State of New Jersey
Office of the Child Advocate

Fiscal Year 2005 Annual Report

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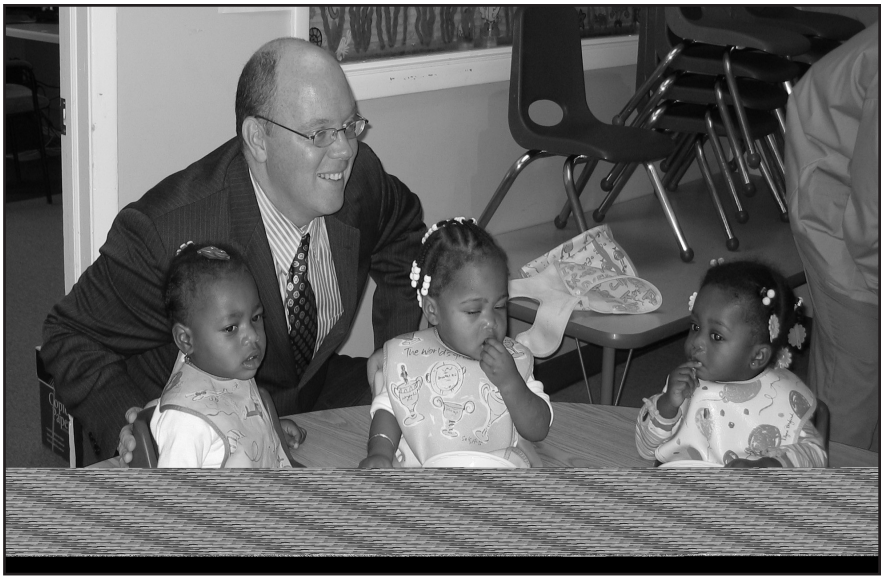
State of New Jersey
Office of the Child Advocate

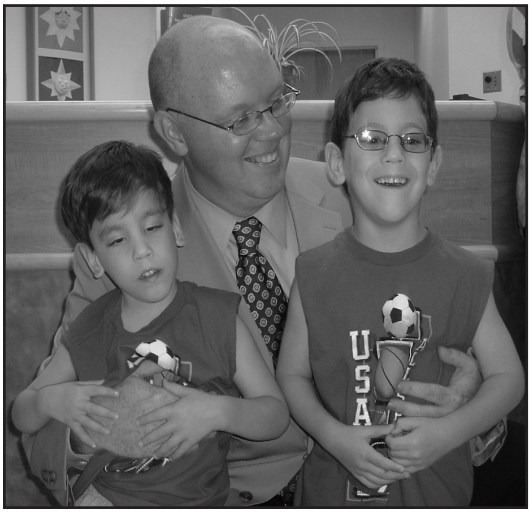
New Jersey's independent Office of the Child Advocate (OCA) was created by statute[1] on September 26, 2003 and is authorized to investigate, review, monitor and evaluate government responses to allegations of child abuse or neglect in New Jersey, and to make recommendations for systemic and comprehensive reform.



The OCA's jurisdiction extends to all public and private settings in which a child has been placed by a State or county agency or department, including but not limited to, juvenile detention centers, group homes, foster homes, residential treatment centers and shelters.

The OCA, which is classified by law as a child protective agency, has the authority to subpoena documents and testimony, to sue state government, and to conduct public hearings. As a child protective agency, the OCA is committed to tailoring its work to the needs of New Jersey's children and will adjust its priorities accordingly.

Kevin M. Ryan, Esq. serves as New Jersey's Child Advocate. The OCA employs 24 full time employees and seven part time employees. The agency has offices in both Trenton and Newark, New Jersey.



