

# REPORT OF THE INTERAGENCY TASK FORCE ON CHILD WELFARE AND SAFETY



**CITY OF NEW YORK**  
MICHAEL R. BLOOMBERG  
MAYOR

**OFFICE OF THE DEPUTY MAYOR  
FOR HEALTH AND HUMAN SERVICES**

LINDA GIBBS  
DEPUTY MAYOR FOR HEALTH AND HUMAN SERVICES

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LESLIE CORNFELD  
DIRECTOR, INTERAGENCY TASK FORCE

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# **INTERAGENCY TASK FORCE ON CHILD WELFARE AND SAFETY: Findings and Initiatives**

## **EXECUTIVE SUMMARY**

On January 24, 2006, Mayor Michael R. Bloomberg announced a series of new initiatives to strengthen the City's response to child abuse and neglect, including the creation of an Interagency Task Force on Child Welfare and Safety, under Deputy Mayor for Health and Human Services, Linda Gibbs. Following the tragic death of seven-year-old Nixzmary Brown, he charged the Task Force with examining where the systemic break downs occurred in the City agencies' response to the events leading to Nixzmary's death -- and to determine how those systems could be strengthened to better protect the children of our city.

This report details the Task Force's findings to date -- and the host of initiatives that are being immediately implemented as a result of those findings. The agencies primarily responsible for implementing these initiatives are the Administration for Children's Services (ACS), the Department of Education (DOE), the New York City Police Department (NYPD), as well as other agencies set forth herein.

### ***Scope of Task Force's Mandate:***

The two areas the Task Force was asked to evaluate involve the partnerships between child welfare and the school system, and child welfare and law enforcement. Following the death of Nixzmary Brown, it was learned that her school had filed abuse and neglect reports before her death, and that she had missed 46 days of school without those absences having triggered sufficient actions by ACS.

Moreover, despite the seriousness of the allegations reported in her case, ACS did not formally classify it as what is known as an "Instant Response Team" case for severe abuse allegations. Consequently, a joint response by ACS and the NYPD was not initiated.

Given these breakdowns, coupled with the approximately 50,000 reports of child abuse and neglect reported in New York City last year, the Mayor directed the Task Force to initially examine the following two areas:

- (1) whether school absences rising to a level of Educational Neglect, are being handled as effectively as possible by the Department of Education, the Administration for Children's Services and other agencies in identifying and investigating suspected abuse and neglect; and
- (2) whether the current program for investigating cases of severe child abuse and maltreatment, known as the Instant Response Team (IRT) protocol, which mandates a prompt, joint response by the New York City Police Department and

ACS to ensure both the protection of the child with minimal trauma, and successful evidence gathering, is operating in the most effective manner possible to protect those children.

Additional areas the Task Force will be examining going forward include the medical/hospital response to child abuse and neglect, the role of Family Court, and other related issues that have been raised by members of the Task Force in connection with their agencies.

***Investigative Efforts:***

Over the past two months, the Task Force has conducted an extensive outreach and investigative effort in response to its mandate, including:

- interviewing and speaking with over one hundred people from all levels of responsibility within the City's child welfare system, education department and law enforcement -- from Commissioners, senior staff advisors, and caseworkers, to police detectives, prosecutors and school principals;
- conducting field visits to learn first hand about the operation of the systems being examined, including an ACS field office, District Attorney Child Abuse bureau, NYPD Special Victims unit, Child Advocacy Center and regional school office;
- conducting analysis and assessments of performance data available from the agencies over the past five years, some of which had never previously been tracked or reviewed;
- conducting case file reviews of IRT cases to better understand current practices in the field;
- reviewing training materials, videos, handbooks and other materials used by the agencies to train their employees in the areas evaluated;
- reviewing current agency internal policies, procedures and protocols, as well as state and city regulations and guidelines impacting the areas evaluated;
- reviewing numerous related studies and reports that had been issued by the City and elsewhere over the past several years;
- researching models for handling excessive absences/educational neglect in other large metropolitan cities in the country; and
- conducting a series of test-calls to the statewide central hotline for child abuse, known as the State Central Register (SCR), to assess how calls are handled for different types of abuse and neglect reports.

Various agencies participating on the Task Force provided invaluable insight and assistance: ACS, NYPD, DOE, Office of the Criminal Justice Coordinator, Health and Hospitals Corporation, Department of Housing Preservation and Development, Department of Probation, Fire Department and the Department of Investigation.

### ***Findings:***

Overall, the Task Force found in both areas of inquiry that although effective coordination and partnership between ACS, NYPD, DOE and other agencies was recognized as vital to ensuring the safety of children, these partnerships need to be strengthened. It also found that the internal systems for tracking and monitoring agency performance in handling both areas reviewed are in need of improvement to better assess, identify and, when appropriate, modify practices. The general findings for each area follow.

### ***Educational Neglect:***

- While DOE has an excellent attendance tracking system, the information could be better used to help DOE and other agencies identify and report in a timely manner suspected educational neglect of children in school -- which is particularly critical since educational neglect can be an indicator of abuse or neglect at home.
- While DOE policies mandate designated school personnel to investigate excessive student absences that could constitute educational neglect, these investigations had no time limits, thus weakening the safeguards for children potentially at risk.
- The documentation of home visits, contacts, witness statements, and other materials collected by DOE personnel in the course of their excessive absence investigation is crucial to provide to ACS for its Educational Neglect investigations. Although informal DOE guidelines exist for documenting such material, no effective process exists for collecting and transferring that information to ACS; accordingly, crucial information can be easily lost resulting in unnecessarily delayed investigations.
- ACS staff who try to contact the school to interview the report source, or to obtain necessary records, are not always able to get the person or information needed, thus jeopardizing the ACS investigation. Similarly DOE staff who try to contact ACS to follow up on reports and provide additional information on a specific case are not always able to reach someone. Better liaisons between local schools and field offices are needed going forward.
- The standards governing when the State can accept a report of educational neglect must be clarified. Specifically the SCR must have clear guidelines

stating that a mandated reporter does not have to prove “actual educational harm” to the student before filing a report for unexplained, excessive absences as long as such harm can be reasonably presumed -- thus eliminating a hurdle in reporting Educational Neglect to the SCR.

