

NEW JERSEY

Child Welfare Citizen Review Panel



Annual Report

AUGUST 2010

MEMBERSHIP

CHAIRPERSON

Linda Porcaro.....Somerset County Youth Services

VICE-CHAIRPERSON

Shyra Bland, MS.....CASA of Camden County, Inc.

MEMBERSHIP

Mary Coogan, Esq.....Association for the Children of New Jersey
Diana Autin, Esq.....Statewide Parent Advocacy Network
John M. Doran, Esq.....Office of the Law Guardian, Office of the Public Defender
Nancy Caplan.....At-Large
Fran Gervasi.....Foster & Adoptive Family Services/NJ Foster Scholars Program
Keeva Kase, M.Div.....CASA of New Jersey, Inc.
Jody Layton, M.S.....At-Large, Certified Trauma and Loss Specialist
Catherine Lindenbaum.....New Jersey Parent Teacher Association
Randi Mandelbaum, Esq.Rutgers School of Law
Maria McGowan.....Office of the Child Advocate
Gary Mitchell, Esq.....Office of Parental Representation
Leslie Malkin.....New Jersey Coalition for Battered Women
Kathleen Roe, MA.....Parents Anonymous of NJ, Inc.
Jonathan Sabin, LSW.....N.J. Task Force on Child Abuse and Neglect
Jennifer Rosen Valverde, Esq.MSW.....Rutgers School of Law

WORKING SUBCOMMITTEES

Annual Report.....Jody Layton, Linda Porcaro
Membership and Nominating.....Mary Coogan, Keeva Kase, Kathleen Roe
Aging Out Workgroup for Survey.....Jody Layton, Randi Mandelbaum
Memorandum of Agreement on Education.....Mary Coogan, Randi Mandelbaum, Jennifer Valverde
State Central Registry and Differential Response.....Keeva Kase, Jody Layton, and Kathleen Roe

NJCWCRP COORDINATOR

Michele Safrin, MSW.....Department of Children and Families

MISSION

The mission of the New Jersey Child Welfare Citizen Review Panel (NJCWCRP) is to improve the safety, well being and permanency of NJ children by examining the practices, policies and procedures of State and local agencies; and to evaluate the extent to which they are effectively meeting their child protection responsibilities.

The mission is accomplished through building a constituency for child welfare issues and soliciting public comments to assess the impact of the policies and practices of the State child welfare system on children and families. The Panel shall issue an annual report of its findings and recommendations to the State for improvements in the NJ child welfare system.

Each year the NJCWCRP identifies elements of the child protection system that may impede the delivery of necessary services for the children and families served by the Department of Children and Families (DCF) and its divisions. The aim is to ultimately affect positive outcomes for those children and families. Through survey, public testimony, individual and collaborative research by panel members, the NJCWCRP has focused on child abuse reporting and screening policies and procedures, the needs of children in out of home placements (resource, group and treatment homes, residential treatment facilities), the educational needs of children under DYFS supervision, adolescents exiting state supported living arrangements, and kinship care (relatives caring for children).



HISTORY

The New Jersey Comprehensive Child Abuse Prevention and Treatment Act (CCAPTA), the federal Child Abuse Prevention and Treatment Act (CAPTA), and its subsequent amendments require that each State establish a minimum of three Citizen Review Panels to evaluate the extent to which the State is effectively fulfilling its child protection responsibilities. The NJCWCRP serves as one of New Jersey's three Citizen Review Panels. Operational since 1999 under the auspices of the NJ Task Force on Child Abuse and Neglect, the Panel became independent in 2006. The Federal and State laws mandate that the Citizen Review Panels be composed of volunteer members who are broadly representative of the community, as well as members with expertise in the prevention and treatment of child abuse and neglect.

MEMBERSHIP

The NJCWCRP's membership is sensitive to cultural, ethnic, and economic diversity; and strives to broadly represent the community at-large, which includes concerned citizens and experts in child protection and prevention, advocacy, foster care, the court system, and children services.

While receiving administrative support from DCF; the NJCWCRP operates independently of DCF. The maintains autonomy in selecting membership and leadership, determining investigative direction, and monitoring DCF. The NJCWCRP encourages individuals who are dedicated to improving New Jersey's child protection system to apply for a position on the Citizen Review Panel, please call Michele Safrin at 609-777-4536.