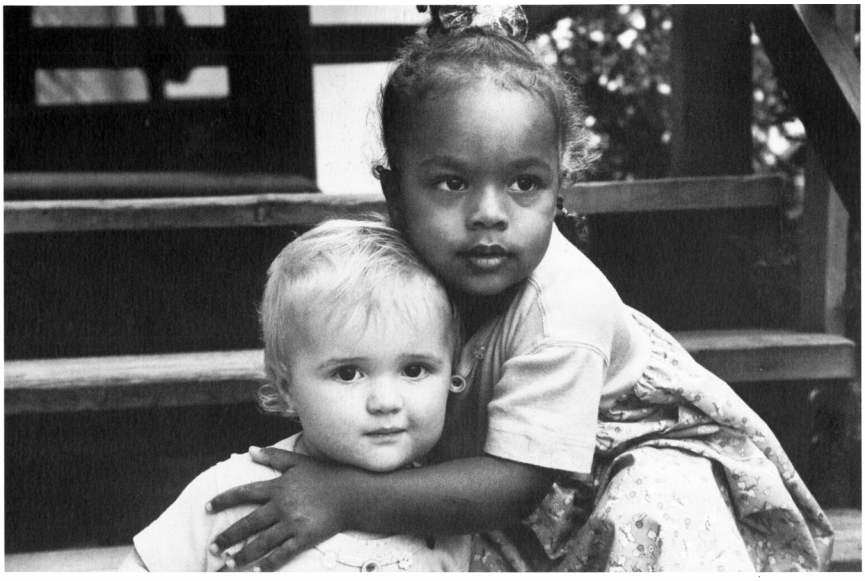
In July 2005, Acting Governor Richard J. Codey signed legislation re-establishing the Department of the Public Advocate, effective January 17, 2006. On that date, the OCA will be re-established within, but be independent of the supervision and control of, the Department of the Public Advocate. The new law charges the Public Advocate and the Child Advocate to work closely together in the public interest and to coordinate their efforts where appropriate.

Highlights of the Child Advocate's Work

During Fiscal Year 2005, the Office of the Child Advocate:

- investigated, monitored and advocated to end the illegal and inappropriate detention of hundreds of children awaiting mental health and child welfare placements throughout New Jersey;
- investigated and advocated to improve conditions for children in detention centers, particularly children with serious emotional disorders;
- completed and published a comprehensive annual case practice audit of the performance of the Institutional Abuse Investigation Unit (IAIU);
- successfully advocated for the elimination of the IAIU abuse or neglect investigation backlog;
- conducted and published an in-depth DYFS case file audit to assess how the health care needs of New Jersey foster children are being met;
- chaired an interagency subcommittee, which includes DHS, DYFS, the Administrative Office of the Courts (AOC), the Attorney General, the Public Defender and the Juvenile Justice Commission (JJC), established to monitor and facilitate reforms required under the Child Welfare Reform Plan with respect to judicial processes for achieving permanence for children in court;
- reported and made recommendations regarding the child welfare system's involvement with 15 families whose children died due to suspected abuse or neglect;
- partnered with the New Jersey Institute for Social Justice on an amicus brief before the New Jersey Supreme Court opposing the detention of status-offending children, a view the court adopted;
- successfully advocated to reduce DYFS' maximum response time for referrals of abuse or neglect from five business days to three calendar days;
- advocated to expand evidence-based primary prevention practices to prevent child abuse, particularly home visitation to new mothers;
- collaborated with the JJC and other State agencies in a national policy academy to review and improve the delivery of services to youth with co-occurring substance abuse and mental health disorders in the juvenile justice system;
- worked with the Attorney General's Office to develop new protocols for the coordinated response of child welfare officials and local police;
- advocated for evidence-based approaches to children's mental health treatment and services in New Jersey, including the continuation and expansion of existing pilot Multi-Systemic Therapy and Cognitive Behavioral Treatment in child sexual abuse programs in the State;
- successfully advocated to achieve a population limit at the Camden County Detention Center, which in August 2003 housed 131 children, in spite of a licensed capacity to serve only 37 children;
- researched and analyzed other states' efforts to improve health care access for children, particularly children at risk of abuse or neglect, as well as steps taken in those states to achieve administrative efficiencies, in order to advance efforts to conceptualize, draft and enact the Family Health Care Coverage Act of 2005, which dramatically expands health care coverage for poor families;
- collaborated with community-based advocacy organizations to prevent childhood lead poisoning, and successfully advocated to conform New Jersey's regulatory standards to national standards on lead levels warranting State intervention;
- advocated for higher rates of lead screening among children and expanded case management for affected children;
- advocated for children's access to Early Intervention Services;
- advocated for the enrollment of foster children into coordinated health care delivery systems and access to pediatric and specialty care providers;
- executed a binding settlement agreement with Bancroft NeuroHealth to improve conditions for children with developmental disabilities residing at the facility;
- monitored conditions for children living at the Arthur Brisbane Child Treatment Center;
- advocated to correct problems with the State's new centralized child abuse and neglect hotline; and
- extensively advocated on behalf of individual children identified through the OCA Helpline with agencies throughout state government.