- The difficulties of investigating educational neglect and other abuse cases reported by the schools are heightened when the investigating agencies arrive at the school and the source of the report has departed for the day, leaving no contact information and thus no opportunity to discuss the critical details of the case with the mandated reporter who was the source of the report.
- The ACS education units, which are responsible for investigating cases of educational neglect, must have uniform criteria for assigning and investigating educational neglect cases.
- ACS’s tracking of the quality of its educational neglect investigations, including the dispositions and the bases for its unsubstantiated/unfounded closings, must be strengthened. Moreover, ACS must clarify that in investigating reports of educational neglect, a case should not be closed as unfounded when the absences being investigated were unjustified and otherwise constituted educational neglect, simply because a student returned to school during the investigation.
- Coordination between DOE and ACS could be improved in the areas of information sharing, open case assessments, and in offering and monitoring service and other intervention plans at both the local and regional level; DOE school personnel who report suspected abuse and neglect are not always apprised of the status of the investigation of students for whom they made an abuse and neglect report.

### ***IRT Protocol and Related Areas:***

The Task Force found that almost all agencies reported that the IRT protocol had significantly improved coordination among the agencies since its inception in 1998. It also found that over the past years the IRT protocol in practice does not always conform to what was designed -- and that the objectives of the IRT program can best be achieved through the initiatives set forth herein. The Task Force’s findings include:

- Although there is a formal IRT protocol, the process for alerting ACS or the NYPD that either agency has initiated an IRT must be strengthened to eliminate confusion about whether an IRT has been triggered by either agency – and thus whether a joint response, or any response, is required.
- Following the initiation of an IRT, lines of responsibility about case assignment, follow-up, and joint responses must be strengthened. In addition, when an IRT is

triggered by NYPD, ACS is not always notified by NYPD in a timely manner, which can compromise the joint response objective.

- ACS must more consistently contact the source of abuse/neglect reports immediately upon receipt of the report, as is currently required, to avoid compromising its ability to immediately assess risks, make appropriate referrals and IRT classifications, and respond promptly.
- The contact information obtained for mandated reporters who file reports with the SCR is often limited, making prompt communication with them by ACS and the NYPD difficult, particularly when they have left a location because their shift has ended. Investigations could be strengthened if the SCR obtained better contact information, and mandated reporters were encouraged to provide it so that ACS and NYPD could immediately communicate with the source of the abuse report.
- Mandated reporters at hospitals, pediatricians' offices, schools and elsewhere, who are required by law to report suspected abuse and neglect, do not always report abuse and neglect in a timely manner. This prevents prompt and effective responses by ACS, NYPD and other agencies, and can eliminate the opportunity for gathering the information and evidence necessary for the protection of the child.
- At the precinct level, no single officer has responsibility for child abuse/neglect issues as it is divided among personnel at the precinct, which has resulted in less effective coordination among the agencies for certain matters. The need for clearer coordination among the agencies, and a designated precinct coordinator for child abuse matters at the precinct level, will improve this situation.
- ACS's response in IRT must be strengthened. The IRT coordinators have multiple other responsibilities, which exacerbates coordination and response problems in the field.
- ACS's investigative capacities should be strengthened both at the CPS worker and supervisory levels, this should include for example, ensuring that all efforts are made to contact the source of an allegation directly, that all efforts are made to gain entrance into a home for home visits, including when entrance is refused by a subject parent, and when such entrance can only be obtained by a warrant and entry order.
- Child Advocacy Centers (CAC) provide invaluable services in child abuse cases to the child, and to child protection workers and law enforcement, but their hours of operation and staffing are not always consistent with the needs of these cases, including the hours of highest case volume, limiting their availability in IRT and other cases.

- Because of the limitations imposed by the CAC's availability, they are being under utilized by child protection staff and law enforcement for interviews and medical exams. ACS statistics indicate that in 2005, the initial IRT case interview took place at a CAC in only 19% of all cases; the initial medical exam in an IRT case took place at a CAC in only 12% of all cases. The numbers were roughly the same for 2004 and 2003.
- While there have been some improvements in information sharing over the past years, more is needed to enable law enforcement and child protection staffs to share data to enhance their own information resources and investigative abilities.
- The internal tracking of basic performance data on the IRTs by the agencies was limited (in some instance because the necessary data was unavailable) making it difficult for the agencies to have regularly performed any reasonable or reliable monitoring of their own performance in certain critical areas.

### **Task Force Initiatives:**

The initiatives that the Task Force is announcing herein are designed to enhance the identification and investigation of suspected child abuse and neglect by strengthening practices at ACS, the schools and NYPD. Built into these initiatives are mechanisms for holding the agencies accountable for their performance through regular tracking and reporting of their performance -- which was not consistently done until now -- to interagency reviews and assessments of the protocols and practices.

Implementation of the initiatives set forth herein is to commence immediately.

### ***Educational Neglect: Selected Initiatives***

The following are a sampling of the Task Force initiatives that will be implemented to improve the systems for identifying, reporting and investigating possible educational neglect. The details of these and additional initiatives in this area are set forth in Section II of this report.

- Mandating specific time frames for DOE investigations of excessive student absences to expedite their identification of suspected educational neglect and the reporting of cases to the SCR when appropriate.
- Creating a weekly DOE *School Absence Alert* to be automatically generated for each school to notify school staff and principals when a student has had an excessive absence investigation open in that school for more than ten (10) days.
- Mandating that monthly reports be produced and submitted by the Regional Attendance supervisors to the DOE Director of Attendance, and the Mayor's Family Services Coordinator, detailing specific information on excessive student

absences in each school to enhance tracking, monitoring and oversight of school performance in handling excessive absences.

