

(The meeting was called to order at 10:35 a.m.)

CHAIRPERSON ANKER:

Please rise for the Pledge of Allegiance led by Legislator Sunderman.

(Pledge of Allegiance)

Please remain standing for a moment of silent meditation and prayer as we think of those in our military and those very special people that we have lost.

(Moment of Silence Observed)

Thank you.

I want to thank everybody for coming here today. I know we have a number of people who would like to speak regarding a current situation we are all now dealing with. If you have not gotten an agenda, please grab an agenda. I believe they are right here in the corner. Amy? And we are going to follow that. And I'm going to just read a brief statement before we get started.

I want to make sure that before we begin public comment that you understand the perimeters of today's presentation and the ensuing discussion are clear. We have the commissioner of Social Services with us today, Frances Pierre. Commissioner Pierre will be before us and provide the committee with an update on where we are in terms of staffing and caseloads with regards to CPS -- that's the Child Protective Services -- of Suffolk County. She will answer any questions that pertain to those issues as well as general questions regarding CPS, DSS protocols and procedures asked by the legislators. Of course there's a desire to discuss specifics with the Thomas Valva case, which is an unimaginable tragedy which has shaken us down to the core which, of course, you can tell that it has affected me greatly here.

I have many questions myself about the case and the County's role, and it's my responsibility as a Legislator to ask questions and I will have those questions answered. But today is just basically we're getting -- we're going to get a basic understanding of DSS and the CPS services.

There are active investigations going on as we speak in addition to the criminal investigations being conducted. The Police, the District Attorney, the State -- and the State are conducting required case investigations. The County Executive has formed two groups to review this matter: The Internal Review Committee, which is working with the State's review team and is in the process of examining the departmental procedures in cases -- with the case. The Internal Review Committee consists of Commissioner Frances Pierre who's from the County Department of Social Services; Mike Heiser, he's with the Family Court Bureau Chief of Suffolk County's Attorney's Office; Mark Clavin, the division administrator for Family and Children Services Administration; Dennis Novak, he's a former acting commissioner of Suffolk County Department of Social

1 Services; and Karlesha Hewitt. She's a principal department of
2 social service attorney.

3
4 Lastly, there has been an external Interagency Task Force formed to
5 specifically review procedures for how services are provided to
6 children on the autism spectrum or other behavioral issues. And we
7 recently met -- actually, yesterday -- and I know several
8 Legislators are involved in that committee, including Deputy
9 Presiding Officer Kara Hahn, of course myself, Legislator Spencer,
10 Legislator Gonzalez and Legislator Cilmi.

11
12 It is incumbent upon all of us to allow these investigations and
13 reviews to be carried out. Today we are here to listen and start
14 to make a better understanding on how we can move forward. I do
15 want to state to the legislators here, and it looks like we almost
16 have a full horseshoe, that there will be no questions from the
17 legislator to the speakers, and that's the folks here in the
18 audience. You will be given your time to speak. We want to hear
19 from you. We want to understand what you're thinking, where the
20 directions that we need to go. And again I just want to reiterate
21 that there are several -- a number of investigations. There's a
22 criminal investigation by the D.A.'s office. New York State Office
23 of Children and Family Services also is investigating. There's an
24 internal DSS. There's a CPS external task force. And I will say a
25 possible legislative investigation from the legislators here.

26
27 So I'm going to follow the agenda. We have public comments, and I
28 will make a statement. Okay. So if the conversation goes in a
29 direction that there are issues of confidentiality, we cannot
30 address those questions at this point. I want to just make that
31 statement because, again, we need to understand the facts, but
32 because of the many investigations, we are going to have to take a
33 different path. Our legal counsel Sarah Simpson is here next to
34 me. She will also be listening and she will inform me when I will
35 have to say "We can't speak about that." We are planning to go
36 into executive session following this committee meeting for the
37 legislators to discuss this issue further.

38
39 Okay. Our first speaker is John Reilly. Can you please come to
40 the podium? You have three minutes to speak.

41
42 **MR. REILLY:**

43 Thank you. My name is John Reilly. My wife has six CPS cases
44 against her. All of them were unfounded, same as Thomas Valva's,
45 and we know where he is, God rest his soul. CPS case is still
46 open, the last one of my 14-year-old son, which he is a special
47 needs' child. All reports were generated from school personnel and
48 doctors regarding both of my kids. My daughter is 16. Also two
49 police reports generated from each of my children on physical abuse
50 that has gotten nowhere. Hasn't been mentioned in court and by
51 CPS. My wife has punished my son because the school nurse called
52 her and said, "You need to take your son to the doctor." He was
53 punished for that. Judge Crecca and AFC Go Lightly were actually
54 yelling at my kids in the courtroom because my wife did something
55 that my daughter called the police for. I had to bring them to the
56 court building. Crecca called her in the room -- my kids in the

1 room and was yelling at them along with Go Lightly.

2
3 All my rights as a father have been taken away from me, but yet
4 they repeatedly say they don't feel safe with their mother. They
5 don't care. CPS doesn't care, the judge doesn't care, Laura Go
6 Lightly doesn't care. No one in the courtroom cares. The system
7 protects the abusers while forcing the children to live with the
8 abusing parent. It needs to come to an end. My daughter is 16.
9 Judge Crecca wrote an order of protection against me so I can't see
10 or talk to my children or take care of them, has removed all family
11 and friends. No one is there to watch my kids, not even CPS, and
12 I'm not allowed to make a phone call in reference to my kids. My
13 wife hasn't been to his endocrinologist in Manhattan. He's
14 diagnosed with Russell-Silver syndrome. It's a type of dwarfism.
15 Judge Crecca is influencing my wife to change endocrinologists.
16 She hasn't been there since 2015, but yet I'm removed from the
17 house.

18
19 It needs to stop, the abuse. People, do something for our
20 children. I don't know what more to say. Help, rather than
21 everybody sit there and be act like they are concerned.
22 Ultimately, you are putting these kids in danger and you are taking
23 away some really good parents, and you just allowing them to live
24 with the abusive parent. It's horrible and disgusting. Thank you.

25
26 (Applause)

27
28 **CHAIRWOMAN ANKER:**

29 Thank you. Glen Svoboda.

30
31 **MR. SVOBODA:**

32 Thank you, Ms. Anker. Thank you Dorothy Cavalier, Mr. Sunderman.
33 I'm a disabled American senior citizen. I, too, fell victim to the
34 CPS. Basically how it starts. I understand what's taken place
35 here. My daughter was -- because I don't get to see her, was
36 admitted into Stony Brook psychiatric ward and was further sent
37 from psychiatric ward in Stony Brook to South Oaks for two weeks.
38 I don't want to start crying, but the abuse from Dawn Citronella,
39 all their rhetoric and schemes, I ended up getting thrown out of my
40 house. I lived in my card for two months, and I was forced now to
41 just worry about paying child support. Nobody gave a crap about my
42 kids. Nothing new in this county. One of the worst places for a
43 father to designate or to lose or raise a family from family court,
44 but now you are attacking woman in CPS. I know the game. I've
45 been a member for Americans for Legal Reform 30 plus years and
46 these guys here.

