if they were less than perfect. She replicated with her children exactly what her father did to her. Her children got help. She persistently refused help. Had Mrs. Jones been helped as a child could she have learned to be less cruel to herself and more understanding of her children!

Miss Smith was seen in the clinic at age 23 - obese, shabbily dressed, living at home with her father. She had poor self image, hardly looked up, stuttered so badly it was hard to understand her - and, after many visits, talked of how her father continues to abuse her even now (he had been doing so all her life.) She was mortally frightened to talk about this, more so to even think of moving to a women's shelter. One wonders what happened? Why was Miss Smith never protected, and can she ever recover from these scars?

Mark, age 4, was first detected as an abused child at age 2. His offense was he cried; he could not remember not to touch things when he was 12 months old; he wet his diapers when he was 2 years old; he dropped his spoon or spilled his milk when he was 1½ - 2 years old. He was removed by DYFS and placed in a foster home but returned home in a few months when his father had moved out. He became a serious behavior problem again at age 4, though he was active and hard to discipline even before that. Why he became active was because his father had returned and there was question of renewed abuse. DYFS closed the case when the child returned home. Father never got any therapy, as he refused it. Mother got therapy only to deal with her marital difficulties, even though in an evaluation two years later she seemed to have serious questions about what behaviors to expect of a 4 year old. The child - no one even thought of considering that he needed help. And even if help had been sought, no resources are available for child therapy.

This brings us to looking at what we have not included in our planning for abused children:

- a) The case manager needs to be identified;
- b) The length of time a case should be followed needs to be reassessed;
- c) Interventions to be addressed toward the whole family and its members need to be enforced. Reassessment of the family needs to take place at every change in family constellation to prevent recurrence of abuse.
- d) Specific focus on the victim - the abused child - is very essential - to help him not to repeat the abuse cycle in his own lifetime.

Thank you.



NATIONAL
ASSOCIATION
OF
SOCIAL
WORKERS
INC.

PUBLIC HEARING: To Review the Protective
Services System for Abused and Neglected Children as
Operated by the Division of Youth and Family Services
Testimony of NASW - New Jersey

NEW JERSEY

110 West State Street, Trenton, New Jersey 08608-1183 • (609) 394-1666

Good afternoon. My name is James Mc Manus. I am a social worker and today represent the National Association of Social Workers, Inc., New Jersey Chapter; with NASW the concern for children and families is lodged with the Task Force on Families and Children. Today I will present testimony prepared under this auspice, but based on NASW national policy as adopted by Delegate Assemblies (years of adoption are indicated in parenthesis ());

Adoption and Foster Care (79)
Children and Youth (75)
Families and Children (77)

In addition, NASW Standards for Social Work Practice in Child Protection bear directly on the question before the committee today. Copies of these four documents are attached to this testimony for your study.

When I conclude, I will be happy to respond to your question, and I hope you will have some.

Introduction: Child welfare is the only service delivery system for which social work is the primary profession. Therefore, it is with substantial concern that NASW as the professional organization, views the allegations, accounts and opinions which have appeared in the news media during the month of November. Historically much of the management of the child welfare system in New Jersey has been removed from the control of social workers. Most of the staff of the agency charged with operating the child welfare system, DYFS, are not social work educated.

Four concerns will be presented. These are:

- 1) General Community responsibility
- 2) Child Welfare Policy
- 3) Agency Operations
- 4) Profession Education and Cooperation

Underlying this testimony is the NASW national policy on Families and Children, Children and Youth and Adoption and Foster Care. Adoption of NASW Standards for Social Work Practice in Child Protection is crucial to an adequate child welfare system.

To assure that everyone understands, it is important to remember that the phrase, "under DYFS supervision" does not mean that DYFS has twenty-four hour control of the child. This phrase has been misunderstood in some news stories. These children are generally in their own homes, not in foster care.

Another consideration is the absence of DYFS direct service staff at today's public hearing. Today this committee has heard from Commissioner Albanese. Where are front line staff? While NASW represents social workers, many of whom have served in DYFS, has the committee heard from the worker who yesterday, or today had to face the decision to remove a child from his or her home? Have you heard from the worker who has had a child on his or her caseload die? We recommend such a hearing.

Finally, NASW recommends that you spend a day with a protective service worker. While this testimony will attempt to advise you of real concerns, the difficult nature of the work is most graphically presented in real life. Abusing families are as varied as the general population. Abuse is a tragedy for the family as well as the community. Seeing this first hand will enlighten you as few presentations could. It will be a graphic representation of the complicated task of balancing 1) safety of the child, 2) individual rights, 3) integrity of the family.

General Community Responsibility: In 1977 NASW adopted its policy on Families and Children. it reads in part:

Policy for families and children cannot be considered apart from general economic and social policies. Services for any one group depend on a public policy which promotes an environment that enhances human dignity by providing full employment, alternative sources of adequate income, adequate housing, excellent nutrition and comprehensive health care.

Child Placement Advisory Committee reports that increased frequency of out-of-home placements is linked to the absence of housing and the economy, i.e. loss of jobs. Child welfare is the community's responsibility. At the same time, "The responsibility for children usually rests with individual families." (NASW Families and Children Policy Statement) There needs to be greater community ownership of the child welfare system. One example, community resources which are inadequate for assisting the abusing family increase the incidence of child abuse.

Some community resources which need to be developed and expanded:

- day care
- home maker
- mental health services
- parent education

These do not all have to be state owned and operated. Many are available on a purchase of service arrangement. In some instances this is most appropriate because it allows for more appropriate services to the individual, family and community, and because it stimulates the public-private partnership. However, purchase of service contracts may increase political considerations.

One recommendation NASW has received suggests that the community aid formula and the incidence of child-family separation be interrelated. Thus, the community which provides for its families and children would receive an incentive. Lower rates of child abuse would trigger increased community aid. Colorado has such an incentive for juveniles who are not incarcerated in detention facilities.

For the community the goal is the preservation of the family. Another suggestion is to experiment with placing the family rather than the child in foster care. This has a basis in clinical experience. It is the family which is in trouble, not the child. The child is penalized by being removed. Further, if one child is removed, another child may take its place. Removing the abused child, does not remove the need for the family to abuse, nor does it reduce family pathology.

Child Welfare Policy: Whatever policy is adopted to underly the child welfare system there will be outcomes. DYFS currently has a policy which attempts to achieve competing goals. Services are to be least expensive, least traumatic for the child, and close to the community.

Current policy has developed one of the better response systems for the state. However, follow up monitoring and feedback to the community, its providers and decision-makers has been lacking. NASW recommends continued support for the response system, but upgrading of the community feedback mechanisms, and more emphasis on treating the family. When the family is in treatment, it is important that the therapist communicate with the social worker assigned to the case. Time and resources, to meet and to speak in detail with the therapist, need to be committed. Mutual understanding of "where the family is going" is necessary.

One could argue that the absence of a unified conceptual base to the child welfare system is at least partially responsible for the confusion of child welfare services. Support and care for families and children needs to be seen along a continuum of services. Child protective services needs to be related to permanency planning and adoption seen as related to these services. There must be clarity about the long range goals of DYFS.

DYFS needs to assert its statutory authority more fully. DYFS is the child welfare operation in the state. Despite its operational problems suggested below, this is the agency with authority to implement a child welfare system. Its judgements and actions need to be understood in the community as the highest authority on family and children matters.

Agency-Operations: Re-organizing DYFS has almost become an annual event. How often has DYFS been re-organized in the last ten years? What is centralized one year, e.g. Wexler Report, is decentralized later, e.g. Albanese Management Review. While the Association agrees with much of the current report, e.g. the need for increased numbers of direct service social workers, the Association has a concern for the children and families who are the clients of the system. We want to see more energy directed to protecting children and less time, energy and staff resources spent on re-organization. Simply stated we want DYFS de-politicized.

NASW-New Jersey beings by expressing its support for the front line staff of DYFS. Protective Service jobs are hard, difficult, emotionally draining positions. They require the utmost commitment from the person. Later we will comment on the need for education, as well as commitment but not to honor these workers would be an oversight. As has been noted above, many of these workers have an impossible task of caring for families and children without the community resources needed to do the job. They see few friendly faces, there are few rewards. There is little respect and much disdain for the social worker. Potential for burn-out is great, and the turnover rate is high.

The current re-organization plans should be able to stand alone. As has been noted, it is with extreme concern that NASW views the politicizing of the deaths of these children.