- Obtaining clarification from the SCR and ACS on the scope of what constitutes Educational Neglect and what needs to be established for the State Central Register to accept such a report – including clarifying that the SCR will accept cases of educational neglect “even when no actual academic harm is claimed” as long as it can be reasonably presumed.
- Clarifying ACS practice guidelines on educational neglect cases to ensure that cases of educational neglect that would otherwise be substantiated are not instead closed as “unfounded” simply because the student has since returned to school.
- Increasing information sharing between ACS and DOE on open investigations to enable ACS to gather more information about the student and to provide feedback to the DOE on the investigation and its outcome.
- ACS requesting that the SCR request additional contact information from mandated, and other, reporters whenever possible, including cell phone numbers, to enable ACS and other agencies to contact the reporters who leave their employment or location prior to ACS or NYPD’s arrival.
- Creating education liaisons for DOE in all ACS field offices, and a similar liaison at every school for ACS, to facilitate communication regarding suspected abuse and neglect of a student, preventive or other service plans, and to strengthen the working partnerships between the agencies at the local level.
- Increase ACS and DOE collaboration on open child protective cases through meetings between school staff at schools.

***IRT and Related Areas: Selected Initiatives:***

*Law Enforcement:* In the law enforcement area, the major initiatives that will be implemented include:

- Assigning a full-time NYPD supervisor to ACS headquarters to help coordinate and strengthen ACS-NYPD joint efforts;
- Redesigning the system for initiating, documenting and tracking IRT cases at the NYPD and ACS to ensure prompt and effective responses to severe child abuse cases and eliminate confusion as to whether an IRT has been triggered by either agency;
- Creating a centralized intake and communications hotline at NYPD for IRT cases, and ACS requests for assistance, that will be answered by personnel



assigned there on a 24 hours, 7 days a week basis; this hotline will expedite ACS and NYPD responses and coordination;

- Designating a supervisor in each precinct as the point of contact for child abuse/neglect matters to enhance responsiveness and coordination at the local level;
- Expanding training regarding child abuse and neglect within the NYPD, including training on the IRT protocol, and on promptly notifying ACS upon the NYPD's triggering of an IRT through the ACS IRT hotline.

*Administration for Children's Services:* In coordination with the above, ACS's initiatives that will be implemented include:

- Strengthening ACS's investigative capacity to identify and investigate IRT and other cases by the appointment of a former law enforcement officer as the ACS Senior Advisor for Investigations;
- Hiring and assigning twenty (20) former law enforcement officers to ACS's field offices to serve as investigative consultants, and to enhance investigatory training and practices in child protective field offices;
- Mandating that ACS expedite certain investigatory practices, including reinforcing the requirement to contact the source of an abuse/neglect report within 24-hours of receiving the report, to determine the severity of the report and ensure that IRT classifications and other referrals are appropriately made;
- Strengthening and formalizing the IRT notification process between ACS and the NYPD after an IRT is triggered by either agency, consistent with the NYPD plan above;
- Enhancing training on IRT protocols and investigatory techniques throughout ACS;
- Commencing joint training with ACS and the NYPD to better educate both agencies going forward and facilitate stronger working relationships;
- Formalizing regular interagency meetings to assess the effectiveness of the IRT protocols and other joint practices set forth herein;
- Issuing and updating directives to enhance ACS's ability to obtain and execute Warrants and Entry Orders, including by mandating when CPS workers and ACS legal staff must attempt to immediately obtain warrants and entry orders, and by utilizing the NYPD's newly created centralized ACS hotline to obtain prompt police assistance in executing them when ACS determines such assistance is necessary;

- Strengthening ACS's access to data that will enable case workers to have a broader range of information about families under investigation, and thereby enhance and expedite safety and risk assessments and necessary investigatory steps.

*Other:* Other initiatives recommended include:

- Enhancing training for hospital/medical mandated reporters to ensure that they know how to identify and report severe abuse and neglect cases; and
- Mandating the increased use of the child-friendly Child Advocacy Centers whenever possible by ACS, the DAs, NYPD and other relevant agencies.

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The Interagency Task Force will hold bi-weekly Implementation Assessment Meetings with senior representatives of the relevant agencies to assess the implementation of these policies and practices for that period, review the latest performance reports of each agency, and modify practices as needed to achieve the critical objectives set forth herein.

What follows is a more detailed discussion about the Task Force's analysis and initiatives for improving the protection of our City's children in the areas examined.

## Section II

### TASK FORCE INITIATIVES ON EDUCATIONAL NEGLECT

#### ***Overview and Standards:***

Educational Neglect is defined as “the failure of a person in a parental relation to a child to ensure that child’s prompt and regular attendance in school or the keeping of a child out of school for impermissible reasons.” The Office of Children and Family Services (OCFS) has provided additional guidance for schools and others on what constitutes educational neglect for purposes of filing an abuse and neglect report with the State Central Register – which is the statewide number where all reports of child abuse and neglect must be made. The OCFS Policy Statement provides:

Three things are needed for a report of educational neglect:

- reasonable cause to suspect that the parents are aware or should have been aware of the illegal absenteeism;
- reasonable cause to suspect that the parents have contributed to the problem or are failing to take steps to effectively address the problem (in other words, failure to provide a minimum degree of care); and
- reasonable cause to suspect educational impairment/harm to the child or imminent danger of impairment/harm.

*(OCFS, Educational Neglect Policy Statement, September 2000)*

Because “educational impairment/harm” can be difficult to prove in these circumstances, OCFS has stated that this harm can be presumed if another child in that situation would be educationally harmed. Although the OCFS policy statement stated that this harm could be presumed, the Task Force found that there was confusion over this point in practice among those who had to make determinations of educational neglect, including at ACS, DOE and even the SCR hotline.

Accordingly, the Task Force has sought and obtained clarification from OCFS that harm need not be shown to satisfy the standards for reporting educational neglect, as long as a typical student in that situation would be educationally harmed. As part of the Task Force initiatives, this clarification will be provided to relevant ACS and DOE staff.

### Reporting Data:

For fiscal year 2005, there were 47,645 reports of abuse and neglect filed with ACS – involving 73,986 children. These numbers have been fairly consistent over the past five years with a slight decrease in the number of reports, as indicated below.