47
48 Listen, these guys got to stop with this title. I just want to let
49 you know, now I'm on disability. Now I was ordered to pay child
50 support. Never a hearing, never testimony for me. I was ordered
51 to pay \$550 a week imputed from my last job six years ago. Nobody
52 gave a damn. So by the way, disability gets paid once a month, so
53 it's additionally charged another \$50 because it's not paid weekly
54 or biweekly. Now because I have a minor child, disability pays me
55 another additional \$550, which, because I don't have custody, goes
56 directly goes to my wife leaves me with approximately \$1600 from my

1 disability benefit check. No mention from the Department of Social
2 Service. Dorothy Cavalier spoke to Mrs. Scaglicoa (ph) from the
3 Child Support Enforcement Bureau, and they don't want to know
4 nothing about it so they're ignoring -- in plain words, my wife is
5 getting \$1200 a month. If I was working full-time, she would get
6 \$500 a month. You know what you left me with? \$476 a month.

7
8 I want to tell you something. It's not going across the board in
9 this county. These guys want their Title 4D and 4E funding. I
10 could sit here and tell you IRS audits of what they are doing with
11 the money for the county. Float and seize tax return checks in the
12 bond market. You guys know what you're doing. You guys damn well
13 know what you are doing. Organized crime and racketeering
14 humanitarian crisis in Suffolk County. So, by the way, upstate
15 they don't do this. I was already asked to go into probation
16 intake unit. The Office of the Aging in Schoharie County where the
17 famous limousine crash was right down the street, they all come to
18 look at my case. They all know Suffolk County, Long Island, New
19 York. I have been through the judicial institute in White Plains.
20 I sat down with judges. They know the story in Suffolk County, but
21 we're sick of this garbage. You guys, 40 plus years I've been in
22 here and I'm going to talk about the abuse that goes on. I heard
23 Judge Crecca -- I remember Kelly LoPetra (ph) because her father
24 was a Suffolk County sheriff. He's crucified her.

25
26 **CHAIRWOMAN ANKER:**

27 Mr. Svoboda, we have a number of speakers. We understand we have a
28 system that needs absolutely a spotlight, and I want to thank my
29 chief of staff Dorothy Cavalier for helping you. If you have
30 additional information in writing and again we will be working with
31 you.

32
33 **MR. SVOBODA:**

34 Disability has spoken to her office. I sent you all the documents.
35 They know what they are doing. It's not right and it doesn't
36 happen upstate, and it's not having reform across Suffolk. So in
37 plain words, they would cap the other money at \$25 and would accept
38 the \$500, but they want their title 4D money. They can't generate
39 it if they go to another part.

40
41 **CHAIRWOMAN ANKER:**

42 Thank you for speaking.

43
44 **MR. SVOBODA:**

45 Thank you very much. God bless you.

46
47 **CHAIRWOMAN ANKER:**

48 Anthony Cibelli.

49
50 **MR. CIBELLI:**

51 Good morning, all. My name is Anthony Cibelli. From what I have
52 seen thus far from the year and change that I've had to deal with
53 the family courts and Child Protective Services, I can tell you
54 that these individuals are not in fact government and are not
55 dejour. Through their private corporate status, these courts are
56 being run as banks and involved in daily systemic fraud, wills

1 tearing families from -- through methods of coercion, intimidation,
2 and the fact that there was -- no one has accountability over their
3 nefarious acts while acting under color of law.

4
5 The reason why I believe that this is all too common to hear that
6 people that we go to for help don't have jurisdiction or tell us
7 that it's a civil matter is because they do not wish to impede on
8 the state's ability to generate this blood money from Title IV
9 funding and social security. While no one may be perfect, no one
10 deserves to deal with these tyrants, as they are far worse than the
11 enemy combatants that I once faced called the Whabists over in
12 Iraq. I took an oath years ago to protect the constitution of the
13 United States against all enemies both foreign and domestic. These
14 judges have also taken a very similar oath on the constitution and
15 have once sworn to act under it and uphold it, yet they are not.
16 That is treason.

17
18 Well, today I'm glad to say that I have identified the domestic
19 threat. Family courts don't offer any constitutional protection,
20 as they are private and not, in fact, courts of record. Make no
21 mistake when I might be mentioning the family court, let's not
22 forget the other courts that handle matrimonial matters, which are
23 under Title IV programs. The judges in both venues are not acting
24 in the capacity of judges. They're paid administrators under
25 contract with Title IV agencies. That means that their judicial
26 performance is tainted due to their emoluments rendering them in no
27 way impartial.

28
29 These courts are not only defrauding health and human services and
30 the United States government, but they are operating as banks
31 through their grants and bonds that they create off of each case.
32 These courts are not upholding the United States constitution as
33 well as the New York State constitution while their judges are
34 operating in New York State.

35
36 The constitution of the United States has a 13th amendment that no
37 longer appears on current copies of the constitution. The intent
38 of this missing 13th amendment was to prohibit lawyers from serving
39 in government. I'm sure that all of you in this crowd here today
40 have heard the term "a licensed attorney." Well, get ready for
41 this: There's no such thing as an attorney licensed to practice
42 law. The United States Supreme Court held a long time ago the
43 practice of law cannot be licensed by any state. This was so
44 stated in a case named Schwere vs. Board of Examiners 353 US 252 in
45 1957. The issue is that too many people trust the concept of
46 having an attorney. Having an attorney makes you a ward of the
47 court. According to USLegal.com, a "ward" is defined as a person,
48 usually a minor or an incompetent, who has a guardian appointed by
49 the court to take care -- responsibility for that person.

50
51 As officers of the court, these bar -- these lawyers or "BAR,"
52 British Accredited Registry, members are loyal to no one other than
53 that of their Title IV D and E gods, which they have sold their
54 souls too. Most of the day includes lying to clients to entice
55 them, deceiving parents, and lying -- leading them into more
56 conflict and conspiring with CPS to manufacture lies. By applying

1 to corrupt motive doctrine or palo doctrine to this current CPS,
2 Title IV, equitable fake court child-trafficking crisis, we can all
3 prove that any evidence of a corrupt motive, any perjured
4 testimony, and any acts done in bad faith demonstrate illegitimate
5 and fraudulent acts --

6
7 **CHAIRWOMAN ANKER:**

8 Mr. Cibelli --

9
10 **MR. CIBELLI:**

11 -- thus rendering everything done to us as fruit of the poisonous
12 tree --

13
14 **CHAIRWOMAN ANKER:**

15 If you could wrap up, please.

16
17 **MR. SABELLI:**

18 -- and that they were knowingly seeking a preordained result.

19
20 All right. The thing is is I want to say rest in peace to Thomas
21 Valva. I want to say this is really nothing that has to be done
22 through legislation, to advocate for more power, more grants, more
23 training. These people know what they are doing, and they are
24 serving -- they're serving very similar to the gestapo in eastern
25 Germany. Thank you.