Among the recommendations with which NASW-New Jersey is in agreement is the maintenance of a nationally accepted standard. While this has been expressed as obtaining 95% of the Child Welfare League of American standard of 40-45 children to one social worker, NASW hopes that the goal will be to meet the standard. NASW recommends the NASW standard, which speaks to families instead of children. NASW Supports services to children in families whenever possible. To see one social worker to 20-25 families is an alternative to the CWLA standard. Particularly with abusing parents, to remove one child is only to re-focus the aggression on another child. In our view it is the family which is the appropriate unit for service. The child does not exist in a vacuum. The untreated child may become a child abuser.

Lack of feedback is part of what causes loss of confidence and misunderstanding between the public and DYFS staff. Under the guise of confidentiality DYFS does not advise those who report, those who treat or those who are concerned with the operation of DYFS. More information, albeit disguised, encoded, or in summary form needs to be provided to the public and professionals. Many in the community lack confidence in DYFS. It is vital to the improvements in service delivery that this attitude be reversed. NASW recommends employment of a community organization approach, using social workers trained as community organizers.

Staffing needs to be managed more regularly. There are regular hiring freezes, which are periodically lifted; the use of waviersto circumvent hiring freezes is too common. Staffing levels are varied. Educational requirements are lax. Better personnel management is needed.

NASW recommends case conference at a minimum of every three to six months. These conferences should include DYFS staff, parents and a treating professional. They should establish the direction the case is moving, involve the significant actors and allow for greater monitoring of the cases.

Finally, one has to ask how the problems of the field are channeled back to management. Many of the problems of DYFS are long standing. Issues remain unresolved. Worker input is not solicited on many issues with which the social worker is most intimately involved. NASW recommends establishing feedback mechanisms for the staff.

Professional Education and Cooperation: NASW-New Jersey's most significant recommendation is to remove DYFS from politics. Families and children are too important to the future state to continue using DYFS as a political battlefield. To accomplish this the first step is to turn the division over to a capable, experienced professional who is charged with operating a child welfare agency in the best professional manner. NASW recommends that the DYFS director be a professional social worker.

Much has been said of the DYFS staff. NASW recognizes that these are dedicated people. It's all difficult work. However, adequate service delivery requires that the staff be educated professionals who have the skills and knowledge as well as the commitment to a service delivery system and the children and families involved. Most DYFS staff members are not social workers, within the meaning of the term "professional social worker." While child protection services require many different professions, the social worker is a key person. NASW recommends that only persons with social work education be employed as social workers. While this probably does not sound like a radical comment, it is. Current civil service requirements allow those with non-social work degrees to qualify for "Social Worker II" positions. Further, the position no longer requires a baccalaureate degree. A first step to correct this problem is to enact S - 1253, an act to license social work specialist and

register social workers. This will assure the public that persons representing themselves as a social worker have been educated in social work.

Professional competence cannot be assured through course work, or training. Licensure will not eliminate incompetency, but it will improve the quality of work, offer families and children additional grievance mechanisms and assure that practitioners receive some continuing education. Currently the child protective services worker may begin serving clients with as little as three days training. This barely services to orient the worker.

District office supervisors have never had the kind of authority granted to them which is necessary to fulfill the agency's mission. These people are crucial in the delivery of this service. They should be required to be social workers, trained at the master's degree level. There has been some erosion of this requirement.

DYFS direct service staff needs a career ladder with more than two steps on it. Good clinical staff persons are attracted to administrative and supervisory positions by salary. Senior people who retain line staff positions receive limited salaries and career options. By offering a career ladder which parallels management, more competent people will remain field oriented. NASW supports the extended career level.

In the final analysis it is the social worker who is on the line who will determine to a large degree the quality of the service. Variables which affect this include education, judgements and experience. Diagnostic skill can be taught, but must also be refined through practice and experience. There is no magic about child abuse. Save its special horror for the victim. Equally there is no magic about diagnostic ability. It comes about through formal education and immersion in the field. Professional education for social workers is expensive. DYFS has provided opportunities in the past for this education, but these have evaporated with the financial problems of government. NASW recommends restoring these funds.

Cooperation among professionals is necessary for any effective child protection system to work. While improved social workers will help this system, other steps need to be taken. Some social workers report reluctance on the part of the deputy attorney generals assigned to DYFS to prosecute these cases without "iron clad" evidence. Sometimes it is the judgement of the social worker to remove the child, but this is vetoed by the attorney. Can this collegial conflict be resolved?

Many physicians fail to report, or refuse to document a child with potential child abuse. For a private practitioner this is a risk. However, the law requires this report. Some physicians refuse to testify at judicial hearings. Can this be demanded?

Judges hearing child abuse matters bring their own prejudices to the courtroom. Sometimes a case is dismissed because the judge feels that the parent was exercising due parental authority. Are social workers, or DYFS responsible for this decision, right or wrong?

Police officers have a demanding job. When police officers are sent to a situation they must evaluate and act to keep the peace and maintain public safety. Similarly the social worker evaluates and acts with different end goals: to resolve the problem and protect the child. Sometimes misunderstanding among service providers such as the police and social workers hamper the protective services worker. If the police feel there is nothing DYFS can do, they will not refer. More communication is necessary between police and social workers. See recommendations above concerning community outreach.

NASW recommends more enforcement of the existing mechanisms to prevent and report child abuse. Have there been any prosecutions for failure to report child abuse among the general public? If not, why not? More efforts need to be directed to creating a peer group expectation that child abuse must be reported. This is true for medicine, law, laws enforcement and social work.

Conclusions: In summary NASW-New Jersey is concerned both about the occasion of a child's death, and with the child welfare system in New Jersey which seeks to prevent such additional tragedies. This Testimony has attempted to present comment on four concerns which directly bear on child welfare. These are general community responsibility, child welfare policy, agency operations and professional education and cooperation. Among our recommendations are the following:

- 1) Use NASW policy and standards
- 2) Develop community resources
- 3) Hear from a direct service social worker who has to face the decision to remove a child from his or her home, or has had a child on his or her caseload die.
- 4) Spend a day with a protective service worker. The difficult nature of the work is most graphically presented in real life.
- 5) Tie together the community aid formula and the incidence of child-family separation. Give the community which provides for its families and children an incentive.
- 6) Experiment with placing the family rather than the child in foster care.
- 7) Continued support for the response system, but upgrade the community feedback mechanisms, and place more emphasis on treating the family.
- 8) Implement the NASW caseload standard of 20-25 families.
- 9) Support services to children in families whenever possible.
- 10) Employ a community organization approach, using social workers trained as community organizers.
- 11) Require case conferences at a minimum of every three to six months.
- 12) Establish a feedback mechanism for the DYFS staff.
- 13) Remove DYFS from politics.
- 14) Enact S-1253, an act to license and regulate social workers.
- 15) Appoint a DYFS director who is a professional social worker.

Review of the Protection
Services System for Abused
and Neglected Children
Page seven

- 16) Hire only persons with social work education as social workers.
- 17) Develop an extended career ladder.
- 18) Restore funds for professional education of social workers.
- 19) Enforce the existing mechanisms to prevent and report child abuse.

NASW-New Jersey looks forward to cooperative efforts with the Legislature, Governor, Commissioner and Division staff to secure for New Jersey the finest and most efficient child welfare system in the nation.

December 8, 1982

Testimony Submitted by:

The New Jersey Association of Children's Residential Facilities

President - David Zweiman

Executive Director - Marshall Bord

Submitted to:

The New Jersey State Legislature Assembly Committee of
Corrections, Health and Human Services

Neither this testimony nor any other offered is going to provide, if implemented, a guarantee that child abuse will be eliminated. Rather, we must take those steps that are likely to lessen the incidence of abuse and which will most adequately serve the interests of the child.

No one agency can be singled out as being solely responsible for child abuse and neglect, death being the ultimate form, unless it has caused the frustration and rage that seem to be closely linked to such cases. As our social and economic conditions worsen, we might well expect child abuse and neglect to increase. However, maltreatment of children is not limited to these at the lower end of the socio-economic scale. It may be that they are simply more likely to be reported and become a part of our statistics.

No laws and regulations no matter how wisely drawn and well administered are likely to eliminate child abuse. However, we must carefully examine our current laws and practices to determine if they indeed serve the best interests of our children. This is particularly true of those laws and regulations that deal with the termination of parental rights and the temporary removal of children from their homes.

A number of specific steps can and should be taken to lessen the frequency and severity of child abuse in our society.