#### Abuse and Neglect Cases (2001- 2005)

Year	Number of Reports	Number of Children in Reports
2001	56,741	89,198
2002	55,690	87,368
2003	52,768	81,418
2004	48,869	76,462
2005	47,647	73,986

Source: NYS OCFS Connections Data

For the past five years, educational neglect has constituted approximately 8% of the total allegations of abuse and neglect filed with ACS, as the table below indicates. Last year, for example, the 47,647 reports of alleged abuse and neglect contained 151,886 separate allegations. Of these, 13,090, or 8.6% were educational neglect.

#### Count of Abuse/Neglect By Allegation (2001 - 2005)

Allegations	2001		2002		2003		2004		2005	
	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total
Physical Abuse	28,973	15.4%	23,167	13.7%	23,146	14.0%	22,025	14.1%	19,137	12.6%
<b>Educational Neglect</b>	<b>15,158</b>	<b>8.1%</b>	<b>13,605</b>	<b>8.0%</b>	<b>13,359</b>	<b>8.1%</b>	<b>12,780</b>	<b>8.2%</b>	<b>13,090</b>	<b>8.6%</b>
Lack of Medical Care	5,921	3.2%	4,553	2.7%	4,519	2.7%	4,335	2.8%	4,562	3.0%
Neglect	104,192	55.4%	98,728	58.3%	95,984	58.1%	90,660	58.0%	89,187	58.7%
Psychological Abuse	1,684	0.9%	1,143	0.7%	865	0.5%	855	0.5%	694	0.5%
Sexual Abuse	4,720	2.5%	3,885	2.3%	3,544	2.1%	3,487	2.2%	3,610	2.4%
Other	27,276	14.5%	24,266	14.3%	23,814	14.4%	22,137	14.2%	21,606	14.2%
<b>Total</b>	<b>187,924</b>	<b>100%</b>	<b>169,347</b>	<b>100%</b>	<b>165,231</b>	<b>100%</b>	<b>156,279</b>	<b>100%</b>	<b>151,886</b>	<b>100%</b>

Source: NYS OCFS Connections Data

For the past five years, educational personnel were the most frequent reporters of abuse and neglect overall, reporting approximately 28% of all allegations made. Social service personnel were the next most frequent reporters, reporting approximately 7.4% of all allegations, as the table below indicates.

### SCR Reports by Reporter (2001 - 2005)

Reporter	2001		2002		2003		2004		2005	
	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total
Child Care/Substitute Care Personnel	617	1.1%	547	1.0%	496	0.9%	452	0.9%	530	1.1%
Educational Personnel	15,356	27.1%	15,060	27.0%	14,898	28.2%	13,600	27.8%	13,566	28.5%
Law Enforcement	6,851	12.1%	6,195	11.1%	5,649	10.7%	4,920	10.1%	4,580	9.6%
Medical/Mental Health Personnel	4,344	7.7%	4,595	8.3%	4,218	8.0%	3,952	8.1%	3,860	8.1%
Mandated-Other	212	0.4%	296	0.5%	303	0.6%	206	0.4%	177	0.4%
Social Service Personnel	10,523	18.5%	9,691	17.4%	8,823	16.7%	8,502	17.4%	8,739	18.3%
Anonymous	7,602	13.4%	7,902	14.2%	7,966	15.1%	7,454	15.3%	6,497	13.6%
Friends/Neighbors/Other Relatives	4,215	7.4%	4,070	7.3%	3,628	6.9%	3,189	6.5%	3,267	6.9%
Non-Mandated-Other	4,543	8.0%	4,896	8.8%	4,532	8.6%	4,405	9.0%	4,273	9.0%
Parent	2,460	4.3%	2,420	4.3%	2,241	4.2%	2,178	4.5%	2,138	4.5%
Foster Parent	18	0.0%	17	0.0%	14	0.0%	9	0.0%	20	0.0%
<b>Total</b>	<b>56,741</b>	<b>100%</b>	<b>55,690</b>	<b>100%</b>	<b>52,768</b>	<b>100%</b>	<b>48,869</b>	<b>100%</b>	<b>47,647</b>	<b>100%</b>

Source: NYS OCFS Connections Data

Educational personnel were responsible for approximately 60% of the educational neglect reports made, including those made with other abuse/neglect allegations, according to NYS OCFS Connections data.

Educational neglect is a particularly important area for child safety because it “can be an indicator of underlying abuse or maltreatment in the home.” (OCFS Policy On Educational Neglect, 2000.) During the Task Force’s meeting with supervisors and staff of the ACS Educational Neglect units, there was a uniform consensus from their experience with these cases that educational neglect is typically an indicator of other serious problems at home.

#### ***Findings and Recommendations:***

The findings of the Task Force were set forth in the Executive Summary above. In sum, it found that while the agencies involved understood the significance of student absences rising to the level of educational neglect, there were areas where their policies and practices could be strengthened. Those areas are addressed in the Task Force initiatives set forth below.

Implementation of all the initiatives that follow will commence immediately.

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### **DOE TRACKING AND INVESTIGATION OF ABSENCES POTENTIALLY ARISING TO EDUCATIONAL NEGLECT**

#### ***Improving Response Time***

- DOE will improve monitoring and response time for DOE staff to investigate reasons for excessive absences for students in Pre-K through Grade 8. Specifically, the DOE will require that all Form 407 investigations of excessive absences for students in Pre-K through Grade 8 be completed within ten (10) days of being generated. If the school cannot complete the investigation within 10 days, school staff must contact the Attendance Supervisor for the region and

indicate why the attendance investigation is not yet completed. The Attendance Supervisor will be required to work with the school staff, providing technical assistance and other support, to complete the Form 407 investigation within five (5) days of receiving the information from the school staff.

- If after the 15 day investigation period, DOE is unable to determine whether the situation constitutes educational neglect, then at a minimum the Regional Attendance Supervisor must ensure that the school staff has met with the family and has referred them to an appropriate service provider for support/counseling services. The school staff will continue to monitor attendance.
- If the parent/caregiver refuses to cooperate with the school staff, the school staff must promptly file a report of educational neglect with the SCR.