26
27 **CHAIRWOMAN ANKER:**

28 Thank you. The next speaker is Margaret McKenna.

29
30 **MS. MCKENNA:**

31 Hi. Good morning. The father -- I'm here on behalf of the father,
32 my son, but if you notice, fathers are up here speaking and in the
33 court system -- they have reviewed everything I wanted to say. So
34 let me say that the court system ignores the father's rights when
35 the mother is an abuser, and I'm witness to that because I'm part
36 of it. I have to be careful of what I say because of
37 investigations that are going on, but 75 visits to the family court
38 I have made as a grandmother. When an incident happens, the
39 children are taken, say, from the parents or the mother, usually
40 the mother, because the mother has the rights over the father. A
41 mother can be a drug addict, heroin, alcoholic. The court system
42 will acknowledge the mother over the father. The father has
43 nothing to say. He can be a criminal attorney, he can be law
44 enforcement, whatever; they ignore it. The mother has the rights.
45 They will let her get better. They give the children back. So
46 that's one, but the fathers have a right to be heard and their case
47 fought.

48
49 So what's happened to me is somebody mentioned paying arrears. I
50 have paid \$75,000 to an attorney, one who shows up to court in a
51 Lamborghini. I can't mention his name, but let's mention the car.
52 So you're in the court, similar to this. The judge sits where you
53 are, and the county attorney, number one culprit, is over here, and
54 children have what they call "law guardians" appointed by
55 Department of Social Services. You don't get to speak. I don't
56 know how many times I have been told -- we can't yell, you've got

1 to be quiet, they are going to remove you from the court. So you
2 don't get to speak your voice. Thousands of dollars stand here in
3 their suits, and they get in their cars after. Just another case.
4 So what happens is the Department of Social Services has this
5 attorney speak on behalf of what's going on, report written by
6 social services, not by me, not by the father. The law guardian
7 and she gives her -- one of the worst culprits, and I'll name her,
8 is Margaret Shatner -- should go to jail. So she gives her report
9 to, I want to say, the county attorney. Not sure if it's Dennis
10 Brown but I personally paid him a visit, showed him the abuse that
11 was going on, and he said on May 1, your next court appearance,
12 It's all going to come out. So I tell my son it's over. I went to
13 to highest guy. Yeah, well that was good because on May 1, he
14 stood there and said, your Honor, the children are doing well, and
15 they have their braces, and they are going to school, and I have
16 nothing else to say. Well, I of course jump forward and say, Are
17 you crazy? I can't believe it. Well --

10:56AM

18
19 **CHAIRWOMAN ANKER:**

20 Ms. McKenna, please wrap up.

10:56AM

21
22 **MS. MCKENNA:**

23 -- I got escorted out. So what I'm saying is President Reagan said
24 one day, "Tear down that wall." You need to tear down the
25 Department of Social Services and start over because they are a
26 disgrace.

27
28 **CHAIRWOMAN ANKER:**

29 Thank you for coming and speaking. Again, I also want to mention
30 to the folks in the audience, you know, we're your representative
31 and where you live, find your legislator and have a conversation
32 with that legislator. I know we have worked with a couple folks
33 that are here today in my office, but thank you for coming here and
34 speaking.

10:57AM

35
36 **MS. MCKENNA:**

37 I'm sorry but been there, done that. I can name the people I have
38 spoken to. The precincts -- my grandchildren have called the
39 police and the person involved that has custody of them. Law
40 enforcement shows his badge and the police leave without even going
41 and speaking to the child who is over the age of 12 that called
42 them. They're smart enough, they write down the police car numbers
43 because I told them if you can't get the name and the badge, look
44 at the side of the car. So many entities are involved here, but
45 talking in the legislature, you've tried it some times.

10:57AM

46
47 **CHAIRWOMAN ANKER:**

48 Right. And that's why we're here. And again, we need to give
49 everybody a chance to speak today --

10:58AM

50
51 **MS. MCKENNA:**

52 It's a civil thing, and it's a family court matter.

53
54 **CHAIRWOMAN ANKER:**

55 Right. Thank you for speaking. I want to mention, too, though,
56 you know, you're in the legislature, the Suffolk County

1 Legislature. There's a number of issues, a number of components to
2 this concern, of this issue, and one of them is the courts. I
3 know that. I have been there. I have been through it, and we're
4 not going to stop until we see improvement. Like Margaret said,
5 knock it down and start from the beginning. We need to find out
6 what's broken, and we need to fix it. It is our job and that's why
7 we're here. I also want to mention, too, the components are the
8 court system, of course the county DSS, CPS, and the school and the
9 advocates including the family, the friends and neighbors. You
10 have to be strong. You guys have to work with us because we have
11 to all together fix this. But again, we are here to do your job,
12 and I thank you for your patience.

10:59AM

13
14 The next speaker, Julie Fabio, please come to the podium.

15
16 **MS. TOOKER:**

17 Can you just tell us who the next speaker will be so they know to
18 be ready?

10:59AM

19
20 **CHAIRWOMAN ANKER:**

21 Yes, I'll let you know who's coming prior. On deck is Kathy Cole.

22
23 **MS. TOOKER:**

24 Thank you.

25
26 **MS. COLE:**

27 Good morning. I'm here as a clinical therapist in private practice
28 who takes care of adults now who have been children of sexual
29 abuse, who have been in a foster care system and it failed them,
30 CPS failed them, the judges failed them. I am here as a mother who
31 now has two adult daughters who I could not protect when their
32 father verbally abused them. My daughters would have to go to
33 sleep at ages six and eight listening to their father and his
34 girlfriend having sex every night. My daughter took eight Advil
35 one night, woke up the next day. She said she wanted to go to
36 sleep. She wanted to go to sleep before she heard the sex from her
37 father and his girlfriend. She went to school, Bay Shore Middle
38 School. I got a call from the guidance counselor, "Your daughter
39 attempted suicide last night." I had to take her to Stony Brook
40 CPEP to be evaluated. I wrote down everything my lawyer told me,
41 keep a journal, do everything, document, document, document all
42 this abuse. I did. My children continued to have to go see this
43 man on a weekly basis or I would be held in contempt.

11:00AM

11:00AM

44
45 I was asked today to read to you a letter from Margaret Bessen
46 (ph).

47
48 "First, they slander you and they'll everyone you're crazy.
49 Second, they limit your resources. Third, when you have nothing
50 left, they give custody to the abuser. This is what happens when
51 you go to our legal system to be protected from any kind of family
52 abuse. Countless citizens, myself included, have complained to
53 every level of local and federal government regarding what has
54 become the norm in our courts and agencies specifically created to
55 protect families.

11:01AM

1 "They spend countless months stalling and adjourning court dates,
2 ignoring concerns of many parents, appointing more supposed
3 professionals such as law guardians, psychologists all under the
4 guise of confidentiality and protection of privacy for minors.
5 Litigants pay exorbitant amounts of money for evaluations that have
6 nothing to do with their parenting skills. Law guardians usurp
7 parents' ability to make decisions for their child, et cetera, all
8 under the guise of confidentiality. I believe the system has
9 become a cottage industry financially incentivized to promote and
10 prolong conflict and creates more damage to the very families they
11 were designed to protect.

11:02AM

12
13 "I was given four separate orders of protection in family court and
14 was also granted two or three separate orders of protection from my
15 children from their father. There were multiple reports to child
16 protective services and a special victims' investigation regarding
17 the children's claims against their father. Also, a medical report
18 was sent by an MD's office with medical evidence supporting the
19 abuse, a special prosecutor was appointed because the father was
20 involved in former DA's suit against the county to repeal his term
21 limit. The father was awarded sole custody, and I was ordered to
22 therapeutic supervised visitation and yet another unregulated
23 unethical court vendor child and family psychological services;
24 this, despite there being no allegations against me at all and
25 despite the psychologist finding nothing wrong with me or my
26 parenting." In fact, my ex was diagnosed, that is mine, as being
27 narcissistic and paranoid by the same psychologist.