SUMMARY OF PANEL ACTIVITIES

- ▶ The Panel released its Survey Report on NJ Youth in the Transition Years, i.e., 'aging out' of the Division of Youth and Families Services system.
- ▶ Panel members provided invited testimony about 'aging out' youth to the Human Services Committee of the New Jersey Assembly.
- ▶ Committee members continued panel activities to foster the development of a Memorandum of Agreement (MOA) between the Department of Children and Families (DCF) and the Department of Education (DOE). Members participated in the workgroups of DCF and DOE for the MOA and offered to assist with the drafting of the legislation regarding the federal Fostering Connections to Success and Increasing Adoptions Act. The Panel wrote the Commissioners urging them to sign the MOA.
- ▶ The Panel continued efforts to obtain clear and consistent data about outcome expectations and results for Differential Response. This included the Panel and its Chair meeting with key leadership in the Department of Children and Families.
- ▶ The Panel continues to recruit members who represent multi-system stakeholder perspectives and has implemented a new member orientation process.



YOUTH 'AGING OUT'

Roughly 800 youth age out of NJ's foster care each year contributing to the national number of 25,000. At any point in time NJ has about 3,000 teenagers and young adults aged 15-21 who have DYFS involved in their lives. Being thrust into the expectations and pragmatics of adulthood is challenging for any young adult. Youth in foster care often lack the vital supports necessary for success in what can become a daunting major leap while deprived of a net. They often have a difficult time completing high school, going to college, finding and maintaining employment and taking care of basic life needs.

The NJCWCRP Committee on Children Aging Out of State Care drafted and disseminated two surveys to aging out youth and professionals and volunteers that work with them to ascertain perceived service needs. The survey was structured to: identify perceived gaps; learn what were experienced as assets in order to build upon them; and gather input and data that over time could create opportunities to develop more informed and integrated transition activities.

This was the first time in New Jersey that a concurrent tool has been developed and disseminated to capture the viewpoints of the youth and those that professionally guide them. The survey was reviewed by Dr. Robert Reid, a professor at Montclair State University, not as a scientific research tool but a quantitative and qualitative field instrument. Dr. Reid volunteered his time.

175 youth from 16 counties and 241 professionals and volunteers responded. The adults represented some of the systems in the lives of these youth: Division of Child Behavioral Health Services (DCBHS) organizations-Care Management, Family Support, Youth Partnership, Youth and Unified Case management; legal system resources and support entities, including Court Appointed Special Advocates (CASA), Child Placement Review Board (CRRB) volunteers, Law Guardians, and Legal Services of NJ; and advocacy organizations.

After dissemination for a period of months and assessment by the Panel, draft results were provided to the former Acting Commissioner in February of this year. Final results and recommendations were released in April to the public.

On positive note, 92.6 percent of responding youth said they believed they had an adult who cared about them in their life. Research that crosses fields and disciplines increasingly finds that the experience of a child and teen having a caring adult is vital to resilience, violence prevention, life choices for successful transition and adulthood, and a sense of well being.

YOUTH 'AGING OUT'

The biggest areas of concern centered on the need for additional and improved supportive services for the youth to help them make the difficult transition into adulthood.¹ The youth were asked to prioritize what issues they thought were most important to them. The top three answers were housing, education, and health care, with finances and employment being mentioned quite frequently. Professional respondents echoed this extreme need for increased and improved housing options, as well as the need for additional assistance to support the youth in the educational arena.

- ▶ 72.4 percent of the youth with closed DYFS cases recognized that their case was being closed; however, only 43.1 percent said they signed an agreement that the case would be closed, as mandated by DYFS policy for those youth over the age of 18.
- ▶ Of 43.1 percent who signed a case closing agreement, only 55 percent reported understanding what they were signing.
- ▶ Although the majority of the youth knew about availability of life skills services, after care services, and financial assistance, many reported they are not being referred.
- ▶ More than two-thirds of the youth who were over the age of 18 reported that they were not involved in an aftercare agency, and of those involved with an after care agency, less than a quarter reported receiving federal funds through such an agency.

The Panel provided a courtesy draft of its final report to the Acting Commissioner in February 2010. In March 2010, the Panel chair met with the former DCF Commissioner, the DCF Chief of Staff and the DYFS Assistant Director of Adolescent Services and Permanency. The meeting was convened to discuss, prior to release, the findings noted in the Survey Report, to hear DCF's concerns about the methodology of the survey, i.e., not a random sampling as would be used for a scientific study, and to review what the Panel wanted to accomplish with the release of the Survey Report.