### Review and Oversight

- The DOE will develop an alert in ATS to notify school staff, including the principal, each Monday of the names of students who have 407's in grades Pre-K – 8 that have been open for more than 10 days, including a 407 history for the current school year for each child listed. The 407 history will include the date that a 407 was generated, the date closed, and the reasons for closure.
- The DOE will require the Attendance Supervisor for each region to monitor on a bi-weekly basis the number of Form 407's generated, by school for grades Pre-K - 8, that have been open for more than 10 days. Attendance Supervisors will provide technical assistance and other support to schools to complete the Form 407 investigation as soon as possible.
- The DOE will require the Attendance Supervisors to report to the DOE Director of Attendance on a monthly basis by school/region for grades pre-K through 8th information including: number of Form 407's generated, number and % closed, and the length of time they have been open.

### Enhancing Documentation

- DOE will provide additional guidance to school staff on the importance of documenting all steps taken in investigating excessive absences, including letters sent, home visits, and phone call attempts.

## **CLARIFYING SCOPE OF EDUCATIONAL NEGLECT STANDARD**

### Clarify Standard for Reporting to SCR

- The DOE will provide additional guidance to school staff, and the Regional Office of Student placement, Youth and Family Support Services (SPYFSS), on the definition of educational neglect and the requirements for reporting educational

neglect to the SCR, as set forth in the OCFS Policy Statement, including clarification that:

- The SCR will accept educational neglect cases even when no actual academic harm is claimed so long as there is reasonable cause to suspect that danger of educational harm is imminent; and
- Educational harm/impairment can be presumed if other children similarly situated would be detrimentally affected.

#### Clarify Definition for ACS Investigations and Dispositions

- ACS will work with OCFS to provide additional guidance on the definition of educational neglect, as well as provide more direction on when such cases should be determined to be substantiated or unfounded. Specifically, ACS will enhance its case practice guide and training materials to:
  - Clarify that an educational neglect case may still be substantiated if the parent failed to provide a minimum degree of care in supplying the child with education, and such failure impaired the physical, emotional or mental condition of the child - even if the child has since returned to school.
  - Clarify that imminence of “educational harm/impairment may be presumed in light of what generally occurs to most children,” in accordance with the OCFS Policy Statement.

### **IMPROVE COMMUNICATION BETWEEN ACS, DOE AND MANDATED REPORTERS**

#### Expand Training

- All training to school staff on mandated reporting procedures should be revised to include the additional guidance on the definition of educational neglect.

#### Obtain Better Contact Information for Mandated and Other Reporters

- ACS will request that the State Central Register request additional contact information from mandated reporters, including cell phone numbers, to enable ACS to promptly contact the mandated reporters upon receipt of the report, even when the mandated reporter’s shift or work hours have ended. This will enable

ACS to more promptly and effectively respond to reports of abuse and neglect, and to classify and assess them for referral.

*Issue ACS Directive To Contact Source of Report Upon Its Receipt*

- ACS will issue a written directive to all staff reinforcing the requirement that Child Protective Specialists (CPS) attempt to contact the source of the educational neglect report, and other abuse and neglect reports, upon receipt of the report.
- Central staff at ACS will commence the tracking of reports to monitor the timeframe for attempting and making contact with the source of a report to ensure appropriate case practice.

*Ensure Case Dispositions and Outcomes Are Provided To School Officials as Mandated Reporters*

- Ensure that if a mandated reporter indicates to the SCR that he wants to be notified of the outcome of the case, upon completion of the investigation, the reporter will be provided with a summary of findings through the SCR Mandated Reporter Form as is currently required, and that ACS is notified when that Form has been sent.
- ACS will explore with OCFS the possibility of having reports automatically generated and sent to the mandated reporter, whenever this option is selected by the reporter, to ensure that school officials, and others, are apprised of the outcome of the investigation.
- ACS will request that OCFS track the requests made by mandated reporters and the frequency with which they are submitted to the mandated reporter. ACS will request that OCFS share this information with ACS and DOE on a monthly basis.

**IMPROVE THE USE AND STRUCTURE OF THE ACS EDUCATION UNITS IN FIELD OFFICES**

- ACS will undertake a review of the field office structure with respect to the education units, and develop a model that is uniform and responsive to the unique circumstances of educational neglect cases, including:
  - Review the current models and structures to determine what works, and what needs to be improved;
  - Review educational neglect data by manager, zone and borough, including by age of subject child; indication rate, and repeat reports, for agency-wide



performance assessment of education units;

- Determine if the units should focus on specific grade/age groups; and

- Identify appropriate managers, supervisors, CPS and Child Evaluation Specialist (CES) to be assigned to the revised educational units.

### ENHANCE TRAINING

- ACS will collaborate with DOE to review ACS training curriculum on educational neglect cases, and make changes as necessary. In addition, ACS will develop a special training program on educational issues and procedures for working with the DOE on abuse and neglect investigations, including a specialized full-day program.
- ACS and DOE will conduct joint trainings on policies and protocols; identification of educational neglect; services and planning opportunities for families; other forms of abuse and neglect; and other related topics. A critical part of this training will be to inform ACS and DOE staff about the criteria for educational neglect cases, and the importance of timely and appropriate reporting of such cases. In addition, joint-training will be established to clarify educational neglect issues as distinguished from truancy issues.

### **IMPROVING PARTNERSHIP AND COORDINATION BETWEEN ACS AND DOE**

#### ACS/DOE Coordination During Open ACS Investigations

- DOE and ACS will develop practice guidelines to improve the coordination between ACS and DOE after a report of educational neglect has been filed with the SCR. Areas of focus include follow-up from ACS to contact school staff to provide information on status of the case, increased participation of DOE in ACS multi-disciplinary reviews on open ACS cases, and more efficient information sharing between ACS and DOE on individual cases of educational neglect. This will be accomplished by the following initiatives:

#### Establish Education Liaisons with DOE in All ACS Field Offices

- ACS will redesign the education liaison structure in each field office to help facilitate communications with DOE, including:
  - contact and interviews with school personnel about children in child protective investigations;

-collection of documentation from DOE;

-communication with DOE on specific cases, including providing updates to DOE on cases.