The recruitment and training of protective service workers must be far more carefully and thoroughly undertaken than is now the case. In addition, more case workers are needed and we welcome the recent announcement by the Department of Human Services that more will be added.

A more comprehensive network of services is needed for children in jeopardy. What we now have is inadequate in range and is unevenly distributed across the state. If children who are at risk are to be left in their homes, than a full range of services must be available to their families. This should include but not be limited to intensive family counseling, homemaker services, job training and sufficient case worker contact to allow the responsible governmental agency to be aware of any changes in circumstance that might effect the child in question.

If it is determined that the best interests of the child can only be served by removing him or her from the home than this must be done quickly. The current inventory of out of home placements is inadequate and must be augmented. The N.J.A.C.R.F. is dismayed at the diminution of foster homes and group and residential facilities in recent years. The number of children in foster care has declined from 9,000 to approximately 6,000. This state has lost nineteen group and residential facilities during the past five years. Others have been left to struggle with too few referrals while many children who might have benefited from their services have been left at home or in so called short term shelter and detention facilities. Out of home placement should not be used as a last resort but rather when it is the program most likely to help a given child.

No panaceas are offered but we strongly feel that much can and should be done to ameliorate those conditions that have led to the death or suffering of our children.

CHILDREN AND YOUTH: A BILL OF RIGHTS

BACKGROUND AND BASIS FOR CONCERN

Historically, children have been considered as property. Early laws governing the relationship between parents and children relegated children to little more than chattel. Nineteenth-century reformers challenged this philosophy and initiated legislation to protect children from undue hardship and to provide for their more basic developmental needs. But despite legal advances made on their behalf, children too often have remained second-class citizens.

Ironically, legislation intended to protect the rights of children has often had the opposite effect. Lacking legal parity with adults, children frequently have, in the words of former Supreme Court Justice Abe Fortas, received "the worst of both worlds: . . . neither the protection accorded to adults nor the solicitous care and regenerative treatment postulated for children."

It is essential that public social policy recognize children as individuals with rights, including the right to be part of a family. The well-being of children is most frequently advanced by public social policy that supports the well-being of the family. Children's needs as dependent persons requiring nurture must be reconciled with the protection of children's basic human rights and civil liberties. The guarantee of such protection should not deny children greater participation in society. In the past, basic rights extended for adults have not applied to children. This has resulted in circumstances of gross injustice and isolation. Children should not be kept infants until sudden adulthood. Rather, emancipation from dependence should be a gradual process from greater protection to greater participation and responsibility at key stages of maturity.

POLICY STATEMENT

The Right to Sound Preparation for Life -- Children are entitled to a good beginning. Such preparation is based on being wanted and cared for and shall include adequate family planning to assist potential parents to decide when it is best for them to have a child. Potential parents should have access to genetic information to evaluate the probabilities of transmitting hereditary diseases. It shall also include the right to adequate prenatal care and protection from trauma during the birth process.

The Right to Individuality -- Children have the right to be children. They should be given the opportunity to be spontaneous and curious and should have the right to play, as a foundation for the development of mastery and competence.

The Right to a Positive Social Identity -- Law should consider children as persons, not as property. Children have the right to develop a positive social identity. Identity as a person should include pride in racial and ethnic characteristics, family and national culture, and unique and individual differences. Such identity can only be achieved when the child is free from

discrimination because of racial or ethnic origins, language, political or social origins, sexual preferences, or origin of birth. Children should be permitted to express such individuality by exercising the right to speak other than English freely and without derision; to express social and ethnic characteristics in dress; and, when age-appropriate, should have freedom to choose their religion, including the option to choose none.

The Right to a Good Parenting Experience -- Every child has a right to continuous nurturing care and consistent parental controls and expectations. This right is based on the expectations that parents receive sufficient preparation and support in family living so the family experience can be conducive to healthy development. Where there is a decision to be made about who the child's parents may be, the child is entitled to participate in the decision, appropriate to his or her age and the capacity to understand the situation. The child's family should be determined by the child's psychological parents, who may or may not be the biological or legal parents and who may not necessarily have current physical or legal custody. It should not be determined by arbitrary community definitions of adequate parents. This does not deny the rights of natural parents.

The Right to a Healthy Environment--The child should have access to the following rights of all persons: freedom from want, adequate housing, safety, and security. Children shall receive environmental supports conducive to health and development. Children should have freedom from pollution of air, water, and food. Provision of recreational space and beautification of the environment are vital to aesthetic development and to a sense of respect for self, other persons, and the environment.

The Right to Health -- Children have a right to total health care at all critical stages of development from conception to maturity. They have the right to adequate nutrition and to health care to prevent and treat potentially handicapping diseases and disabilities. Comprehensive care includes care appropriate to various age categories, physical and mental health care, and information about their own bodies.

The Right to a Relevant Education -- Children shall be guaranteed access to high-quality education from preschool to maturity in order to develop to their fullest potential. They shall have access to education regardless of residence, race, physical or mental health handicap, or social class. Such education shall meet the standards of sufficient preparation for maturity, employment, parenthood, and citizenship in a changing and complex society. Education is a highly individualized process within which each child has the right to participate in the design of his or her learning experience. Atypical children must have opportunities geared to their specific needs, including the opportunity to participate with normal children to the maximum of their ability.

The Right to Participatory Citizenship -- Children have the right to a socially recognized and sanctioned role in society. Responsible participation by children in society includes opportunities for interaction between generations that contribute to the development of self-identity, acquisition of roles, and career possibilities. Gradual age-appropriate participation in social institutions that affect their lives provides developing individuals with preparatory experiences in citizenship.

The Right to Representation -- Children have the right to have their interests represented by children and youths on decision-making bodies directly affecting their lives. While adult advocates or representatives may appropriately continue efforts on behalf of children, they are not a substitute for representatives who are, themselves, minors. Children and youths, within reasonable limits of age and personal competence, as is true of the adult population, are entitled and able to be representatives of other minors. The process of selection and representational procedures to encourage the building of competence should be observed. Whenever possible, such representation should include voting power on school boards, city planning councils, health and social service boards, legislative panels, and task forces at every level of government.

The Right to Legal Status, Legal Protection, and Legal Redress -- Children shall have all the safeguards and protections of due process guaranteed to adults by the Fourteenth Amendment to the Constitution, the Bill of Rights, and statutory law. This includes the right to protection from physical and psychological grievances against parents and social institutions that are damaging or interfering with their welfare or rights. Children have the right to appropriate representation in judicial and quasi-judicial proceedings in which their interests may be directly affected. This includes custody proceedings.

Children should have freedom from incarceration for offenses that, if committed by an adult, would not be considered criminal acts; freedom from incarceration with adult offenders; and freedom from incarceration beyond minimum length and conditions necessary for their safety and the safety of others. Children should have the same right to privacy and confidentiality afforded to adults, in addition to special provisions to protect minors.

The Right to Services -- Children, who are dependent on society for care and protection or who have special needs must be given the opportunity to achieve the highest level of social functioning of which they are capable. Services must be legislatively mandated, with input from knowledgeable citizens and professionals. A comprehensive integrated system of services must be established for families with children and for children separated from their families.

The Right to Advocacy -- Children must have effective advocacy services to assure that they will be guaranteed full benefit of the legal rights established by our society for the protection and well-being of all citizens, adult or children.

BACKGROUND AND BASIS FOR CONCERN

Adoption and foster care have long served as society's way of providing alternative care to children who--on a temporary or permanent basis and for a variety of reasons--cannot live with their families of origin. While these services have provided needed assistance for many children, each has been subject to problems which has limited its potential for meeting children's needs.

Various socio-cultural changes, the growth of new attitudes, major changes in the adoption population, and indications of new research findings have substantially altered the face of adoption, yet broad policy and practice developments have not kept pace. Foster care, on the other hand, has always been understaffed, underfunded and underdeveloped. Many children remain "lost" in the system and are subject to its worst effects. Despite some gains, the present state of foster care is not acceptable. Finally, a greater attempt needs to be made to rationally relate these two systems to each other and to the general welfare services available to families and their children, thereby affording the widest possible range of alternatives and providing an integrated approach to meeting needs.

The social work profession--considering the major role it plays in the development and delivery of such services--has a responsibility to assist in assessing public social policy with regard to foster care and adoption, to ensure that it reflects the best and most current knowledge in the field, and that it consistently meets the needs of children and of the community.

STATEMENT OF ISSUES

Recognition must be given to children's needs for security, continuity of parenting relationships, nurturing in foster care and adoption service systems.