During the March 2010 meeting, the former Acting Commissioner cited concerns as noted above and acknowledged that the findings suggest that there were no current statewide standards for life skills curricula and that policy regarding After Care Services required revisions. The Acting Commissioner expressed interest in making a commitment to develop standardized life skills curricula that works best for the aging out youth and reported that revisions to After Care services management are in progress.

¹ Consistent with these results, the most recent Child and Family Services Review, conducted in the Spring of 2009, noted that stakeholders reported that while the State is providing increased services, there continued to be insufficient resources and services for transitioning youth.

Recommendations to the Department of Children and Families

- ▶ An outside entity, which includes youth, should be created to monitor DYFS case closure policy and practice for aging out youth. Such an entity would be charged with determining if there is a discrepancy between policy and practice. Moreover, until it can be verified that the case closure policy is being followed, there should be a moratorium on case closures for youth 18 and older.
- ▶ DYFS should re-visit their policy to ensure that it is clear that all youth who choose to end their relationship with DYFS, and then find themselves in need of assistance, can reopen their cases and receive the necessary support.
- ▶ DCF should evaluate its current housing contracts to ensure that current expenditures are being used most effectively for transitioning youth.
- ▶ An increased array and continuum of housing options should be developed for transitioning youth from least to most restrictive, considering the special needs of many of the youth. It is imperative that DCF increase the availability of each type of housing option (i.e., transitional living programs, group homes, longer term subsidized housing).
- ▶ DCF should increase the amount awarded for those youth who find their own housing and seek the Independent Living stipend.
- ▶ DCF should assess why youth who begin life skills do not complete the curriculum. DCF should develop additional life skills classes and after care programming needs to be developed.
- ▶ DCF should explore whether the administration of the Chafee Wrap Around funds is best managed by the after care programs or whether DCF should take over this responsibility. In addition, DCF should assess whether there is a duplication of case management services when there is a DYFS case open and the youth also receives case management from an after care program.
- ▶ DYFS, DCBHS, and all other relevant service providers need to work more collaboratively with one another to meet the needs of the youth.
- ▶ The courts need to be more vigilant in its oversight of this vulnerable population by holding DYFS accountable for complying with its own policies.
- ▶ All of the professionals who work with the youth need to be fully informed of the educational opportunities available to aging out youth and the rights and entitlements of youth who are classified with disabilities.

Monitoring the Memorandum of Agreement between the Department of Children and Families and the Department of Education

The NJCWCRP continued to monitor the development of a Memorandum of Agreement (MOA) and supplementary Education Practice Manual and staff development training instrument between the Department of Education (DOE) and the Department of Children and Families (DCF). This MOA seeks to: improve inter-systems communication regarding child abuse/neglect reporting and response procedures for both Departments; develop a realistic and user friendly standardized training curriculum for all school personnel; and promote academic success of children under DYFS supervision in out of home care by raising awareness and accountability for children's emotional and educational needs.

As articulated in the Panel's last annual report issued in August 2009, the Memorandum of Agreement was under review by the Executive Leadership of both Departments. Additionally, the DCF-DOE multidisciplinary workgroup was reviewing feedback from two pilot sites regarding the staff development training instrument (Microsoft® PowerPoint® presentation) prior to expanding the efforts to additional schools.

On January 15, 2010, the Commissioners of DOE and DCF issued a joint letter to every Chief School Administrator and Charter School lead person advising them of the standardized training materials for school personnel on the identification and reporting of child abuse and neglect to meet the requirements at N.J.A.C. 6A:16-11(a)8 (which mandates that all local school district policies include a provision for training school district employees, volunteers and interns on the district's policies and procedures for reporting allegations of missing, abused or neglected child situations including the training of new school district employees during their orientation). The Commissioners "strongly encouraged" the use of the four-part PowerPoint presentation entitled: Reporting Child Abuse and Neglect: What School Personnel Need to Do, supplemental handouts that support the PowerPoint modules, and four post-training tests, available at no cost to local school districts, and may be downloaded directly from:

<http://www.nj.gov/education/students/safety/socservices/abuse/training/>

In the spring of 2009, the chairs of the Department of Children and Families and the Department of Education workgroup established to develop the MOA, informed the Panel that the MOA was sent to the executive leadership of both departments for review and approval. One year has passed but the document has yet to be approved. In April 2010 the Department of Education and the Department of Children and Families, informed the Panel that the final review and approval of the Memorandum of Agreement and the Education Practice

Manual by both Commissioners was postponed due to the federal requirement that New Jersey implement the educational stability elements of the federal Fostering Connections to Success and Increasing Adoptions Act.