### Establish Points of Contact for ACS at Each School

- To facilitate communication with school staff, DOE will provide ACS with a list of designated reporters for each school for ACS staff to use as the primary point of contact at the school. (The report source will remain the initial source of contact.) This liaison will be responsible for helping ACS obtain all appropriate information, including attendance outreach efforts, Form 407s, scheduling interviews with school staff, including the source of the SCR report, and follow-up information.
- DOE will issue guidance to designated reporters to reinforce that designated reporters are required to provide the above information to ACS in a timely manner.
- If ACS is not able to contact the designated reporter within a reasonable time period, ACS will contact the Principal's office to provide and/or coordinate the above mentioned student information.

### Case Planning, Assessment and Coordination

- ACS and DOE will establish an action plan, for educational neglect and abuse/neglect cases, which allows relevant DOE personnel to participate in the case planning for the child and provide ACS with pertinent information regarding the child and family when appropriate. Joint participation will enable DOE, as a designated service provider, to ensure that the school is aware of any service plan provided and can help support the child and family in achieving and maintaining stability.

### Information Sharing

- The DOE will continue to provide all of the ACS Field Offices with access to the DOE student information system, ATS, to enable ACS to more closely monitor attendance and other information in connection with open child protective investigations.
- DOE will continue to train ACS child protective staff on how to use ATS most effectively.
- ACS will reinforce with the CPS staff that appropriate information about an open educational neglect investigation must be shared with relevant school staff – and that pursuant to an existing memorandum of understanding between ACS and DOE, they are recognized as service providers entitled to information regarding

the status of the ACS investigation, as ACS determines to be appropriate. ACS will ensure that this information is being shared appropriately through the improved educational liaison structure, and its enhanced supervision and management.

#### Building ACS-DOE Local Level Partnerships

- ACS and DOE will establish regular meetings with ACS field office staff and DOE Regional staff to facilitate communication and relationships in the community.

#### Ensure Current Contact Information

- ACS and DOE will regularly exchange updated contact information for staffing and points of contact at the local/regional level to improve communication. Specifically, the ACS Central Education Coordinator and the DOE liaison will exchange updated contact information for borough and field offices, and schools and regional offices, as appropriate and will distribute it to these offices immediately upon receipt.

#### Joint Review and Monitoring

- ACS and DOE will jointly track relevant data on a monthly basis that will allow the agencies to monitor their performance, and determine if changes in policy and/or practice are required. This data will be shared with the Family Services Coordinator and will include:

-DOE: By region, for students in Pre-K – Grade 8, the number of 407s issued, number and percentage closed, number and percentage open for more than 10 days; and

-ACS: By Field Office, the number and percentage of educational neglect cases open, closed, founded and unfounded.

### Section III

#### TASK FORCE INITIATIVES ON IRT PROTOCOL AND RELATED AREAS: STRENGTHENING THE SYSTEM FOR HIGH RISK AND OTHER CHILD ABUSE CASES

##### **Overview:**

The Instant Response Team (IRT) protocol was implemented in 1998, as a joint response effort by ACS, NYPD and the District Attorneys from the five boroughs for allegations of severe child abuse and maltreatment. Its objective was to reduce trauma to children in connection with these investigations and to improve evidence collection through coordinated efforts between these agencies. The protocol requires a prompt, joint response in specified cases of severe child abuse and maltreatment, including joint agency interviews of the child, in child-friendly environments when possible, and coordinated efforts between ACS and NYPD throughout the investigation.

We understand that no other jurisdiction in the country has implemented such a comprehensive interagency program in this area.

##### **Reporting Data:**

IRT cases are selected from all abuse and neglect cases as the most severe. They include "severe child physical/ sexual abuse and maltreatment situations or child fatalities." (IRT Resource Manuel, providing IRT selection criteria, p. 77)

Over the past five years, the percentage of all abuse and neglect cases classified as IRTs has consistently remained at six percent (6%) to seven percent (7%), as the following table indicates:

**IRT Cases (2000 – 2005)**

Year	Number of Abuse/ Neglect Reports	% (+) or (-) from Prior Year	IRT Cases	% (+) or (-) from Prior Year	% of IRT out of Total Reports
2000	55,011	2.40%	2,921	79.50%	5%
2001	56,741	3.00%	3,726	27.60%	7%
2002	55,690	-2.40%	4,064	9.10%	7%
2003	52,768	-4.90%	2,941	-27.60%	6%
2004	48,889	-7.10%	2,860	-2.80%	6%
2005	47,647	-3.50%	2,806	-1.90%	6%

Source: ACS IRT Statistics

Moreover, the data available at this time indicates that the IRT program is successful in minimizing the repeated interviews of the allegedly abused child. From 2003-2005, in sixty-seven percent (67%) of all IRT cases the first interview was a joint one, and in ninety-nine percent (99%) of all cases the child was interviewed in total not more than twice. The data in terms of case dispositions is limited and hard to gauge at this time, but it is clear that the substantiation rates (called “indication rates”) for IRT cases is higher than for other abuse and neglect cases.

Despite the strengths of the IRT protocol, and the improvements that it has made in certain areas for severe abuse and neglect cases, the Task Force found that the IRT protocol could be strengthened in practice. The findings set forth in the Executive Summary above provide an overview of those areas where improvements are needed.

The initiatives that follow will strengthen those areas and provide the children of our city with greater protection from severe abuse and neglect.

### **Task Force Initiatives:**

The implementation of these initiatives will commence immediately.

### **IMPROVE COMMUNICATION AND COOPERATION AMONG AGENCIES FOR IRT AND OTHER CHILD ABUSE CASES**

Improved communication and cooperation between the agencies should make their interactions more effective in protecting children at risk and ensuring their safety.

