

The Challenge of Keeping Children Safe

Outrage. That is the reaction of New Yorkers in January 2006 at news of the murder in Brooklyn of seven-year-old Nixzmary Brown at the hands of her mother and stepfather. As details of her tortured life and death emerged, response in New York City and across the state was immediate. The second-grader's death prompted immediate reforms in the State's child welfare system, including the infusion of financial resources to enable local child welfare districts to provide additional services, more workforce training, improved child advocacy centers, and increased staff to respond to calls made to the State Central Register (SCR). New laws passed that increased the number of mandated reporters and gave workers further authority to investigate allegations. No one wanted another child to die.

The question to ask now is, "Have we made things better for children and their families?" Some of the reforms offered much needed support to families, while others were more punitive to families and child welfare staff. In the intervening years, calls made to the SCR rose, more children were removed from family and placed in foster care, and child deaths continued. The tragic fact remains: we can not prevent all child deaths no matter how we try. This is hard to accept. On the other hand, much can be done to improve children's lives.

The Child Welfare System

Children who come to the attention of the child welfare system are from New York's most vulnerable families. Often these families cannot make ends meet or take care of their children the way they would like. They lack supports and resources. They are most often working, but still unable to get by. Outcomes for children removed from their homes and placed in foster care, in particular, are not good. They suffer Post Traumatic Stress Disorder at a rate higher than war veterans, are more likely to become involved with the juvenile justice system; they drop out of school at a higher rate than non-foster care youth, and are at great risk of becoming disconnected from school and work.

The term, "Child Welfare", refers to child protective, preventive, foster care and adoption services. The New York State Office of Children and Family Services, the 58 local social services districts and a network of not-for-profit organizations are charged with keeping children safe, providing them permanency, and supporting their well-being: The Child Protective System (CPS) has responsibility for investigating reports to the SCR that are accepted, determining if the report is "indicated", meaning that abuse or neglect has taken place, and determining if a child is safe or at risk of harm. Case determination must be made within 60 days. Child protective staff work with families to provide links to services and follow-up. Many families need financial support to meet their children's basic needs for food, clothing and shelter. Other families need mental health services, parenting education, and/or alcohol or substance abuse treatment. Many need a combination of these.

When a child must be removed from the home, CPS staff petition Family Court for permission to do so. If removed, a child enters foster care and the custody of the commissioner of social services. A foster care placement may be made with a child's relative, with a foster family, or in a residential facility. Placement with a relative is preferred, but sometimes a willing family member cannot financially afford to take a grandchild, niece or nephew into care. It is very important that a child be placed with his or her siblings in order to keep as much of the family intact as possible. While in foster care, a child and his or her family will likely receive services. Ongoing and regular child-parent visits are important to meeting a reunification goal.

After 22 months, the local district must determine whether or not a child can safely return to his or her family or should be freed for adoption. Post-adoption services may still be required to support the new family. Scant post-adoption funds are available to supply services, especially for children and youth with special needs.

Unfortunately, many older youth are never adopted. In past, once these youth exited foster care at age 18, they were entirely on their own. Recently, the needs of youth aging out of foster care began to gain attention, as child experts recognize young people's needs for continued support and a permanent connection, if not adoption, to a positive adult. The 2008-09 Budget extended Medicaid eligibility for foster care youth from age 18 to age 21, a vital first step. This population also needs help achieving a college education and safe housing. Some may need to return to foster care after they have been on their own for awhile.

In 2007, lawmakers passed legislation that allows counties to pilot a new approach to responding to reports of child maltreatment. By January 2009, six local services districts will implement the Family Assessment Response (FAR), sometimes referred to as alternative response or dual track.

In these counties, CPS staff will assess the seriousness of every maltreatment report and how best to respond using either a traditional child protective investigation or FAR. A serious case will receive a full investigation; the allegation will either be indicated or unfounded, and family members may or may not receive follow-up. This type of case can lead to services, family court, and/or removal of the child from the home. When a case is assigned to FAR, the family will receive an assessment and be linked to tailored services. A case may be switched to the other "track" at any time, depending upon circumstances. Research findings from other states that offer this alternative approach are very positive. Results from Minnesota suggest such a response leads to:

- fewer subsequent child maltreatment reports
- more positive family attitudes
- more positive caseworker attitudes
- increased, speedier services to families
- less staff time, and therefore cost-savings over time

New York State's child welfare financing law, which will sunset in June 2009, contains three components:

- a capped foster care block grant
- reimbursement for all other child welfare services at 65% state share and 35% local share, including Community Optional Preventive Services (COPS)
- creation of a Quality Enhancement Fund to increase the availability and/or quality of services for children and their families

In the 2008-09 Budget, the 65/35 share was cut; the state currently contributes 63.7%. Local districts must come up with the extra 1.3%. COPS spending represents about 2%, or nearly \$30 million, of the \$1.2 billion available. COPS is particularly valuable in the provision of wrap-around services and for services to children and families not known to the system, in school, mental health, and other settings. Home visiting is one example of an evidence-based, child abuse and neglect prevention program funded with COPS and 65/35 dollars. For information about home visiting programs go to these links:

<http://www.wcpca.nw.gov/documents/evidencebasedhvprograms5-24-07.doc> and
http://www.scaany.org/documents/home_visiting_white_paper.pdf.

Child Welfare Facts from 2006

- The State Central Register received over 280,000 calls, of which 157,000 reports were accepted for investigation of maltreatment. This represented a 14% increase from 2005. 33% of the reports were indicated, meaning that the allegation took place.
- 67%, or over 100,000 reports, were determined to be unfounded, meaning maltreatment did not take place.
- There was a 2.2% increase in the number of children placed into foster care, the first increase since the mid-90s. A total of 27,000 children were in foster care, 13,600 of whom were admitted in 2006. Seven thousand of these children needed an adoptive home.
- African-American children, in particular, are overrepresented in the child welfare system. A higher percentage are reported and removed from home and placed in foster care. They remain in foster care longer than white children.
- 2,600 children were adopted.

Recommendations to Improve New York's Child Welfare System

Extend the current Child Welfare Financing Law until 2012

New York State's Child Welfare Financing Law, which sunsets in June 2009, should be extended to 2012. An extension will allow time for evaluation of many new initiatives launched in the past two years by the New York State Office of Children and Family Services and the Administration for Children's Services in New York City. The evaluations will provide important information on outcomes and recommendations to inform any revisions to the financing law.

Restore 65/35 state/local funding for child welfare, including COPS programs and services

Early preventive and intervention services are essential to keep children and their families from entering the child welfare system in the first place. Although proven, evidenced-based practices in child maltreatment prevention are available, our State lacks the funding to bring them to scale. Once families are involved in CPS, they should be linked to tailored services of sufficient intensity and duration to improve outcomes for their children. These include: safe housing; alcohol and substance abuse treatment; mental health services; and, parenting education, among others. Absent that, families will continue to struggle and cycle through the child welfare system repeatedly.

Offer subsidized guardianships for kinship providers

When children are removed from their homes, the first placement option should be with an appropriate family member. While relatives are often interested in caring for a grandchild, niece or nephew, they may simply lack the financial resources to do so. Federal legislation, signed into law this fall, allows states to use federal Title IV-E funding to support subsidized guardianships.

Offer tuition assistance and other support to youth aging out of foster care

Attention must be paid to the needs of foster care youth who exit the system without a permanent home. They are most likely to exit without making a successful transition to adulthood and, therefore, continue to need support – in applying to college, tuition assistance, housing subsidies--beyond age 18.