11:02AM

28
29 "I have not seen my children in seven years. Now after this
30 horrendous outcome, the death of a child, the death of Thomas in
31 the Valva case, I hear from a statement from our county executive
32 Steve Bellone that CPS is understaffed. No. It's long past time
33 to address the utter incompetence, wrath and failure of our family,
34 matrimonial, and child protective systems. The DSS budget is 30
35 percent of Suffolk County budget at over \$610 million and even more
36 than our police department, which is among the highest paid in the
37 nation."

11:03AM

38
39 **CHAIRWOMAN ANKER:**
40 Ms. Fabio, wrap it up, please.

41
42 **MS. FABIO:**
43 Something has to change. Little Thomas froze to death, froze to
44 death, in a garage with his father and father's fiancée watching.
45 You guys have to do something as parents, as grandparents. You
46 have to feel that, and you need to do something. Thank you.

47
48 **CHAIRWOMAN ANKER:**
49 Kathy Cole, please come to the podium, and on deck is Sara
50 Finley-Keenan.

11:04AM

51
52 **MS. COLE:**
53 Good morning. I started the group Thomas's voice after seeing
54 Thomas's face on television. I have spoken at this podium several
55 times over the past several years, exposing school gyms, safety
56 issues that caused the death of several children, massive

1 procurement fraud with school contracts, labor law violations, and
2 the tens of millions of dollars, our school tax dollars. I spoke
3 about having disgraced D.A. Spota removed office months prior to
4 his indictment. I spoke about exposing the fraud and abuse of
5 power in the Suffolk D.A.'s office. Today, I stand here with you
6 at this podium pleading that you intervene, demanding an external
7 independent investigation and to really listen to the victims of
8 this corrupt, dysfunctional, encapsulated agency that we call CPS.
9 Children's lives depend on your intervention. I have learned over
10 the past 20-plus years how to gather information, compile it,
11 analyze it, and come up with solutions to protect our most
12 vulnerable population: Our beloved children. For the past 10 years
13 as a New York State whistleblower, I have learned that by doing
14 this, you run the risk of being retaliated against, defamed,
15 verbally assaulted, and called a "conspiracy theorist" by the very
16 officials in charge of protecting our children, but I had the facts
17 and the proof to back up my allegations as we all do now.

11:05AM

18
19 While blowing the whistle on safety and corruption issues in our
20 schools, I wound up with my own radio show, All Fact Up. This was
21 in 2014. At that time, I could not assist the many victims of CPS
22 and family courts calling me screaming and pleading for help. I
23 stopped the radio show to focus on my safety issue in good faith.

11:06AM

24
25 Thankfully, the last death of a child in Virginia in 2018 in a
26 school gym partition was a spark that lit national reform. As we
27 speak, I am on a task force working with the safety agency in
28 Washington D.C. to set a minimum safety standard for all school
29 gyms in the nation, gathering information from victims, insiders,
30 and experts and whistle blowers who are sick of this broken system
31 that is supposed to be protecting our children. That is my
32 expertise.

11:06AM

33
34 When I saw Thomas's story on the news, I became physically ill
35 thinking of all the desperate calls that I could not help those
36 parents that had asked me for help in 2014. I immediately decided
37 that I would have a call-to-action meeting in my home to spur
38 reform. I got a frantic call from court last Monday asking if I
39 could come to the custody hearing for Thomas's brothers and the
40 girls from one of the parents. This case is gruesome, and I pray
41 that our new D.A. and federal investigators will expose and hold
42 accountable those responsible for Thomas's death. We all know that
43 it's not just the dad and the stepmom. Justyna, Thomas's mom, has
44 given me several quick and common sense reform ideas to help
45 protect the other -- I'm almost done -- the other Thomases out
46 there. I will e-mail those to you, as we are not allowed to accept
47 questions.

11:07AM

48
49 One of the most powerful scenes in a movie that I believe changed
50 me forever was in A Time to Kill. A young black girl in the deep
51 south many years ago was abducted by black men. She was raped and
52 brutalized and left for dead. Her father eventually killed her
53 rapists. His lawyer during the trial asked the jury to close their
54 eyes and imagine this child being brutally raped, almost killed,
55 tortured, and left for dead; and now imagine that she was white.
56 The jury set the dad free. I ask you now to close your eyes and

11:07AM

1 think of Thomas. Think of all the newspaper and television
2 coverage. Think of what he had to endure, and now imagine that
3 Thomas was your son.

4
5 **CHAIRWOMAN ANKER,**
6 Thank you, Ms. Cole. Sara Finley-Keenan, and on deck, Marie
7 Tooker.

8
9 **MS. FINLEY-KEENAN:**

11:08AM 10 Good afternoon. I come to you as a victim of a broken CPS system
11 myself. I come to you just as Thomas's mother Justyna did when she
12 lost custody of her sons. She had no notes, she had no
13 representation. She didn't know what she was about to face. My
14 daughter Alana (ph) passed away on February 6 six years ago. In a
15 15-minute hearing, I lost custody of two of my sons. I am
16 currently, just so that you do know, I am currently in litigation
17 with Suffolk County in federal court over the violations of my 4th
18 and 14th amendments. I have a Monell claim that is in the second
19 district court.

11:09AM 20
21 I'm a grieving mother who has watched these atrocities go on and on
22 after the death of my daughter, and I have tried and tried to fix a
23 system that is so utterly broken, and here we have yet another dead
24 child. My daughter didn't die because someone put her in the wrong
25 family or put her in foster care. It was a different situation;
26 but the system is so broken in that there is an inadequate training
27 system both with the CPS workers themselves, the law guardians.
28 There is a lack of accountability for their decisions, for their
29 actions, for their lack of actions. If you could sit with me
11:10AM 30 through all of the 90-plus depositions that I have gone through
31 over the three years and listen to numerous CPS workers tell me the
32 scope of their job and what they've done and point to one CPS
33 worker after another CPS worker, and all they do is say, Well, I
34 didn't do that, I was told by this person to do that. They rubber
35 stamp letters. They tell judges what -- they take medical
36 information from doctors -- I'm sorry. I apologize. They take
37 medical information from doctors that work for private companies
38 and they use it to remove your children. There is no training. A
39 CPS worker has 12 weeks of training, six weeks of actual training.
11:11AM 40 This is not okay. My children have a law guardian. The law
41 guardian never met my children. How is she supposed to advocate
42 for my children if she's never met them? I will conclude there at
43 my three-minute mark.

44
45 **CHAIRWOMAN ANKER:**
46 Thank you, Sara, and our condolences to you.

47
48 **MS. FINLEY-KEENAN:**
49 Thank you.

11:12AM 50
51 *(The following was taken by Gabrielle Severs - Court Stenographer*
52 *and transcribed by Alison Mahoney, Court Stenographer)*

53
54 **CHAIRPERSON ANKER:**
55 Marie Tooker, please come to the podium. And on deck is
56 Kelly DiMassimo.