Independent Monitor of the Institutional Abuse Investigation Unit



The OCA is mandated to "ensure the protection of children who are in an institution or in foster care by reviewing, evaluating and monitoring the operation and activities of the Institutional Abuse Investigation Unit [IAIU] in the [DHS]."[2] The IAIU investigates allegations of abuse or neglect within DYFS' own placements, which include private or public facilities, in or out of New Jersey, that provide children with out-of-home care, supervision or maintenance. The goals of the OCA's ongoing monitoring activities are (1) to monitor the screening of institutional abuse allegations; (2) to determine if the safety of children at risk of abuse or neglect has been secured at the termination of the investigation; (3) to ascertain if the investigative activities of the IAIU lead to safer out-of-home placements for the children of New Jersey; and (4) to identify out-of-home settings where children are potentially at risk.

The OCA has undertaken a multi-faceted approach to achieve these goals, including:

- reviewing allegations of harm referred for investigation to IAIU on a daily basis and the resulting investigative reports prepared by the IAIU. During FY 2005, the OCA reviewed more than 2100 IAIU daily referrals;[3]
- conducting quarterly reviews of all IAIU referrals involving facilities to assess patterns or trends of potential abuse or neglect, requiring follow-up discussions with DHS, IAIU or an independent investigation; and
- undertaking a comprehensive annual audit of the IAIU's overall performance as an investigative body charged to keep children safe.

The OCA's review of daily referrals to IAIU aims to ensure that the DYFS state centralized hotline has appropriately coded the allegations for a timely field response, and to ensure that investigations into the most serious allegations are initiated by IAIU immediately.

On February 3, 2005, the OCA issued its first IAIU Monitoring Report.[4] The audit was designed to: (1) describe the characteristics of reports of alleged child abuse or neglect in out-of-home care in New Jersey, (2) assess whether the decision-making related to required investigative procedures was formed with reasonable professional judgment and (3) describe the investigative response to the reports.[5] The OCA selected 161 cases to review, from a sample of 1,613 referrals meeting the review criteria.[6] ***(continued)***

Independent Monitor of the Institutional Abuse Investigation Unit *(continued)*

Based on the IAIU audit, the OCA made the following findings:

- of the 131 completed investigations, the OCA concurred with the IAIU's conclusions in 77.8 percent and disagreed in 22.2 percent;
- the IAIU did not initiate its investigations within the designated response time in 50.3 percent of the investigations;
- less than one-third (30.1 percent) of the investigations were concluded within the 60 days allotted in agency policy;[7] and
- the audit found no evidence of a completed background (CARI) check[8] in the IAIU files for 108 of the 199 alleged perpetrators.

In light of its findings, the OCA made the following recommendations to DHS:

- DHS should fully implement the IAIU hiring plan promised in connection with the overall Child Welfare Reform Plan;
- DHS should establish protocols to ensure that each alleged perpetrator identified during the course of the investigation is the subject of a documented CARI check;
- continuous quality improvement measures should ensure that a CARI check is conducted on every alleged perpetrator and the collected information should be integrated into the overall assessment of the alleged perpetrator and his or her role in the presenting incident;
- DHS must develop a plan to remediate the existing backlog of IAIU investigations and establish procedures to minimize accrual of backlog in the future.