In February 2010, bills were introduced in both the New Jersey Assembly and Senate to comply with the Fostering Connections Act. The bills establish the presumption that whenever the Division of Youth and Family Services (DYFS) places a child in a resource family home, the child shall remain in the school the child currently attends, pending a best-interest determination. The bills further set forth a procedure for making a best-interest determination for the purposes of deciding what school the child should attend while in a resource family home. The proposed bills also stipulate that in a case of a child placed in a resource family home, the district of residence shall be the present district of residence of the parent or guardian with whom the child lived prior to the most recent placement in a resource family home. Current law provides that the school district of residence is the district in which the resource family parents reside. By the time this report was released, the bill was passed.

The Official Response from the State to the Panel's recommendations included a response from the former Commissioners of DCF and DOE (who both left office in January 2010) that they had planned to use the MOA and Education Practice Manual as a vehicle to support the necessary collaboration, communication and school stability practices to fully realize the goals of the Fostering Connections to Success and Increasing Adoptions Act.

The Panel firmly believes there is no reason to delay the implementation of the MOA as it complements the requirements of the Fostering Connections to Success and Increasing Adoptions Act.

Recommendations for the Department of Education and the Department of Children and Families:

- ▶ Sign and implement the MOA.
- ▶ Present and explain the MOA to the County Superintendents and the DCF Division Directors and obtain local level agreements from each School District Superintendent and the DYFS Area Directors and local office managers.
- ▶ Implement training statewide.

DIFFERENTIAL RESPONSE (DR)

The Differential Response (DR) Initiative is operational, providing services to families in six counties; Camden, Cumberland, Gloucester and Salem counties since September 2007, and Middlesex and Union counties since March 2008.

The DR Initiative was launched to make services and support available to families where a report was made to the State Central Registry and was absent an allegation of child abuse and neglect. This route of response would also serve to limit unnecessary government intervention in family life. DR families would be engaged in a full assessment with a determination of what services were needed in order to strengthen and restore family stability. Calls to the registry that were referred to DR typically are from families, or on behalf of families, experiencing a range of challenges or stressful conditions that affect family stability, and may be positively addressed through a well-coordinated community-based support system.

In August 2009 the Panel made recommendations about DR that included:

- ▶ DCF should reconvene the Differential Response steering committee to provide oversight, community expertise and stakeholder input as the two new differential response sites are rolled out.
- ▶ DCF should make data regarding the Differential Response initiatives available on a quarterly basis to community stakeholders about specific outcomes being sought, trending being tracked, and data that is being gathered to assess DR operational success.

This year the Panel continues with persistent activities in order to be provided clear and substantive information regarding both data and meaningful and desired outcomes and measurements for both the state's vision for its Differential Response program and for its funded DR programs. This included the Panel's Chair meeting with former Commissioner Ricketts and former Acting Commissioner Rosenzweig as well as three full membership meetings with the former Commissioners and former Deputy Commissioner, John Ducoff. Despite these efforts, as of this writing, significant questions remain regarding efficiency and effectiveness of Differential Response due to lack of public data. In April 2010 the Panel received the required written response by the State to the Panel's Annual Report for 2009. DCF responded that the following performance based outcomes for the Differential Response Pilot Initiative were posted on the DCF website.

1. 75% of families participating will demonstrate their ability to manage their family plan.

2. 75% of children will live in the least restrictive setting that is most appropriate for their clinical needs.
3. 75% of children will improve or remain stable in their educational setting.
4. 85% of families will indicate that they are satisfied or very satisfied with the service provided to them by the program (Differential Response).
5. 65% of families will not have any substantiated allegations of child abuse and/or neglect within 12 months of completing services through the program (Differential Response).

DCF also reported that they were engaging in a two phase review of the Differential Response programs. Phase I involves reviewing the screening process for Differential Response cases to ensure the right cases are appropriately sent to DYFS or DR respectively. DCF is also planning a second phase which will focus on evaluating the programs' outcomes.