Natural families must be strengthened and supported as the primary and preferred source for meeting children's physical and psychological needs. Therefore, societal intervention into the parent-child relationship must be considered carefully so that any intervention does actually meet the child's best interest immediately and in long range. The child's enduring ties to a family must be recognized. Good child welfare practice cannot be separated from good family welfare.

Appropriate and adequate information regarding resources, rights and responsibilities must be available to all parties in foster care and adoption proceedings.

The adoptee's right-to-know and the limits of confidentiality to which the parties to adoption are subject must be addressed.

Society's responsibility to ensure comprehensive quality services, with particular attention to the special needs of high risk children must be recognized.

Research, training, and evaluation of foster care and adoption delivery systems and services must be provided for.

POLICY STATEMENT

An adequate adoption and foster care policy designed to provide maximum care for all children in need of such services should be predicated on several fundamental principles.

First, its cornerstone is the right of every child to a permanent, continuous and nurturing relationship with parenting person(s) who convey to the child an enduring sense of love and care and where the child perceives himself-herself as a valued family member. This right shall supercede the right of biological parents to maintain legal custody beyond the point where such custody has substance.

Second, the opportunity to provide such a nurturing environment is the primary right of the child's natural family. That right, however, simultaneously implies that families accept and strive to meet the numerous responsibilities this right entails. It thus becomes society's primary aim to provide the necessary services and supports required to safeguard and enhance, with every available means, the ability of all families to fulfill this essential role. Failing this, it becomes society's responsibility to provide for expeditious, alternative arrangements which are permanent and which meet the child's physical, mental and emotional needs.

Third, societal intervention into the parent-child relationship is an extremely serious action which should be pursued only when the child's right to a safe, secure and nurturing home is seriously threatened. Services should be provided with sensitivity, professional skill, with due regard for the legal rights of the parties involved, and with a firm sense of the limitations of such an intervention.

These three basic principles undergird the entire approach to foster care and adoption being enunciated. The first section of this policy includes generic principles which apply to both adoption and foster care. The second and third sections include principles specifically related to foster care and adoption, respectively.

GENERIC CHILD PLACEMENT PRINCIPLES

1. Both foster care and adoption services should be built upon and utilized within an adequately financed family service system. NASW has recognized the need for such a comprehensive approach, as well as the right of persons to employment opportunities and/or income supports that enable them to meet family needs.
2. The objective of every child's placement, except when specifically designed to meet short term, specialized or emergency needs, should be a permanent, secure, and nurturing home.
3. Placement decisions should reflect a child's need for continuity--both safeguarding the child's right to consistent care and service arrangements and recognizing and being sensitive to the needs of children to retain significant ties whenever possible.
4. Children should not be regarded as property but as individuals entrusted to the care of their parents (birth, foster, or adoptive), with needs and rights which may not coincide with or may even be antithetical to those of

parents, agencies, or others involved with or in contention over the child's placement.

5. Termination of parental rights, whether voluntary or involuntary, should never be undertaken lightly, without provision of adequate information and full exploration of the alternatives, without a due process hearing, and without extremely good cause. Once this action has been taken, however, allowing for an expeditious appeal, the decision should be irrevocable.
6. All persons involved with adoption, foster care proceedings, or services have the right to receive: (a) adequate information--through the appropriate agency, court or community sources--especially regarding their rights, prerogatives and responsibilities; and (b) adequate legal counsel.
7. Ongoing research and evaluation should inform and guide policy and practices in adoption and foster care.
8. Support services to a child's birth-family should strive to be sufficient and timely enough to prevent the need for substitute care; neither foster care--nor adoption services should be used merely because they provide for a convenient choice in a difficult situation.
9. All child placement decisions should be made with a profound sense of the limits of our ability to predict future outcomes.
10. The establishment of meaningful criteria for quality care should be sought to preclude the substitution of "community" neglect or abuse for parental neglect or abuse. All independently made arrangements for children should conform to and be judged by the same principles of care established throughout this policy.
11. Child care services--whether provided by the public or private sector--must be carefully monitored at various levels of government by professional persons with expertise in child welfare to assure that caring, comprehensive, permanent planning and services for children are being provided. Patterns of funding for adoption and foster care services should be established which guarantee adequate services to all children regardless of their race, religion, geographic location or socio-economic status.
12. Foster care and adoption agencies must be staffed with professionally trained personnel, whose caseloads should never exceed the ability of workers to reasonably provide full and careful attention to each child and his or her family.
13. The long range advantage to society in providing quality family services--including but not limited to adoption and foster care--should be promoted. This means advancing the concept of "community responsibility" for all children's needs and seeking to improve the public image and understanding of foster care and adoption.
14. Recognizing the unique situation of American Indians, the social work profession stresses the importance of principles in this policy statement to ameliorate historical inequities.

FOSTER CARE

1. The ability to effect a permanent home for a child in foster care placement should always serve as an important measure of the success and effectiveness of foster care. The child's family-of-origin should be the placement of choice with other permanent placements arranged only when the family-of-origin does not meet the child's needs for a safe, secure and nurturing environment.
2. The services of foster care should be viewed as time limited. Maximum emphasis and planning effort should be placed on the goal of retaining the child in his birth family. If it becomes clear that such a planning emphasis is unworkable and does not meet the child's need for a safe, secure and nurturing environment, planning should, thereafter, focus on a permanent arrangement that provides the child with the best alternative and in the least restrictive setting.
3. Careful yet vigorous recruitment, screening and training of foster-homes as well as their adequate financial support are seen as prerequisites to a successful foster care system. Foster parents need special sensitivities to meet the needs of foster children and to be able to work with and support birth-parents who are making appropriate efforts to ensure the return of their children.
4. Reimbursement and fee for service to foster parents should be viewed as an assistance to the child in order to meet his/her needs. Thus the fee for services and reimbursement should be seen as an investment in both the child and society.
5. A variety of foster care situations--temporary, emergency, planned long-term and specialized foster care, group-home extended family care, independent living for older adolescents, and permanent guardianship--should be available and sufficiently funded to provide for the differing needs of children.
6. Children entering the foster-care system should be regularly monitored and frequent case or court reviews by qualified persons should be mandated to insure that children do not become lost in the foster-care system.
7. Recruitment of foster parents from each relevant racial and ethnic group should be pursued to meet the needs of the children who require placement.
8. Foster care should be viewed as a treatment process in which the child and family are given special assistance to overcome the effects of separation from the birth family and to overcome any trauma that may have occurred to the child and family prior to placement. The intent of the treatment process should be to help the child and family understand the reasons for his placement to prepare for plans for permanency and to participate in the development of that plan.

ADOPTION

1. All parties to adoption are appropriately regarded as individual clients whose needs and rights should be respected and considered to the greatest

- extent possible. The child must, nevertheless, be seen as the primary client whose best interest must take priority.
2. Adoption policy and practice should recognize that services should be extended to all parties involved in the adoption and be made available for as long as they are needed and desired.
 3. Special attention should be given to the needs of so called hard-to-place children (including older children, racially mixed children, physically, mentally or emotionally handicapped children) with particular care afforded to insure protection of their right to a caring environment.
 4. Public subsidies should be available in *all* cases where funding becomes a barrier to adoptive placement. Such subsidies should continue to be available until the child reaches majority.
 5. The provision of current, viable information to all parties involved in the adoption is the responsibility of the agency. Such information is to be of a non-identifying nature unless otherwise agreed to by all parties; no information is to be provided about a person who has previously been assured confidentiality, without the consent of that person, unless the said person is deceased, except for compelling professional reasons. The needs and right of adoptees to know their birth origins should be recognized. This right extends to requests from adult adoptees for identifying information. If a reunion is requested with a birth-relative, the agency should seek to provide counseling and intermediary services, fully cognizant of the sensitivities of all the parties involved. Both adoptive parents and birth-parents should be informed of the limits of confidentiality.
 6. The social work profession, along with social agencies, has a responsibility to initiate and support appropriate changes in the law that would facilitate the sharing of identifying information between adult adoptees and birth-parents when both parties are in agreement. When indicated, the adoptive parent should be involved in this process.
 7. Recruitment of adoptive parents from each relevant ethnic or racial group should be aggressively pursued to meet the needs of children who require placement.
 8. Children's agencies must mount aggressive attacks on the barriers that have traditionally, and often still remain, in the way of achieving permanent homes for children: (1) financial barriers that can be breached by an aggressive utilization and expansion of existing adoption subsidy programs; and (2) theoretical barriers, unsupported by tested experience, such as resistance to utilizing single parents, foster parents and non-traditional family patterns as potential adoption resources.
 9. Because of the need to protect the rights and insure the welfare of children through careful preplacement selection and early monitoring of placements by qualified professionals, NASW opposes placements made by third parties who are not related to the child or who are not licensed as placement agencies.