1
2 **MS. TOOKER:**

3 Good morning. I think the most important thing now is to thank
4 Judge Frank Tantone for giving full custody to the two fathers in
5 this horrific case. But one thing he erred at, he erred, he made a
6 terrible, grave mistake, he gave emergency temporary custody to
7 Justyna. I beg all of you now, you have a new committee, you
8 changed the legislation committee, you have a new mission
9 statement, you have a new jurisdiction, now, get up now, call the
10 Suffolk County Attorney and get Justyna full custody. How dare you
11 give her emergency temporary custody. Give hew new custody now.
12 Get up, get up now; get up now and call the Suffolk County Attorney
13 now, get him to give her full custody. Tell Frank Tantone --

14
15 *Applause*

16
17 -- to give her full custody now with prejudice, where she never
18 walks into your most corrupt, sick system ever, Family Court, who
19 steals and tortures children. Tyranny far and beyond.

20
21 I want to thank President Trump. Since he's been in office he's
22 been fighting for our youth and he's come a long way. All of you
23 know, you've known, you've known since I've been speaking that our
24 children are not safe, they're in danger, and New York is under
25 siege. Our children are suffering. Do something. Not one of you
26 are getting up yet. Call the County, I want by today Justyna to
27 have full custody. Everybody, who thinks that Justyna should have
28 full custody right now? Scream it now.

29
30 *Applause*

31
32 **CHAIRPERSON ANKER:**

33 Marie, again, we're here to listen to you --

34
35 **MS. TOOKER:**

36 You know what? Be quiet, I don't want to hear what you have to
37 say. You have ignored everything.

38
39 **CHAIRPERSON ANKER:**

40 We're here to listen to you.

41
42 **MS. TOOKER:**

43 You have ignored everything.

44
45 **CHAIRPERSON ANKER:**

46 You're more than welcome to speak, but if you're --

47
48 **MS. TOOKER:**

49 Okay, I'm talking now, this is my time.

50
51 **CHAIRPERSON ANKER:**

52 Okay, you have 53 seconds.

53
54 **MS. TOOKER:**

55 We demand perjury to be prosecuted. We demand video recording in
56 every courtroom.

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Applause

We demand you to get rid of immunity. These judges are getting away with murder, as you know now. God help all of you, you knew.

UNKNOWN AUDIENCE MEMBER:
They're influencing murder.

MS. TOOKER:
You have not -- the State Assembly, the Senators are now in hearing working on this. Not one of you have been at one of those hearings. Where were you? We had to travel to Albany to hear our voices. I beg you now, today, get up and get her full custody now. We demand the judges and everyone in the system to have drug and -- drugs and alcohol tests. We demand it.

(Timer Sounded)

11:15AM **CHAIRPERSON ANKER:**
Marie, your time is up. But did you submit that information?

MS. TOOKER:
We demand you to investigate bribery. And one more thing, you have lost your jurisdiction. This is now a Federal crime, this is the Hobbs Act and we have demanded you to go to the Department of Justice and you have done nothing. That's right, Robert Trotta, pay attention. This is the Hobbs Act; did you hear what I said?

11:15AM **CHAIRPERSON ANKER:**
Marie, your time is up. I'm going to ask you to step away --

MS. TOOKER:
Yeah, I know our time is up. Your time is up.

CHAIRPERSON ANKER:
Thank you.

MS. TOOKER:
Your time is up.

Applause

CHAIRPERSON ANKER:
Thank you for your input. And I highly suggest the folks here, submit your documentation. This is really important. Marie, you've got some great ideas and I do appreciate your --

MS. TOOKER:
You know what?

CHAIRPERSON ANKER:
Your comment.

MS. TOOKER:
I don't want to hear it.

1 **CHAIRPERSON ANKER:**
2 No yelling from the audience, please.

3
4 **MS. TOOKER:**
5 I begged you. I begged you for three years.

6
7 **CHAIRPERSON ANKER:**
8 Let's keep this committee in order.

9
10 **MS. TOOKER:**
11 Oh, please. Please. Yelling? We should be all crying and
12 demanding -- did you get up yet?

13
14 **CHAIRPERSON ANKER:**
15 If you continue, the Court Officer will ask you to leave.

16
17 **MS. TOOKER:**
18 Yeah, I know. Does it matter anymore? You've done it how many
19 times.

11:16AM 20
21 **CHAIRPERSON ANKER:**
22 Okay, so the next person we have is Kelly DiMassimo. And I ask the
23 folks here, please show respect. You know, we're here to listen.

24
25 **MS. TOOKER:**
26 Show respect?

27
28 **CHAIRPERSON ANKER:**
29 This is a very, very sensitive issue. You know, Thomas Valva is an
11:16AM 30 amazing, young inspiration --

31
32 **MS. TOOKER:**
33 Don't even say his name.

34
35 **CHAIRPERSON ANKER:**
36 -- and we will continue to do what we can.

37
38 **MS. TOOKER:**
39 Sick bitch. (Should we put this in???) Lol...she is crazy!!

40
41 **CHAIRPERSON ANKER:**
42 -- but we are here to listen and help you. Go ahead.

43
44 **MS. DiMASSIMO:**
45 Hi. Kelly DiMassimo, Suffolk long-time resident. I am an active
46 PTA mom, and anybody that knows, this is just -- it's
47 heart-wrenching.

48
49 I think there are a few changes that do need to be made and one is
11:17AM 50 videotaping. Videotaping wouldn't cost a dime because everybody
51 can video on their cell phone, but that would stop the lies, the
52 corruption, because now the video doesn't lie. It's just a shame
53 that the same system --

54 **CHAIRPERSON ANKER:**
55 Excuse me. Legislators, if we could just focus on the folks that
56 are speaking. Thank you.

1
2 **MS. DiMASSIMO:**

3 The same system that was set up to protect these children are
4 killing them.

5
6 **UNKNOWN AUDIENCE MEMBER:**

7 I did that the whole weekend crying.

8
9 **MS. DiMASSIMO:**

10 I have a child that's disabled, but thankfully I never had to go
11 through any of this. So I hope that the next system that you guys
12 set up is set up to protect them and not kill them. Thank you.

13
14 *Applause*

15
16 **CHAIRPERSON ANKER:**

17 Thank you so much. Debi Kosyla Edwards, if you'd like to come to
18 the podium. And again, Debi, it is so good to see you. Debi and
19 I worked together at Longwood School District. And Debbie, again,
20 she's helped so many children in her capacity. Thank you.

21
22 Up next, just to prepare you guys, Dawn Corrigan.

23
24 **MS. KOSYLA-EDWARDS:**

25 Hello. My name is Debi Edwards and I am a school social worker.
26 I began work with children thirty years ago, and in thirty years
27 ago I've seen only one change to the child welfare system and I
28 played a role in that change at the State level.

29
30 The unimaginable -- unimaginable stories that I have heard from
31 children, the pain that I have seen in their eyes haunt me daily.
32 I was unable to help them because of a broken system. Yes, new
33 teams emerge and efforts are beefed up when a child dies; as the
34 memory of their child fades, things continue as they always did.
35 And in over thirty years, there has been absolutely no systemic
36 assessment or change to the existing child welfare system.