On April 8, 2005, DHS submitted a Corrective Action Plan (CAP) in response to the OCA's February 3, 2005 report. In its CAP, DHS noted that: (1) the Child Welfare Reform Plan allocated 20 investigator positions, 16 of which had already been hired and the remaining four would be hired by June 30, 2005; (2) supervisors must verify that CARI check information is included on the Statewide Central Registry's response report prior to the initiation of the field investigation; (3) beginning May 1, 2005, supervisors would document verification of the CARI check in the appropriate section of the investigative process checklist; (4) a plan had been developed to eliminate the existing backlog of overdue reports by October 2005; and (5) the Office of Program Integrity and Accountability was in the final stages of preparing IAIU to fully implement the DHS Continuous Quality Improvement model customized for the unit, which was anticipated to become operational on July 1, 2005.

Adrienne Bonds, Esq. and Arburta E. Jones, M.P.A.
Lead Staff of IAIU Monitoring

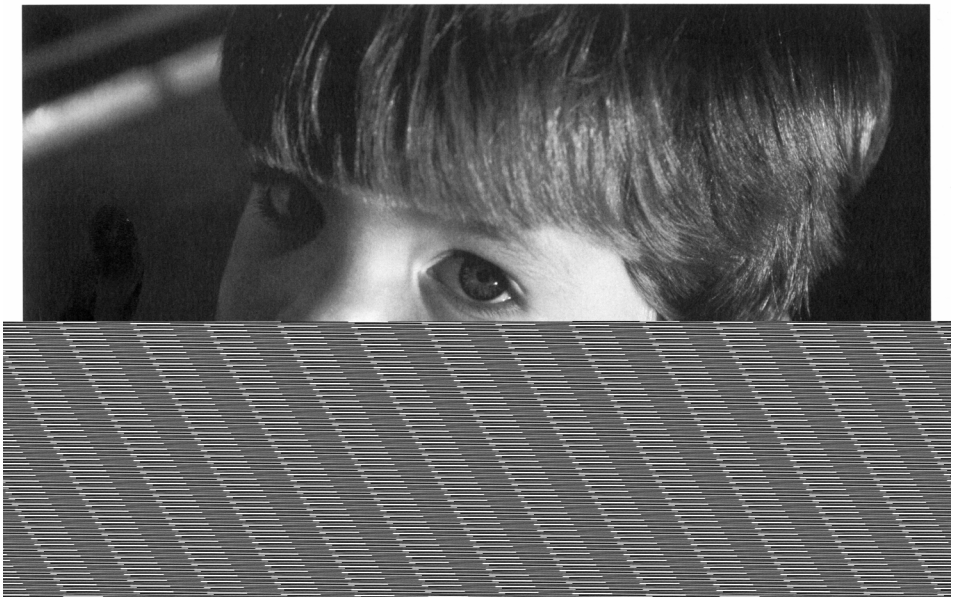
The OCA will conduct its second annual audit of IAIU in Fall 2005, drawing for its sample referrals made to IAIU between January 1, 2005 and April 30, 2005 and their findings, in order to assess the impact of reforms undertaken to date. The audit will focus on referrals of alleged incidents of child abuse or neglect in resource family and congregate care settings.

The Child Advocate Helpline

877-543-7864

The OCA Helpline fields individual complaints regarding government responses to allegations of harm to children at risk of abuse or neglect in the child welfare (protective, placement and permanency services), mental health, developmental disability or juvenile justice systems. The OCA investigates complaints that meet the following criteria:

- the complaint presents facts alleging that a child's well being is at stake;
- no child advocate or legal representative exists in the case to specifically represent the child's interest (if action or inaction of the child advocate or legal representative is part of the complaint, the criterion does not apply);
- the complaining party has exhausted other formal avenues of relief; and
- the complaint sets forth facts which, if true, demonstrate that an issue or case was "mishandled", *i.e.* relevant laws and agency policies and procedures were not followed or are inadequate.