Policy Statement of the National Association of Social Workers
1979 Delegate Assembly

BACKGROUND AND BASIS FOR CONCERN

Status of the Family. The twentieth century has been marked by tremendous changes in the composition, structure, and role of the family. Such changes have imposed stress on family life, yet new patterns emerge that indicate increasing diversity of family models and life-styles. The continued labeling of particular types of families such as one-parent families has produced adverse effects.

Status of the Child: Children are physically dependent persons who require continuous nurture, support, protection, and socialization for a considerable number of years. Their needs and rights frequently compete with the needs, rights, and resources of parents or other guardians. Children are legally dependent as well. The responsibility for children usually rests with individual families. In an appreciable number of instances, however, it rests with social agencies and institutions. The overall benefit or destructiveness of this legal dependence rests on how well the needs of the individual child are met by his or her legal custodians.

The boundaries between state and parental responsibilities are unclear. The grounds for decisions to subordinate parental rights and family privacy to the child's well-being, theoretically specifiable, are arbitrary and unpredictable in application. Responsibility for the minor is rarely shared, nor is it transferred smoothly.

Status of Services and Resources for Families and Children. A paradox of child and family welfare is the existence of many competing and fragmented programs, while needed services, benefits, and opportunities are inaccessible to great numbers of families and children. The United States must develop a comprehensive human services system that makes the range of social, educational, health, and other services, benefits, and opportunities available to all families and children. The question is one of values: Will the well-being of families and children be one of this nation's highest priorities.

BASIC PRINCIPLES

NASW commits itself to the following principles with respect to issues pertaining to families and children:

1. All families, regardless of social status, have a right to the services, benefits, and opportunities that promote their well-being, as the basic social unit, and as an important beneficiary of opportunities and services for children.
2. Social systems and institutions that affect the well-being of children and families, including those designed to serve families and children, may themselves be targets of intervention or support for the purpose of improving programs, services, or conditions for children.
3. Economic stability and community support are basic to the development of human potential. Full employment and a minimum income are important aspects of economic stability.

4. Policies and programs must strengthen and enhance family life and provide opportunities to maximize the potential of family members.
5. In examining any social policy, there must be vigilance that its implications promote individual, family and community well-being, rather than undermine or fragment them.
6. Families and family members at risk must be given opportunities to move out of generational cycles of abuse, neglect, violence, mental illness, and delinquency. They must also be protected from neglect or mistreatment by social institutions designed to serve them.
7. Children have a right to permanent family ties, primarily to the natural family. No child should be denied the opportunity for a permanent nurturing family environment because of the lack of services or of financial resources.

POLICY STATEMENT

Policy for families and children cannot be considered apart from general economic and social policies. Services for any one group depend on a public policy which promotes an environment that enhances human dignity by providing full employment, alternative sources of adequate income, adequate housing, excellent nutrition, and comprehensive health care.

POLICY OBJECTIVES

Consistent with the above principles, NASW is committed to these social policy objectives:

1. All policies and programs developed for children should be based on a concern for the total well-being of children and their families.
2. A coherent and integrated system of services, benefits, and opportunities for families and children should be established throughout the United States. Examples of these would include jobs and income sufficient to guarantee the economic viability of the family and the equality of legal and economic rights of children, regardless of family custody proceedings, to insure equity for all.
3. Social work should articulate the need for an integrated, comprehensive group of policies and plans that will provide for the many needs of children and families who are at risk.
4. Planning and policy formation related to families and children must have strong and continuing consumer input and evaluation, combined with relevant contributions from a variety of professional sources.
5. Social work should address itself to the systematic eradication of negative terms used to label families and children such as "illegitimacy," "broken homes" and "disorganized families."

IMPLEMENTATION OF POLICY OBJECTIVES

Implementation of a broad range of integrated policies that promote the total well-being of children and their families must occur at the national as well as the state and local levels. Implementation involves two major tasks:

1. Planning and implementation of policies that would insure that the basic economic, educational, social, emotional, and physical needs of all children and their parents are met. Such planning must be long range. Implementation of policy objectives should not focus solely on amelioration of existing problems. It should include sound consideration of long-range implications of present programs, policies, benefits, and opportunities and their impact on children and families. Furthermore, implementation of policy objectives requires the development of policies and legislation that are consistent with the concepts outlined in the NASW Children's Bill of Rights.
2. Evaluation of the effectiveness of existing programs and policies. This would include discrepancies between policies and programs and their implementation from state to state and between states and the federal government. Those agencies responsible for planning have their responsibility to describe these variations and the development of plans to eliminate them.

The social work profession is the most appropriate profession in our society to (1) determine policy, (2) develop programs, and (3) deliver services in situations where the primary task is the solution of social problems. The social work profession bears the responsibility for providing and/or demanding the use of qualified personnel to carry out these functions. It also bears the responsibility for involving other professional disciplines when shared expertise is appropriate.

The social work profession carries the responsibility to be alert to the various groups in society who are not accorded full rights, responsibilities, and benefits accorded to the mainstream of society. It must advocate for full participation, full opportunity, and full support in those instances in which current attitudes result in a less favored position, such as single-parent families.

To insure that planning for children and their families is both realistic and sound, agencies responsible for developing policies must be characterized by the following:

Sound administration. Knowledgeable professionals must be responsible for creating a set of comprehensive, integrated policies. To recruit such professionals, there must be an appropriate and effective system of personnel administration. Such a system requires the establishment of appropriate standards of training for each position in an agency. It also requires a strong civil service system with stable, predictable policies for personnel management. These policies must focus on quality and excellence in recruiting personnel and explicitly exclude the possibility of political influence on appointments.

Guarantees of citizen and consumer involvement in planning and evaluation. Comprehensive planning requires substantial and sustained input from citizens, consumers, and professionals, so that current decisions are subject to review and debate and are shaped by the best current knowledge. Furthermore, the development of sound policy requires continuous evaluation by the children and families affected by the policies, so that new policies may be developed to serve the best interests of the consumers of service.

Accountability. Once policies are developed and implemented, they must be continuously monitored and evaluated. Relevant feedback on their effects and their effectiveness, by professionals as well as by consumers, is required. Staff and consumers directly affected by new policies and programs can frequently point out negative effects that were unanticipated when the programs or policies were developed.

Policies for children and their families have frequently had adverse effects on the very persons they were designed to help. Families have been separated unnecessarily, children have become "lost in the system," and parents have been mistreated and ignored. Insurance of an ongoing assessment of both the positive and negative effects of new policies must occur, in an attempt to prevent repetition of this situation in the future.

TESTIMONY ON BEHALF OF CATHOLIC FAMILY AND COMMUNITY SERVICES,
A MULTI-FUNCTION SOCIAL SERVICE AGENCY SPONSORED BY THE ROMAN
CATHOLIC DIOCESE OF PATERSON, NEW JERSEY

Good Afternoon, Ladies and Gentlemen. My name is Dorothea Kronyak and I am representing Catholic Family and Community Services, which is a multi-function social service agency which offers social services to needy persons in the geographical area of Passaic, Morris, and Sussex counties. During our forty-five year history of offering service in Northern New Jersey, we have at times enjoyed and at other times endured multi-faceted working relationships with the Division of Youth and Family Services and its predecessor organizations in the State of New Jersey.

During this testimony, we would like to focus, first of all, on the serious conflicts of interest which plague the Division in its varied roles as regulatory agency, funding channel, and direct service provider. We do not believe that such distinctive roles can be integrated in one public agency and, therefore, would like to suggest that they be separated in the future.

We would further like to note that, in executing its role as a regulatory agency, the Division has been staffed by highly underqualified staff, who ordinarily lack the credentials to place them on at least an equitable par with the staff members of agencies which they are required to evaluate, accredit, and license.

In its role as a channel of both federal and state funds for social services, the Division, in our opinion, has adopted a rather overbearing and highly subjective approach to funding proposals. Too often, funding is granted on the basis of personal likes and dislikes of individual Division administrative and contract personnel. Frequently, little consideration is given to the capabilities of applicant organizations or to the

actual community needs which the services should be fulfilling. Most importantly, the Division has maintained a highly secretive approach to its funding allocation methods and has been unwilling to open itself to full and public accountability for its activities as a funding agency. We believe that such an irresponsible administrative style has resulted in an inequitable and imbalanced retention of such public monies by the Division for its own administrative purposes and an insufficient channeling of funds for the actual service purposes for which they were intended.