37
38 Three years ago I participated in a Grand Jury investigation on a
39 case of gross sexual, physical and emotional abuse of at least
40 eight boys placed in a home for adoption and foster care. Eight
41 years of CPS reports were unfounded and placement of children for
42 adoption in foster care continued in their home. At the conclusion
43 of that investigation, the ADA made recommendations to changes to
44 CPS that went unheeded. And the abuser was found not guilty
45 because the judge decided that because a child filed -- a victim
46 filed a civil lawsuit, that they were only interested in money.
47 That abuser walked.

48
49 Through my years I have heard CPS reporter -- CPS workers report,
50 "*You should see their house, it's beautiful*"; unfounded. "*The*
51 "*father is a police officer*"; unfounded. "*The child would not talk*
52 "*while in the presence of the parents*"; unfounded. "*The parents*
53 "*would not open the door*"; unfounded. "*The child was not credible;*
54 "*that child had a disability*"; unfounded.

55
56 Tommy has died while the children who do not die suffer silently.

1 Without changes, CPS and the courts will remain as they always
2 have. Children are subjected to the same standard of proof as
3 adults which is unfathomable given the complexities of child abuse
4 and the emotional impact.

5
6 And law guardians lacking mental health expertise will offer
7 recommendations, judges will continue with their own biases and the
8 Commissioner of DSS will continue to be a political appointment
9 that pays very well. This time outrage will not dissipate, this
10 time our outrage will not dissipate, not until this child welfare
11 system is replaced with a child welfare system that employs only
12 licensed, mental health professionals and includes independent,
13 judiciary oversight. I have a great deal of expertise and
14 request to be a part of any task force that is formed to
15 investigate the child welfare system. Thank you very much.

16
17 *Applause*

18
19 **CHAIRPERSON ANKER:**

20 Thank you, Debi. Dawn Corrigan, please come to the podium. And on
21 deck is Sarah Kleinbart.

22
23 **MS. CORRIGAN:**

24 Hello. My name is a Dawn Corrigan. Just about eight years ago I
25 found myself at the mercy of the Family Court System in Suffolk
26 County. Many mothers like myself find themselves at the mercy of
27 this cruel, corrupt and unjust system. Fortunately, I was able to
28 navigate the corruption and withdraw petitions and thereby save my
29 children. Not everyone can save their children or their child and
30 navigate this broken system as I did. The Family Court System, the
31 Judges, the law guardians and CPS are unethical in their actions by
32 destroying families in the process.

33
34 In my recent discoveries, I have found that the Town of Brookhaven
35 is manipulating citizens within our communities. The Town has an
36 agenda to steal properties. Town officials are enlisting the
37 Suffolk County Police Department and Child Protective Services to
38 help them steal homes and children. The Town shows up at a
39 residence -- a set residence, they know what they're doing -- aided
40 and abetted by Suffolk County Police Officers and Child Protective
41 Services.

42
43 *Applause*

44
45 They are literally ordering people out of their homes into the
46 street. I know this to be true. They are intimidating people and
47 instilling fear in many parents by saying that if they don't vacate
48 their properties within five minutes they will remove their
49 children and parents are being arrested and held criminally for
50 trespassing on their own property. I know this to be true, I have
51 a stack of files this big. And Rob Calarco knows it to be true,
52 I've sent you my video. Okay? And I have been asking people at
53 the Legislature and at Town Hall for help and all of my requests
54 have gone unfounded and unheard and unanswered.

55
56 The Town has no jurisdiction, no search warrants. They're

1 illegally searching and seizing peoples homes and properties and
2 their children. I am here today to bring attention and awareness
3 to this horrendous crime that's happening right here in our
4 community. I have a video, okay. If anybody would like to see the
5 video, I will gladly show it to you.

6
7 I'm asking the media and the news coverage to contact me. This
8 story needs to be brought out into the public and the Town needs to
9 be held accountable.

11:25AM 10

11 (Timer Sounded)

12
13 Ed Romaine needs to be held accountable, and all of his gestapo
14 agents, okay. This is not a joke, this is serious, okay, and it's
15 connected and related, okay, to what's happening with CPS.

16
17 I have one more thing to say. As Robert Kennedy once said, "*Every*
18 *time we turn our heads the other way, when we see the law flouted,*
19 *when we tolerate what we know to be wrong, when we close our eyes*
20 *and our ears to the corrupt because we are too busy, because we are*
21 *too frightened, when we fail to speak up and speak out, we strike*
22 *a blow against freedom and decency and justice.*"

11:25AM 20

23
24 **CHAIRWOMAN ANKER:**

25 Thank you, Dawn. Thank you for your statements. Sarah Kleinbart;
26 and on deck is Steven Kleinbart.

27
28 **MS. KLEINBART:**

29 Good morning, all. My name is Sarah Kleinbart. My daughter is a
30 victim, she's 11-years old. She's by abusers and abductors. She
31 has autism and she has an automatic nerve disease. Only four
32 neurologists in the State, and actually in the country, are aware
33 and understand this disease, yet I am being held accountable,
34 together with my husband who is here today. Nothing has been
35 found since April of 2016 to date, yet in two weeks ACS is trying
36 to imprison me for six months minimum to possibly three years for
37 crimes I never committed. People out there in the world, we thank
38 you for bringing this awareness, for stating that they want to help
39 bring our daughter back. Jaden Jordan lived not far from us in
40 Kings County; together with Zymere Perkins, they both died at the
41 age of four and seven under their abusers.

11:26AM 30

42
43 Our daughter currently belongs with special education, a classroom
44 not more than six by the Department of Education recommendation.
45 She is forced into a regular class, 2nd grade, or 4th grade instead
46 of 6th grade. Instead of receiving special ed and therapy, she's
47 been denied and deprived for a year and a half, since she was
48 abducted on Monday, October 15, 2018, with two options. *(Crying)*
49 I apologize. One, either we go to prison immediately that night
50 and don't see our child again; she's our one and only child. The
51 other option is don't go to prison but your child is being forced
52 away from you.

11:27AM 40

53
54 The second thing was -- is that they claim things that are not
55 true. The Board of Ed told us to home school our child in 2016, we
56 complied. We have every transcript from the State of New York that

11:27AM 50

1 she thrived from two-and-a-half years under home schooling where
2 she knew zero prior to that. Today she's in a 4th or a 2nd grade
3 classroom and learns nothing. She has no friends. She is many
4 times silent. We are being held in contempt for the fact that many
5 times she writes and cannot speak. That is her way of
6 communication, facial expressions. I was deprived for six months,
7 April 4th, 2019, for six months from being with my daughter because
8 I spoke Hebrew and prayed six feet away from her. And now I see
9 her, finally. I'm not allowed to talk, I'm not allowed to whisper.
10 My child's not allowed to whisper, that's her way of communicating.
11 She's not allowed to write because they say it may be secrets, no
12 phone calls because --

13
14 *(Timer Sounded)*

15
16 -- someone may be saying something. She cries every time, even
17 last night, "Mommy, Daddy, take me home now." She doesn't always
18 talk, she writes, facial expressions. You could see the terror in
19 her eyes. Yesterday, Legal Aid Society was there with her, a half
20 hour the social worker said, "You may not go home, it is bad for
21 you. Mommy and Daddy hurt you"; that is a hundred percent false.