In this reply, reference is made of one desired outcome for DR to demonstrate impact on child abuse by the outcome measure that 65% of families will not have any substantiated allegations of child abuse and/or neglect within 12 months of completing services through the Differential Response program. There remains no discerning statements indicating if families had prior abuse reports or findings, or if this is for families never before in the system etc.

At approximately the same time the Official Response was released, the NJ Task Force on Child Abuse and Neglect and DCF's Division of Prevention and Community Partnerships issued the NJ Child Abuse and Neglect Prevention Plan 2010-2013. In the prevention plan, there is no mention at all of the desired outcome that abuse would be prevented in those families referred to a Differential Response program as referenced above by the State's Official Response.

On the state's DCF website there is now detailed information about performance based outcomes for almost every funded initiative and program under every division of DCF in one website area. It is difficult to find if there is reference or mention about DR.

DCF leaders, both in former Acting positions and former Commissioner role described that: data could not be released because it was under review; data did not focus on what the desired outcomes were beyond the initial funded agency baseline data expectation for start up of pilots; the DCF infrastructure was currently insufficient to be able to assess the appropriate tracking protocols to determine any substantive outcomes as they did or did not exist for DR; and/

or that internal review was continuing (more than 14 months at this time) and nothing could be shared with the NJCWCRP until the data and DR information was fully understood and clarified within DCF despite the clear federal and state legislative mandates that the NJCWCRP be provided with all data it needs and requests.

The Panel was persistent in its requests to DCF leadership to provide measurable outcomes for the Differential Response Initiative. At one point the Panel was told by DCF leadership that data could not be released without the permission of the federal monitor, however this fact was disputed by the federal monitor at a later meeting. Two additional requests for data and outcomes were denied.

The Panel believes that the DR initiative may be a critically important program that provides for and protects the children of New Jersey. The lessons learned and outcomes of this initiative will assist in determining the future direction of the state in providing services to families and children. The Panel believes that monitoring the DR initiative, and assessing the program's data and outcomes, is in accordance with its mandate to examine the practices, policies and procedures of State and local agencies; and to evaluate the extent to which they are effectively meeting their child protection responsibilities.

Recommendations to the Department of Children and Families:

- ▶ Include the Panel in activities to identify baseline benchmarks to measure the success of the DR initiative.
- ▶ DCF should reconvene the Differential Response steering committee, with broad public and advocacy representation, to provide oversight, community expertise and stakeholder input as the two new differential response sites are rolled out.
- ▶ DCF should make data and information regarding the Differential Response initiatives available on a quarterly basis to community stakeholders. This should include specific outcomes being sought, trending being tracked, and qualitative and quantitative information that is being gathered to assess DR operational success.
- ▶ Clarification should be made regarding the discrepancies noted above between the State's official response by DCF and the NJ Child Abuse and Neglect Prevention Plan.
- ▶ Information about DR should be included on the DCF website in the same manner and in the same area as DCF's other funded programs and their outcome parameters.

FUTURE DIRECTION

The Panel believes that a long range plan helps to organize efforts to carry out its mission. Many of the Panel's previous recommendations require ongoing follow-up and monitoring. In addition, many new areas warrant attention.

- ▶ Monitor the progress of the implementation of the recommendations as put forth by the Aging Out Survey.
- ▶ Obtain Differential Response data and information to examine progress of the Differential Response initiatives.
- ▶ Continue to monitor the Department of Education-Department of Children and Families' Memorandum of Agreement and affiliated documents as well as the implementation and impact of any relevant state legislation.
- ▶ Continue to monitor the State Central Registry including referrals to Institutional Abuse Investigative Units.
- ▶ Review and consider the Office of the Child Advocate's and Federal Monitor's reports regarding visitation to gather relevant data and develop recommendations for improvement, if appropriate.
- ▶ Develop understanding of trauma and resiliency philosophy to determine its applicability to future issues.

NJCWCRP MEETING DATES - 2010/2011

Meetings are held at:

NJ State House Annex, Committee Room 1

Trenton, NJ

9:30 a.m. - 12:00 p.m.

September 1, 2010 February 2, 2011

October 6, 2010 March 2, 2011

November 3, 2010 April 6, 2011

December 1, 2010 May 4, 2011

January 5, 2011 June 1, 2011

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