#### *NYPD to Assign Full-Time NYPD Supervisor to be Based in ACS*

- The NYPD will appoint a supervisor in the rank of Lieutenant as a full-time liaison to the Administration for Children’s Services. This uniformed member of the service will be assigned and report to the Chief of Department and will be based in ACS headquarters.
- The NYPD liaison will be the Department’s first point of contact with ACS and will facilitate better coordination between the two agencies. This person will also help to coordinate joint training, improve information flow, and participate in monthly multidisciplinary meetings.

#### *ACS to Appoint Former Law Enforcement Officer as ACS Senior Investigations Advisor*

- ACS has created a senior management position within the agency, to be held by a former law enforcement officer with significant investigative experience, which will serve as a high level advisor within ACS on law enforcement and related matters, help coordinate efforts with the NYPD and other agencies, and assist with the implementation of the protocols set forth herein.

### Create One Central Point of Contact Within the NYPD for ACS

- NYPD will establish one central phone number from which ACS can trigger an IRT or request police assistance to improve communication and coordination between the agencies.
- Currently, when an IRT is triggered, the ACS IRT Coordinator must decide whether to contact the Special Victim, Child Abuse, precinct detective, or night-watch squad. The decision the IRT coordinator makes is based on the borough concerned, victim's age, specific allegations and time of day of the response. Centralizing communication will simplify and facilitate coordination. The key elements of this protocol include:
- IRT Coordinators, and certain designated supervisors, will call the central phone number at the NYPD.
- Calls for IRT's will be transferred from the central phone line to personnel in the Chief of Detectives office 24 hours, 7 days a week.
- Assistance calls will be routed from the central telephone number to the Communications Division and answered by a 911 operator to ensure a patrol response. Child protective services staff will no longer be required to report to a precinct to obtain assistance, but will respond to the location. NYPD will create a new radio sub-code for these assistance calls.
- When the NYPD triggers an IRT, the Department will immediately notify ACS by contacting the ACS's IRT Hotline as is currently required, and will monitor compliance through the new tracking and monitoring protocols set forth herein.

### Formalize Interagency Meetings at the Local Level

- The newly created NYPD liaison to ACS, and the newly created ACS Senior Advisor for Investigations will help develop and participate at regular interagency meetings, and ensure that appropriate personnel participate. The purpose of these meetings will be to improve information sharing and facilitate communication between relevant parties to foster stronger local ties and joint responses.

### Ensure Appropriate Case Referrals

#### IRT Referrals

- ACS will ensure that all reasonable efforts to determine the seriousness of an allegation are attempted before triggering an IRT, including directing that child

protective services staff should contact the report source prior to an IRT being initiated by ACS.

### DA Referrals

For all DA referrals, the newly appointed Special Advisor for Investigations will devise a mechanism and oversee training initiatives of ACS staff to ensure that all referrals are in accordance with the Memorandum of Understanding agreed upon by the NYPD, the District Attorneys and ACS, or any modifications of that Memorandum made by the parties thereto during the implementation phase of the Task Force.

- ACS will establish a protocol to ensure the expedited transmission of the SCR reports it receives to DAs, without compromising its efforts to ensure the appropriateness of the referral.

### ACS Case Referral Assessment and Plan: For Suspected Criminal Cases

- Within three (3) months, the Interagency Task Force will assess the mechanisms developed to ensure that the appropriate cases are being referred to the DAs, and to the Police Department for investigation of suspected criminal conduct, and will develop a plan, that ensures that appropriate referrals are being made to the DAs and NYPD.
- The Interagency Task Force, in consultation with the NYPD, DAs and ACS, will review the current Memorandum of Understanding Among the NYPD, the DAs and ACS to determine if it should be modified going forward.

## **INCREASE ACCOUNTABILITY**

### Create a New Protocol to Track IRT Initiation and Response

- ACS and NYPD will develop a standardized form to capture information and data that indicates when an IRT is initiated by either agency in order to eliminate any confusion between the agencies that an IRT has been triggered. This will ensure that all parties to an IRT are notified that it has been triggered and have access to the same information.
- The new procedure will require ACS IRT Coordinators to call the central contact number and communicate pertinent information about the case. The NYPD will direct the appropriate investigation unit to respond and inform the ACS IRT coordinator of the unit responsible. This new protocol will help to prevent a misplaced IRT, by ensuring both agencies are aware of an IRT initiation. In addition to standardizing the information available to members of an IRT, this new document will aid in data analysis and act as an internal accountability mechanism.

- ACS child protective services staff will still be required to share the SCR Intake Report with investigating detectives.

*Patrol Supervisor to be Dispatched to Radio Runs for Child Abuse or ACS Assistance*

- When NYPD patrol officers respond to a radio run for child abuse or assistance to an ACS caseworker, absent exigent circumstances, the patrol supervisor will be dispatched to respond.

*Affixing Precinct Level Responsibility*

- NYPD will affix responsibility at the precinct level to a supervisor who will be responsible for routine matters and requests in connection with child abuse/neglect issues in the precinct.

**ENHANCE ACS'S INVESTIGATIVE RESPONSES IN IRT AND OTHER CASES**

- ACS will assign twenty (20) former law enforcement officers to ACS's field offices to enhance the investigatory practices of ACS staff in the ACS field offices, train child protective staff and supervisors in effective investigatory techniques, and provide guidance on abuse and neglect cases.
- ACS will mandate that the performance of certain investigatory practices be expedited by ACS, including that the source of abuse and neglect reports must be contacted within 24 hours of receiving the report to ensure proper case assessments, IRT classifications, and DA referrals, and to enable more prompt responses.
- ACS will issue new internal directives to its CPS and legal staff to enhance its ability to obtain and execute warrants and entry orders, and clarify under what conditions warrant and entry orders must be sought, and how the new central NYPD hotline will help expedite and aid in their execution.

**EXPAND TRAINING**

Training on child abuse and IRTs will be significantly expanded at all levels within the NYPD and ACS, and, as appropriate, at other agencies.