22
23 **CHAIRPERSON ANKER:**

24 Thank you, Sarah. Again, your time's is up, but your husband --

25
26 **MS. KLEINBART:**

27 You need to stop the human trafficking. Stop abducting --

28
29 *Applause*

30
31 -- and taking children for money. It was stated last night by the
32 agency in our meeting, "Well, there's concerns." What are the
33 concerns? There's money; stop taking money. My husband and I are
34 approved for eight years in the State of New York to taking
35 children. Our home has been filled with children of special needs
36 of all kinds --

37
38 **CHAIRPERSON ANKER:**

39 Thank you, Sarah.

40
41 **MS. KLEINBART:**

42 -- yet we're deprived of our own child.

43
44 **CHAIRPERSON ANKER:**

45 Sarah, I notice now you're from Monsey; where is that? Is that
46 located Upstate?

47
48 **MS. KLEINBART:**

49 It's approximately two hours north of here. We lived in Kings
50 County and currently live in Rockland County and we were told that
51 Rockland County and Kings County are not in the same state, but yet
52 ironically they are. And that's another reason why they're holding
53 me in contempt.

54 On February 25, 2020, they are trying to put my husband and I in
55 prison for things we never did. And by us speaking here today, we
56 thank you. We've gone and written letters across the globe, yet

1 everyone turned a deaf ear to us.

2

3 **CHAIRPERSON ANKER:**

4 Okay.

5

6 **MS. KLEINBART:**

7 And we even have from psychologists and multiple specialists in the
8 Tri-State area stating we are fit parents. How is it possible? My
9 husband and I have been running a group home, it's actually called
10 a respite home, for parents who need time off for a weekend --

11:31AM

11

12 **CHAIRPERSON ANKER:**

13 Sarah?

14

15 **MS. KLEINBART:**

16 -- for foster care and yet we cannot have our own child. This has
17 to stop.

18

19 **CHAIRPERSON ANKER:**

20 Sarah, would you like to take your husband's time for another three
21 minutes?

22

23 **MS. SIMPSON:**

24 No, she can't.

25

26 **MS. FINLAY-KEENAN:**

27 I apologize; what?

28

29 **CHAIRPERSON ANKER:**

30 Oh, you can't. All right, Legal Counsel says no. We need to get
31 on to the next speaker --

11:31AM

32

33 **MS. KLEINBART:**

34 Yes.

35

36 **CHAIRPERSON ANKER:**

37 -- but we thank you for coming.

38

39 **MS. KLEINBART:**

40 I thank you. Please, let's not turn deaf ears and please take this
41 down today. Speak to Letitia James, Attorney General in Albany and
42 plead and beg that everyone stop. There's many ways to get jobs,
43 many ways to get money, but this is incorrect. Thank you all.

11:31AM

44

Applause

45

46 **CHAIRPERSON ANKER:**

47 Thank you, Sarah. Thank you. Steven Kleinback, would you please
48 come to the podium? And on deck is Dorothy Price-Hill.

11:31AM

49

50 **MR. KLEINBART:**

51 Hi. I'm Steven Kleinbart, my wife Sarah just spoke before. The --
52 I myself am believed to be a victim of child trafficking by the
53 very people who have my daughter. In the original report that was
54 made by people to my daughter's pediatrician, it claimed that I
55 grew up by them and had special needs. Now, we both work for
56

1 OPWDD, Office for People With Developmental Disabilities, and
2 according to them, special needs is only relevant to someone who is
3 diagnosed before the age of 22. The term special needs was never
4 used on me, it only was used when I started working with special
5 needs people when I was 21. So that itself is a laughing matter.

6
7 And we are taking care of our child, as you may have heard.
8 We have done everything we need educationally, and to claim
9 educational neglect, that too has no standing. We have all the
10 evidence showing that we educated with the Board of Ed. We were in
11 the middle of transferring to Rockland County but we got rudely
12 interrupted by this abduction, and we continue to have evidence
13 from Kings County that everything we did educationally was above
14 and beyond.

15
16 Now, at the same time, my parents are also victims of human
17 trafficking in different ways. I do not dispute the care that
18 they are each receiving individually in their respective places,
19 but it is because of the same individuals involved in my daughter's
20 abduction that my parents are separated, and not by their will but
21 because of those same people. And I do appeal to everyone here
22 that families -- that these people allow the families to be
23 together, that no one should be allowed to call in to make reports
24 to look for a finding to disqualify parents. The system is not
25 here as -- to find faults in parents and take away children.

26
27 So we request on behalf of everyone here to repeal this Family
28 Court system that --

29
30 **UNKNOWN AUDIENCE MEMBER:**
31 Amen.

32
33 **MR. KLEINBART:**
34 -- no one is looking to find fault in parents. Parents are
35 partners of God in the creation of their children and I believe all
36 religions agree with that. So therefore, the end has come.

37
38 *(Timer Sounded)*

39
40 CPS, ACS or whatever title they are, are not agents of the
41 petitioners to look for faults to take away children and are not
42 being bribed in order to do so. So children are to come home
43 immediately to their parents and there does not need to be any
44 further investigation as to what goes on when they're returned;
45 because it was unfounded, it remains unfounded.

46
47 **CHAIRPERSON ANKER:**
48 Thank you, Steven. We appreciate you speaking today. Thank you.

49
50 *Applause*

51
52 Next up is Dorothy Price-Hill; and on deck is Gayelynn DeFilippis.

53
54 **MS. PRICE-HILL:**
55 Hi. Good morning, and thank you, everyone. My name is Dorothy
56 Price-Hill, I'm a resident of Manhasset in Nassau County. My

1 connection to Suffolk County started in December, 2010, when the
2 bodies of young women were found just off of Ocean Parkway in Gilgo
3 Beach. I then was harassed by Joseph Brewer who held secret
4 parties above a sex -- mens sex club called the CCC. I am the one
5 who wrote the 80-page memo to the FBI and went into the City to One
6 Police Plaza and submitted that. Last week I filed a criminal
7 complaint against Suffolk County District Attorney Tim Sini. It
8 was one of the hardest things I've ever done in my life. I've
9 lived in five countries overseas for my job at Goldman Sachs &
11:36AM 10 McKinsey, but now I'm going up against the power structure and the
11 good ole boys club.

12
13 I filed a criminal complaint with the Nassau County District
14 Attorney Madeline Singas after ADA Wright told me that I was
15 correct. And that for nine years I have been begging the FBI to
16 take over the Long Island serial killing investigation as well as
17 the New Jersey serial killings of four young women in 2006, their
18 four bodies lined up behind the Golden Key Motel in Egg Harbor
19 Township, which based on witnesses from both Upstate, New York and
11:37AM 20 Long Island are directly linked to the same murders and the same
21 group of men.

22
23 I'm here today because my beautiful son Alex Hill in this
24 photograph, who is now 18-years old, was targeted. I was warned,
25 "*If Joseph Brewer can't kill you*" -- and he did goat me on Facebook
26 and threaten to come to Manhasset, I'm not going to repeat the word
27 because I don't like to curse, but he did use the F-word and I went
28 to the Nassau County Police Office, Officer Calamita in the 3rd
29 Precinct, Williston Park, who laughed at me -- laughed at me, just
11:37AM 30 like the police laughed at Justyna -- and told me I could not file
31 a police report against Joseph Brewer for bodily -- threats of
32 bodily harm because, quote/unquote, "*He will sue you.*" I then knew
33 that I was in a very deep pit.