During FY 2005, the Helpline responded to nearly 1,100 new requests for assistance, almost 80 percent of which came from callers to the OCA toll-free number, 877-543-7864. In addition, the Helpline received hundreds of letters and e-mails from parents, extended family members, teachers, law guardians, prosecutors, and other advocates. The vast majority of those contacting the OCA sought intervention with DYFS on a child's behalf. These matters involved concerns with DYFS' State Centralized Registry hotline; placement goals for children and delays in reunifying children with their parents; the need for children to receive adequate services; and delays in processing adoptions. In addition, the public contacted the Helpline for assistance with children's mental and behavioral health issues; education matters, such as obtaining services for children with special needs and children victimized by bullying behavior; disability issues; juvenile justice issues; and assistance in accessing New Jersey FamilyCare, the State's federally-subsidized health insurance program for the working poor.

Acknowledgments

COLLABORATING ORGANIZATIONS AND AGENCIES

Action for Child Protection's National Resource Center for Child Protective Services • Administrative Office of the Courts • Alliance for the Betterment of Citizens with Disabilities • American Academy of Pediatrics • Antipoverty Network of New Jersey • Arc of New Jersey • Association for Children of New Jersey • Audrey Hepburn Children's House • Boggs Center at UMDNJ • Catholic Charities • Child Abuse Research, Education and Service Institute at UMDNJ • Children's Futures • Children's Rights, Inc. • Children's Specialized Hospital • Center for Children's Support at UMDNJ • Center for the Study of Social Policy • Chapin Hall • Court Appointed Special Advocates • Covering Kids Coalition • Education Law Center • Empire State Coalition • Dorothy B. Hersh Child Protection Center • Family Service Association of New Jersey • Foster & Adoptive Family Services • Garden State Coalition for Youth & Family Concerns • Governor's Juvenile Justice & Delinquency Prevention Committee • Jersey Shore University Medical Center • Latham & Watkins, LLP • Legal Services of New Jersey • Mental Health Association in New Jersey • Montclair State University Center for Child Advocacy •

Multi-Disciplinary Team Coordinators Association • National Association of Social Workers NJ Chapter • National Center for the Prosecution of Child Abuse • National Children's Alliance • Newark Beth Israel Medical Center • New Jersey Association of Children's Residential Facilities • New Jersey Association of Mental Health Agencies • New Jersey Battered Women's Coalition • New Jersey Child Welfare Panel • New Jersey Council of Teaching Hospitals • New Jersey Division of Medical Assistance & Health Services Lead Activities Work Group • New Jersey Department of Health & Senior Services • New Jersey Department of Human Services • New Jersey Department of Law & Public Safety • New Jersey detention administrators & social work staff • New Jersey FamilyCare Work Group • New Jersey Hospital Association • New Jersey Institute for Social Justice • New Jersey Juvenile Detention Association • New Jersey Juvenile Justice Commission • New Jersey Legislature • New Jersey Office of the Public Defender • New Jersey Protection & Advocacy, Inc. • New Jersey Task Force to Prevent Abuse & Neglect • New York Permanent Judical Commission on Justice for Children • Northeast Regional Children's Advocacy Center • Prevent Child Abuse NJ Chapter • Princeton University Bendheim Thoman Center for Research on Child Wellbeing • Rutgers Law School Special Education Law Clinic • Rutgers University Center for Children & Families • State Interagency Coordinating Council • Statewide Parent Advocacy Network • University of Maryland • Violence Institute at UMDNJ • Yale University Child Study Center • Youth Consultation Services Center for the Prevention of Violence • Youth Consultation Services Institute for Infant & Preschool Mental Health •