In its role as direct service provider, the Division has frequently failed in its awesome responsibility to provide for the minimal safety and welfare of families and youth in the State of New Jersey. Once again, we must point out the lack of professional training and experience of many direct service personnel in the Division. Secondly, we must bring to your attention the unmanageable size of many DYFS workers' caseloads. The high turnover of DYFS caseworkers frequently leaves assigned caseloads uncovered. It should also be acknowledged that many of the Division's service activities overlap with social services which are already being sponsored within the private sector. Based on our forty-five year record of service in this state and our linkage with a two-hundred-fifty-year history of Catholic Charities services within our nation, we would like to offer our opinion that the private sector is capable of offering the majority of such services much more thoroughly, efficiently, effectively, and inexpensively than any publicly-sponsored social services can hope to do so. Thus we firmly believe that the Division's direct service role should be restricted to those services which cannot be found or developed within the private sector. Finally, we would strongly urge that all direct services which are offered by the Division be subject to intensive evaluation and accrediting procedures on a consistent and continuous basis.

Thank you for your attention this afternoon.

Florence Gowin
3 Throop Avenue
Spotswood, NJ 08884
(201) 251-7525

November 15, 1982

The Honorable George Otlowski
Mayor of Perth Amboy
1717 Convery Boulevard
Perth Amboy, NJ 08816

Dear Mayor Otlowski:

This letter is in reference to my experience with the Division of Youth and Family Service (D.Y.F.S.). In addition I would ask you if there is any way you can help me try to amend the laws that now exist wherein grandparents or concerned relatives cannot go before a judge and speak in behalf of a minor child when they donot want the child being raised with live-in companions.

The first week in October 1981 after babysitting my grand-daughter since she was born she had turned 2 on Sept. 3rd. my daughter informed me that a male friend moved into her apartment with them and would now babysit for my grand-daughter.

We tried my husband and I and the rest of our family to tell her it was morally wrong to have my granddaughter raised with a live-in boyfriend. I should also tell you my daughter was in the midst of being divorced from her husband; it was a very stormy marriage with two separations before the final divorce.

Our objection to the situation was that we had no prior knowledge of this man and we uppermost did not want our granddaughter raised in this type of situation. My first thought was to call D.Y.F.S. because I thought they were interested in the well-being of minor children. I called the Hotline because it was after business hours. A gentleman answered my call (I donot recall his name) I gave him all the information stated above and he informed me that this was a moral issue and that as long as there was no evidence of the child's being physically abused they could not help me. He then suggested that I call my local police and perhaps they would have a law on the books that prohibits two adults from living together that are not married. The very next morning I called my local police. The policeman who took my call was very sympathetic with me. He said that he fully understood how we felt. He said there was no law in existence in our community, I asked him if there was any one I could call. What we wanted was to have someone investigate the situation and perhaps go to family court. We just could not accept

Nov. 15, 1982

the situation. The policeman referred me to juvenile detective Adisano, Monroe Police Department. Detective Adisano informed me that my daughter had the right to raise her daughter in her lifestyle and that because we thought it was immoral that legally we had no right to persue this any further. He also said that I should keep communications open with my daughter and that I would maybe eventually accept the situation. I informed him that I was very strong in my feelings about live-in situations.

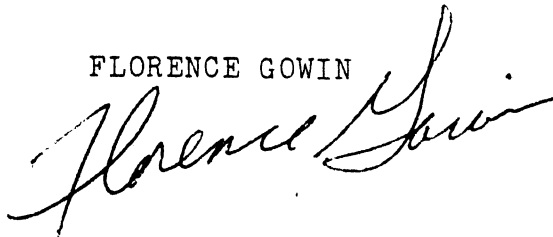
I saw my granddaughter very little after that and my daughter would not let me babysit anymore even though I asked her to repeatedly. My daughter worked usually the afternoon shift 4:00 P.M. to 12:00 Midnight. On the night of December 10, 1981 her live-in boyfriend beat my beautiful granddaughter to death. Although almost a year has passed we are all grieving and mourning her. She was the brightest most beautiful child and it is not fair that this should happen time and time again to innocent children. Our laws must be changed. We did not know the man and after the murder people told us they knew him as a child and that he was unstable then. However, when it came time for these people to come forward and give a statement to the investigator before the sentencing was pronounced not one would get involved. I plead in the name of my granddaughter Aimee Rae and our grief-stricken family to have the law read that when a concerned close relative of a minor child wants to be heard that someone should at lease listen to them.

I understand that there is to be a hearing concerning the Division of Youth and Family Services during the first week of December. I would be very interested in attending, if it is to be open to the concerned public. I would appreciate knowing the exact date, time , and place of the D.Y.F.S. hearing as soon as possible.

Thanking you in advance for any attention you may to the above communication, I am,

Very truly yours,

FLORENCE GOWIN



**Presented by Community Council For The Prevention
Of Child Abuse**

533 Central Ave.
Jersey City, New Jersey 07306
Phone No. 653-1881-2
Rose Cooper - Executive Director

December 8, 1982

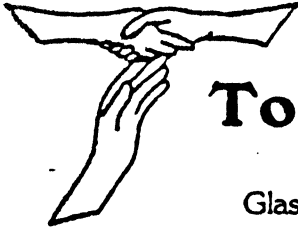
Problems encountered with Hudson County Division of Youth and Family Services. September 1981 to present December 8, 1982 while attempting to establish a Child Abuse Prevention Program.

1. No statistics available/absorbed every possible resource.
2. No assistance or cooperation in our attempts to organize a Prevention Program.

Suggestions for improvement to the above conditions:

- a. Hudson County needs new resources. A concerted effort to rectify the shallow services that are offered in Hudson County.
 1. DYFS must be given a directive to utilize every available service.
 2. Establish effective and monitored interaction among local child protective agencies.
 3. Establish monitoring of said programs by the state.
 4. Improve the quality of the staff:
 - a. Increase the number of personnel
 - b. Raise salaries
 - c. Raise qualifications, or:
 - d. Keep the same size staff, with upgraded qualifications and raises.
 5. Encourage community involvement.
 6. Make the community aware of DYFS's and related agencies' services.

Respectfully submitted: Rose Cooper, Executive Director, CCPCA



Together, Inc.

103 Ellis Street
Glassboro, New Jersey 08028

December 28, 1982

Assemblyman George Otlowski
511 New Brunswick Avenue
Perth Amboy, New Jersey 08861

Dear Assemblyman Otlowski,

Due to an emergency in my program, I was unable to attend the hearings scheduled concerning the Division of Youth and Family Services. In lieu of my verbal testimony, I am forwarding to you a copy of my written testimony written especially for the hearings.

I have outlined seven specific problems that myself and my counterparts in the state have identified as difficulties that need to be addressed. In addition, recommendations follow each specified problem as to methods by which the problems may be addressed.

It is my hope that this written testimony will be of value in the reorganization of the Division so that children and youth may be provided continued quality services.

Thank you.

Sincerely,

Robert P. Maloney
Deputy Director,
Together, Inc.

RM:ts

70x

PUBLIC HEARINGS RELATED TO
THE DIVISION OF YOUTH AND FAMILY SERVICES

PRESENTED BY: ROBERT P. MALONEY

PRESIDENT, THE GARDEN STATE COALITION
OF YOUTH AND FAMILY CONCERNS

DEPUTY DIRECTOR, TOGETHER, INC.

DECEMBER 8, 1982

Together, Inc. Youth Services Program

In 1976, Together, Inc. was funded by the federal Youth Development Bureau to begin operation of a Runaway and Homeless Youth Shelter. Services included counseling for youth and their families, individual, group and family counseling, the basic necessities of existence such as food and shelter, medical treatment and examination, advocacy for the youth and families, information and referrals, and follow-up with supportive services. The basic philosophy of the program is to reunite the youth with the family whenever possible and feasible and provide on-going services to maintain that unity.

Our program and others similar to it in the state are members of the Garden State Coalition of Youth and Family Concerns. All these programs shelter DYFS placed youth that are in need of services. The programs provide the same type of services to these DYFS placed youth. It is in this way that we have had direct contact with the Division and have had the occasion to observe how the Division operates. We feel that we are in a position to assess some problem areas and make recommendations for improvement.