*NYPD Personnel Training*

- The NYPD will develop and provide expanded training on child abuse and IRT's to both patrol and investigative personnel, including Special Victims detectives. The Police Academy will develop and implement unit-based training in an accelerated timeframe.



- For patrol personnel, unit-based roll call training will include a component regarding child abuse awareness. This will include a new video to be produced by the Police Academy. Recruits at the Police Academy will also receive this enhanced training.
- Child Abuse Investigation and Response procedures, and IRT practices and protocol, will be incorporated into Detective Bureau in-service training.

### Joint Training

- Special Victims personnel and select personnel from investigatory units who participate in IRT's will participate in joint training sessions with ACS child protective services staff and IRT Coordinators. This will also include training on the elements needed for probable cause and various criminal charges in abuse cases. Moreover, Child Abuse Investigation and Response procedures will be incorporated into Detective Bureau in-service training.
- Develop an IRT interagency training curriculum with NYPD and ACS and conduct on-going IRT interagency training at various sites in each of the five boroughs.

### ACS Personnel Training at NYPD

- In addition to the joint training with NYPD investigators discussed above, the NYPD will include ACS personnel in certain NYPD Sex Crimes and Child Abuse Investigation Courses. This will afford ACS child protective services staff the opportunity to learn investigative techniques directly from the NYPD for field visits and ACS investigations.

### Patrol Guide Clarification

- The Patrol Guide will be modified to clarify that when ACS requests escort/security assistance from the NYPD, the NYPD will ensure the safety of all concerned and respond to any possible criminal activity observed.

## **MANDATED REPORTERS**

### The State Central Register Should Obtain Better Contact Information from Sources of SCR Reports

- The NYPD and ACS will work with the SCR to obtain better contact information from abuse and neglect reporters, including requesting cell phone information, to enable more effective communication and follow up.

## **INFORMATION SHARING**

### *DOITT to Develop and Maintain an IRT Database*

- The Department of Information Technology and Telecommunications (DoITT), in coordination with the NYPD and ACS, will create within one year, an interactive, real-time database for joint investigation responses. Both agencies would have access to this database, which would track data and serve as an electronic notification mechanism for IRTs, greatly reducing burdensome paperwork, redundant telephone contact, and the possibility of errors.

### *Provide Increased Interagency Access to Data*

- NYPD, ACS, DAs, Probation/Corrections, and the Mayor's Criminal Justice Coordinator, will work together as part of the Interagency Task Force to develop and release a plan within three months to improve data sharing among the agencies, to enable the agencies to make improved risk assessments, case classifications, and to enhance child abuse and neglect investigations.

## **MEDICAL/HOSPITAL RESPONSE IN IRT AND OTHER CASES**

- Medical/Hospital mandated reporters should continue to be regularly trained to ensure that they are reporting as mandated, in the most timely manner possible, thereby enabling a prompt and effective IRT response by law enforcement and ACS.
- Hospitals should have enhanced capacities to handle child abuse and neglect victims so that more children can be treated at specialized facilities with expertise in treatment of child abuse and neglect cases.

## **DOE/SCHOOL RESPONSE IN IRT AND OTHER CASES**

- Training at NYC schools should continue to be reviewed to ensure that relevant school personnel are adequately aware of mandated reporting procedures.
- DOE should review its school-based protocols to ensure that SCR is notified in the most timely manner possible when reporting abuse and neglect allegations to enable a timely and effective IRT or other response by NYPD and ACS.

## **CHILD ADVOCACY CENTERS (CAC)**

### *Expand Co-Located Child Advocacy Centers*

- Personnel from the NYPD, ACS and other relevant agencies strongly support working together with other agencies at CACs, especially because of the increased communication and cooperation which co-location fosters. Continued

efforts should be made to create new co-located CACs outside of Brooklyn and Queens.

#### Modify Hours and Operation of Child Advocacy Centers to Increase Usage

- CACs should modify their operations to enable and encourage increased use of their facilities, particularly during high volume periods. The existing co-located and independently operated CAC's have normal business hours while the ACS and NYPD continue to investigate cases during non-business hours. The operating hours of all of the Child Advocacy Centers should adjust to reflect peak activity of ACS, and NYPD investigatory squads.

#### Agencies Should Mandate Use of CACs Whenever Possible

- NYPD, ACS, DAs should mandate the use of CACs in IRT cases whenever possible, and should track their use of the CACs for internal assessment purposes.

#### Co-Locate Physical and Sex-Abuse ACS Child Protective Services Staff at Child Advocacy Centers Where Possible

- Currently only child protective services staff who investigate sex-abuse cases are co-located at designated CACs. This limits the opportunity to enhance professional relationships, and can complicate investigations of physical abuse. Ideally, ACS child protective services staff who deal with both sex-abuse and physical-abuse cases should be assigned to co-located CACs.

### **INTERAGENCY COORDINATION, ACCOUNTABILITY AND INFORMATION SHARING**

- IRT Coordinators will ensure that IRT cases are being regularly tracked from referral through disposition, including information on IRT case volume, classifications, closings, dispositions, joint interviews, and response times (and, upon receiving access to DataShare, information on arrests, prosecution and convictions). This information will be included in ACS Management Information Systems.
- ACS and NYPD will review their internal monitoring of IRT cases to ensure that performance and practice data is being regularly tracked and assessed internally, this data will be used to assess the new practices implemented as part of this report.
- The Interagency Task Force will hold bi-weekly Implementation Assessment Meetings with designated senior representatives of the relevant agencies to assess IRT policies and practices for that period, review the latest performance

reports of each agency, and modify practices as needed to maximize effective interagency responses to IRT and other cases.

### **Conclusion**

The work of all agencies participating on this Task Force has been substantial, as the host of initiatives that have resulted from this interagency effort reflect. The Task Force will now monitor and assess the implementation of the above initiatives which immediately commenced, as well as examine additional related areas that have come to the Task Force's attention in examining the areas covered to date.

It is through these types of interagency efforts that practices and policies related to child abuse and neglect can best be strengthened -- and the children of our city best protected.