Our History with DYFS

In 1974, the federal Runaway and Homeless Youth Act was passed. Within a short time, several programs in New Jersey were funded under the supervision of the Youth Development Bureau, which is a division of the Department of Health and Human Services. Shortly after opening, most of the programs found that the DYFS caseworkers were utilizing the services that our centers provided to youth of our state.

There was and is a clear need for these services for youth, and DYFS caseworkers recognized this new resource. All of our programs became involved in various stages of negotiations with the Division in the hopes of finalizing a contract to fund these services. These negotiations are still in process.

Observed Difficulties and Possible Solutions

Problem #1

The Division does not seem to have the ability to negotiate with the private, non-profit agencies to a successful conclusion. Our agency was asked two years ago to develop a short-term Group Home program for DYFS. It was the number one priority in Gloucester County and DYFS was looking for a program that would provide services for less than 90 days and a program that was co-ed with an intensive therapy program. Our agency developed the program in conjunction with local DYFS and Juvenile Justice officials. The idea was to halt the revolving door syndrome of youth who became involved with the DYFS state system such as youth in foster care and residential centers. Instead of having these youth go from place to place, foster home to foster home, the short-term Group Home would have involved the youth and family in an intensive counseling setting to resolve the deep-rooted problem that precipitated the youths' involvement with DYFS. Our agency, in helping to develop the model at the request of DYFS, followed through on the many administrative requests including a long series of negotiations and lengthy material preparation with our Regional Office. The agency also had a series of meeting with licensing representatives from the Division. In all, our agency worked on the project for a year with DYFS. The agency was lead to believe that DYFS had accepted our final proposal and was ready to sign a contract. When we arrived at our regional office in

Hammonton, we were told that DYFS did not have any money to fund the project. Obviously, our Board of Directors was hard pressed to understand why our agency spent so much time developing a program that DYFS did not have any money for in the first place.

Even in our existing shelter program, our contract negotiations with the Division have been long and involved. The Division asked my agency to sign four three month contract extensions and two one month contract extensions of an old contract first signed in 1980. while they negotiated with our agency. This has been the same experience for all of our shelters in the Garden State Coalition with some members still not having a contract. Coalition members met with several members of DYFS in Trenton including Ms. Bernice Manchel, and members of our Regional Office in the hopes of coming to some resolution in this matter. It was not until we met with Commissioner George Albanese, of the Department of Human Services, and a staff member from his office, Bob Nicholas, did some resolution come about. The Commissioners' Office has been of great assistance in dealing with this problem.

Possible Solution

It would seem that the Division needs to actively facilitate the development of needed programs and not be a hindrance to this development. The people within the Division who are responsible for negotiating contracts need to have the authority to finalize the negotiations and to inform private, non-profit organizations if indeed there are funds available for programming. It would also seem important for the Division to decide whether the Trenton Office of the Regional Office will be making decisions pertinent to needed programs in the

state and region.

Problem #2

The central administration within DYFS does not seem to be in close contact with the needs of local DYFS caseworkers. The case load of the DYFS caseworkers seems to be extremely heavy with no relief from referrals.

Possible Solution

Although rapport between the private, non-profit sector and local DYFS District Offices seems to be excellent, there is a breakdown in communication between the private, non-profit sector and the central and regional offices. It is hoped that this problem can be taken into consideration within the reorganization program that the Division is undertaking.

Supportive services for DYFS caseworkers seems to be in order. It may also be advantageous to canvas the caseworkers through a needs assessment that would ultimately benefit youth. Their positions are difficult ones and kids could lose with the service gaps that are created.

Problem #3

The image of DYFS has been seriously undermined by adverse publicity. The DYFS caseworker, trying to help a youth in the streets, now has an additional problem of credibility with the general public and with other agencies who also deal with youth and their families such as the Juvenile Justice system. If the image is not improved, it could seriously damage the work of the caseworker with the youth and families that they deal with daily.

Possible Solution

The agency needs to advertise the positive programs that are now functioning within the Division. It will also be important to publicize the reorganization within DYFS. In addition, another area of importance is to actively work to improve the relationship between DYFS and other youth serving agencies in the state. A series of meetings between the new administration of DYFS and other youth serving agencies could go a long way in mending strained relationships.

Problem #4

There has been a history of too many divisions within DYFS that seem to have little communication with each other. Too many times our agency has become the vehicle for information exchange between the different components of DYFS. This lack of inter-departmental communication has also hampered the contract negotiation process that our agency has just completed after 18 months.

Possible Solution

This problem should be able to be solved with ample planning and adequate administration and supervision. It might be helpful to have central administration create a liaison person who could work with all the projects of the state that provide the same service. This would cut down on the disjointed way in which DYFS deals with similar type programs. It would also make it easier for private, non-profit agencies to have one person to call on who would be in contact with all of the various components of DYFS who need to be involved. This would also help private, non-profit agencies in developing needed, creative programming to better serve the youth of this state. This may additionally help cut through red tape that may delay the programming of new or existing organizations.

Problem #5

There is a serious lack of foster homes in New Jersey. Numerous youth that we see in our program who are appropriate for foster homes find that there aren't any available or that there is a long waiting list. In the counties that we primarily serve for the Division, there is next to nothing in the way of foster homes, especially for older youths.

Possible Solution

Obviously, a comprehensive public relations program would again be helpful. There is a need to get the general public oriented to the needs of youth and have them willing to help provide supportive services by opening their homes to troubled youth. It might also be helpful to work with existing foster homes in the hopes that they could recruit other families to become involved in the program.

Problem #6

The seventeen year old youth often times faces a gap of services. Counselors in my agency have experienced many a situation where a 17 year old youth is denied or has difficulty in obtaining services because of a lack of resources for these youth. There seems to be a mentality that since these youth are so close to the "adult" age of 18 that they should be able to take care of themselves and can receive services designed for adults. Sadly, this is not often the case and the youth is left on his/her own with little or no support and guidance.

Possible Solution

Programmatic resources need to be developed to address the particular problem here. A dual task force could be established composed of DYFS representatives and private, non-profit sector representatives.

These people could collectively address the problem taking into account all of the possible resources available and others that may need to be developed. All too often it seems that DYFS and agencies such as ours do not collectively work on problems of youth to find a resolution or programs to meet these needs. There needs to be more cooperative undertakings between DYFS and the private sector.

Problem #7

Certainly there is an obvious need for more DYFS caseworkers. The tragedy of the nine identified young children that had died while under DYFS supervision suggests that not enough supervision was available. From our viewpoint, local DYFS caseworkers are overworked to the point of exhaustion. The investigation into DYFS may reveal gaps in services to youth of this state that could be directly attributed to the lack of DYFS caseworkers. My agency works well with our local DYFS District Office in Gloucester County and we believe that they do a good job, however, it is obvious that more staff is needed to deal with the amount of youth that need services. Even the emergency system established for weekends and overnights is slow to respond when its services are needed. Again, this can be directly related to the amount of staff available.

Possible Solution

It seems clear that additional DYFS caseworkers need to be hired however, in addition to that, a study should be completed to best redistribute existing staff so that the caseload of a caseworker would be approximately the same across the state. There does not seem to be a need for an overly large staff to develop programs when the results of these efforts are so low. There are just too many departments

within DYFS that an agency needs to get through in order to facilitate the start of a new program to meet the needs of youth. This process needs to be streamlined with existing staff being reassigned job responsibilities that generate more positive results.

Conclusion

The task of DYFS is monumental in its' scope and services to the youth of this state. The task of administering a program of this size and magnitude needs to be continually monitored and analyzed with emphasis on results. Our agency has worked well with our local county DYFS office, however, we ran into difficulty when dealing with our regional office and the central office in Trenton. With the positive work being accomplished by the Commissioner of Human Services and his staff, it is hoped by our agency that any administrative problems within DYFS can be rectified. The task of providing needed services to the youth of our state is critical and my agency and our Coalition stand ready to help in any way possible to be of service.

Dear Mr. Otlowski;

We would like to share with you a few thoughts about the current concern and publicity about child abuse deaths.

Issue: State FY '83 Budget

Fact: The legislature mandated that \$1,000,000 be ~~xxxxxxx~~ taken from DYFS District Offices and given to private provider contract agencies.

Governor Keandid not veto that action.

Issue: New Departmental Leadership

Facts: While Comm. Albanese is quoted repeatedly in the press as being extremely concerned about the deaths of 10-12 (statewide) children under Dyfs supervision and about ~~reorganizing~~ reorganizing and correcting Dfs deficiencies - nothing has happened.

DYFS has approximately 48,000 cases under supervision. While the death of any child is tragic and appalling - the 10-12 deaths is, in fact, average.

The Division (including District Offices) has been a job freeze for the past eighteen months. This meant that any existing vacancy and any vacancy resulting from a resignation, plus any position temporarily vacant because of maternity leaves, sick leaves, etc., could not be filled. This has resulted in vacancy rates among Social Workers in field offices of ~~%x~~ 5% to 45%.

In addition, the Division itself, during that same time frame, instituted numerous new program initiatives, such as the automated Service Information System, Permanency Planning, new Case Management forms, Internal Case Reviews, etc./ All of these new systems increased the paper work requirements on case workers, frustrated line supervisors who are held accountable for compliance, ~~lowered~~ lowered staff morale and to date give no evidence of having improved anything.

It has taken Comm. Albanese 12 months to displace the current DYFS Director, a successor has yet to be named and nothing in the Division of the Department has been reorganized, re-oriented, or re-staffed. All of Comm. Carden's Central Office staff are still on board and on payroll in addition to Comm. Albanese's additions of his personal staff. The Dept. currently has a Commissioner, a Chief of Staff, and 2 or 3 Special Assistants and a very large (\$700,000 in salaries) Planning office. Yet at the same time, there is no Deputy of Operations, no operational chief - this in the largest department in the State.

The actions of the Legislature, the Governor, and the Commissioner, to date, have not demonstrated that the abused and neglected child in New Jersey, is in fact of prime concern.

Concerned DYFS Staff

1095 Nicholas Avenue
Union, New Jersey
07083

November 8, 1982

Dear Mr. Otlowski:

Enclosed is a description of my brief experience with
DYFS.

If there are any further questions, do not hesitate
to call me at 201 - 688-4762.

Thank you for your consideration.

Sincerely,

Kathryn J. Marciano

Either the number of child abuse cases are on the rise or the public is being made more aware of the problem.

I am a foster parent with DYFS and I am distressed about the safety and well-being of a child who had been placed in my care.

A three month old girl came to me on October 13th from Elizabeth General after being hospitalized since September 19th. I was informed that this was the second time that she was admitted for malnutrition. Although the child weighed only eight pounds, no medical instructions were given to me outside of the fact that she was on Prosobee formula. I was also told that it would be very short placement from two days to a week.

On October 22nd, I took the child to a pediatrician who informed me that he did not think that the child should go back to the mother and his findings indicated that she was very anemic. No one mentioned that to me even though she was hospitalized for almost a month. The doctor called DYFS Office giving him his recommendation. He was assured that the mother had wanted the baby and that the case would be closely monitored.

However, I am not reassured for various reasons such as:

1. Many times in the conversation with the social worker, I was informed that if the mother did not have the baby by November 1st, she would lose her welfare grant.
2. In a three month period, the baby was hospitalized twice.
3. On October 22nd, her physical examination revealed that she gained 2 pounds 5 ounces in only nine days in my care.
4. The mother was living with a boy friend (not the child's father).
5. When the infant came to me, she stared at a blank wall and hardly responded to eye contact plus she screamed in fright at various normal things. This disappeared after a few days of simple love and maternal care.
6. She pulled her hair and sucked her thumb vigorously at onset. After two weeks, this was significantly lessened.
7. Grandparents were supposed to be interested and supportive, but why was she allowed to become so malnourished in the first place.
8. The case worker has been transferred to another DYFS Office, and another worker will be assigned.

Perhaps , I am overly reacting, but after reading that 13 children from DYFS died in a 10 month period, I was shocked.

Please, if it is at all possible, give this matter some consideration so that the child's welfare can be followed up. She is a human being with rights that are possibly being violated.

Donna Marie Gowin
145 Luke St., So. Amboy, NJ
(201) 721-4850

Mr. George Otlowski,

As per our phone conversation of Nov. 2, 1982:
I have had personal dealings with DYFS - both in New Brunswick and in Trenton.
One aspect that should be investigated is the cases they turn away!

1975

- 1) I made an anonymous complaint - Result = My name was given to the parents even though I told Marilyn Ringler, the DYFS worker I spoke to, that my life had been threatened when I confronted the woman.
- 2) They are required to make an investigation - Ms Ringler's investigation consisted of a phone conversation with the parents, they denied the accusation she told me there would be no point in pursuing the situation as I could not prove what I had said.

1980/1981

- 1) My 17 year old brother was brought to So. Amboy hospital, he had been drinking beer & his father, he claimed, had punched him in the head. He had bumps and bruises and was admitted to the hospital.
- 2) The hospital Social Worker called me for background information & DYFS was to investigate.
RESULT = DyFS sent the boy to stay with a sister and brother-in-law that supplied him with liquor & pot - When I was upset they told me that they promised not to give him anything like that while he was in their care. The sister then sent him home.
- 3) Jan. 1981 - The 17 year old ran away-he came to me, I turned him over to the So. River Police (Sgt. "Bernie") at the advice of DYFS Suzanne Oxy was his case worker now.
- 4) At first she was appalled at the situation and wanted to have names of any one that would be willing to give her information about the victims home life.
- 5) I gave her the names of relatives that were familiar with the family life.
- 6) Her actual investigation was to question the parents, again they denied the accusations & since the boy had been drinking he was classified as encouragable & the family was to have counseling.
- 7) I asked both Ms. Oxy & her superior Mr Johnston to question the people whos names I had given them and even the neighbors.
- 8) My request was denied- they said they were satisfied that the parents were not lying.
- 9) I asked them to give me a chance to talk before the juvenile judge - they refused.
- 10) I called the Trenton office to speak with Ms. Manshell - she was unavailable Joan Runke spoke to me, she was sympathetic but told me I was to emotionally involved to be ~~objective~~ objective. She said I should let the PROFESSIONALS handle.
- 11) Once again the 17 year old went home & continued drinking and smoking

pot. He actually got no help by these people who are supposed to help children.

- 12) There is another younger child at this same house when I told Ms. Oxy about him she said if nothing was ever done directly to him then he did not fall into their jurisdiction.
- 13) Isn't it better to use pævention in a potentially dangerous situation than to have another child be come a statistic.

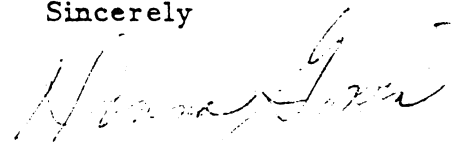
There is really so much detail that I am omitting from this statement I thought if you wanted to know more you could let me know. I did not explain the accusations that I made to DYFS as it would take another page and I thought perhaps this letter was already too long.

I do hope that something will be done to help the Physically and Emotionally abused children. They cannot speak for themselves - we have to speak for them.

I am so happy that some one is finnally trying to help them.

Please let me know if I can be of any help.

Sincerely



Donna M. Gowin

11-8-82

To
E. J. Kean

Assemblyman Kean,

I am very interested in your investigation against the Division of Youth & Family Services.

I am involved in a private case against them myself.

Seven years ago I contacted them about a family that they were already involved with about a child abuse complaint. D. J. I refused to be come involved any further & would not act upon my complaint, over the seven years I continued to complain there were 3 children involved two years ago when one of the children was sent to school beaten very badly. Now D. J. I stepped in & took custody of the one with knowledge of the abuse of the other 2 children however they were not school age so it didn't seem to matter.

The mother of these children

would go off for days leaving these children ages 3-24 new born alone padlocked in an old house. I would call D.Y.F.S. & they would not come. In the mean time all the children were raped or molested by the mothers boy-friend & D.Y.F.S. took the children to a rape crisis clinic for proof which they got. When we got out of the clinic D.Y.F.S. sent the two smallest children home to the mother & same boy friend. Except for the oldest one which I kept. D.Y.F.S. refused to go any further with this case I pressed charges on behalf of the child I had. In the mean time I found the little ones alone again late at night & the police gave me a Trenton phone number to call & finally someone came & broke in the door & got 3 children ages 3-2-1 out

There was no food no lights
in apartment.

There is so much more
to this story but I can not
put it all on paper.

If you are interested in
this case please contact me

Mrs Frances Banks

71 Roosevelt Ave

Last Orange, N.J. 07017

201 6747713

Thank you,
Mrs F. Banks

P.S. I would be more than glad
to testify for you if you think
this story is pertinent.