34
35 I have a few things to say about these investigations. Number one,
36 the Office of Child and Family Services in Albany absolutely must
37 be involved in the Justyna investigation. That is the database
38 called CONNECTIONS, in all capital letters, where all reports
39 against her and slander that she is unstable, delusional,
11:38AM 40 schizophrenic, all those terms that they throw around that's part
41 of their mantra. And they did that to me, too, and they fell on
42 their face. Because I filed a criminal complaint against Dr.
43 Anthony Santuro who has an office in Hauppauge and is the official
44 vendor of the Nassau County Department of Social Services who wrote
45 in his report about me that I have delusions of grandeur. I was
46 told to shut up -- excuse me, be quiet by Judge Greenberg and my
47 case is going to trial this Monday. I have told the Department of
48 Social Services in Nassau County and also into Suffolk County where
49 my son is allegedly here somewhere in this County that I'm going to
11:38AM 50 be suing them in Federal Court for \$50,000 a day for taking my
51 son --

52
53 (Timer Sounded)

54 -- based on slander and libel, that's 300 -- almost 365 days times
55 \$50,000; those of you who are good at math, that's about \$18
56 million, and I'm serious.

1
2 I also want to talk about the sex trafficking of minor girls.
3 I did all the research on Utopia Guide for --

4
5 **CHAIRPERSON ANKER:**

6 Dorothy, could you wrap it up, please?

7
8 **MS. PRICE-HILL:**

9 Yes, I'll wrap it up. And there are girls in this County and
10 Nassau County who are daughters of women on welfare. They're being
11 approached on social media and other methods and they're being paid
12 for sex and blow jobs in the back of cars and the men describe in
13 excruciating detail along Route 110 how they have sex with these
14 young girls; that needs to end. We need undercover -- I don't care
15 if you have to bring in the FBI, we need undercover.

16
17 And last but not least, I want to just say also, in addition to
18 that, the investigation of Michael Valva and of his fiancée Angela
19 Pollina must absolutely involve not just the FBI but the Department
20 of Homeland Security ICE. That surveillance system may have very
21 well been a streaming mechanism, I'm not going to say more about
22 it. But if you have to bring in experts from the FBI to learn
23 about the dark web and live streaming of child sex trafficking and
24 child porn, I beg you to do so. Thank you.

25
26 *Applause*

27
28 **CHAIRPERSON ANKER:**

29 Thank you for your statements. Okay, Gayelyn DeFilippis. And on
30 deck is Donna Corwin-Oliveris

31
32 **MS. DeFILIPPIS:**

33 Good morning, everyone. I, too, have fallen victim -- actually,
34 my granddaughter. My granddaughter is 12-years old. She was
35 stripped from a thriving mother and catapulted into a world of
36 domestic violence; disgusting, disgraceful. I hear the common
37 cloth here is that, A, something needs to be done and what is
38 paramount is the safety and protection of our children. We beg, we
39 plead. I have pleaded with numerous people. Phone calls have gone
40 unanswered. CPS has been called, reached out to by principals, by
41 therapist times two, times three, times four; unfounded. We all
42 know where unfounded leads. If it's unfounded it's a death
43 sentence. So please, I reach out to all of you today in hopes that
44 you will address this system that is so broken and antiquated, that
45 children's voices should be heard, okay?

46
47 I also find it interesting that a law guardian would rip this child
48 out of her home, Regina Stanton and referee Heather James, this is
49 all Suffolk County. With the CPS and the well-documented -- there
50 are documents this deep, this deep suggesting that the abuser she's
51 living with has had order of protections against him for rape. But
52 it's okay for him to sleep in the same bed, CPS says. Don't
53 understand that.

54 There's order of protections currently in Nassau County under Judge
55 Greenberg. See, the stories are all too familiar, the names are
56 all too familiar. Wake up, people. Wake up, or you, too, shall

1 have blood on your hands.

2
3 **Applause**

4
5 Please help us, help our children. You have women who are
6 suffering, bankrupt, thrown out of homes. I, for myself, have sold
7 four homes for my granddaughter. I suggest you wake up, people,
8 because one day you, too, shall fall victim.

9
10 **Applause**

11
12 **MS. TOOKER:**
13 They already know.

14
15 **CHAIRPERSON ANKER:**
16 Thank you for your statement. Next, Donna Corwin-Oliveris.

17
18 **MS. CORWIN-OLIVERIS:**
19 Wow, you guys have gotten an ear full. My name is Donna
20 Corwin-Oliveris. I am a parent and I work for the State. I have
21 witnessed myself where Child Protective Services, which I wouldn't
22 consider them protective because they're not protecting anyone but
23 the people that are doing the crimes against these children. These
24 kids are becoming victims day after day. You have people that are
25 fostering them, and basically the foster system is also broken
26 because I know personally people that take in foster children just
27 so that they have that extra income and that's not right. If you
28 want to have a child advocate, then make sure that you're getting a
29 child advocate. Do not just let anybody say, *Oh, I'll take care of*
30 *them*, because they're not doing it. These kids need our
31 protection.

32
33 You guys have been put where you are to make a difference. Make
34 these children's voices that are not being heard finally heard.
35 It's sad that we had to lose Thomas in order for you guys to
36 actually hear what was being said. So please, don't let his death
37 be unheard. Make sure that the people that are responsible pay for
38 what they've done. Thanks.

39
40 *(The following was taken by Gabrielle Severs - Court Stenographer*
41 *and transcribed by Kim Castiglione - Legislative Secretary)*

42
43 **CHAIRPERSON ANKER:**
44 Thank you. Thank you, Donna, for your comments. I don't have
45 additional cards. Is there anybody else here in the audience that
46 would like to speak? If they -- you can only have one. Okay.
47 Could you come -- fill out a card? Amy, you want to grab her a
48 card? You can speak first and then afterwards if you could fill
49 out a card that would be great. Thank you.

50
51 **MS. McDONNELL:**
52 Hi. My name is Jan McDonnell. In my line of work I'm a mandated
53 reporter. I work for Family Service League. I go to schools
54 teaching a program called Too Good For Drugs. Again, I am a
55 mandated reporter. While I was giving my lesson about drugs and
56 alcohol I had a child, seven years old, come to me afterwards and

1 say that her mom drinks and drives all the time, makes her get in
2 the car with her while she's drunk, and she's frightened. She says
3 that she's left alone at night. She had a bad dream the other
4 night and she got up in the middle of the night looking for her
5 mommy and couldn't find her. She said her grandparents lived in an
6 apartment downstairs so she went to find them. They were not home
7 either and she said she was so frightened. She was by herself. I
8 said, "So you were all by yourself? No one was there with you?"
9 She goes "Oh, well, my brother was there." I said, "Oh, okay. How
11:45AM 10 old is your brother?" She said, "Five." So she was seven going on
11 eight and he was five.

12
13 There is a teacher in the room while I give -- run my program. I
14 spoke to the teacher afterwards and I said, "Did you hear what she
15 said?" She goes "Well, I wasn't really paying attention. I didn't
16 really hear." So I repeated. I said, "Well, I'm a mandated
17 reporter. I know the child's first and last name but I need
18 information." She would not give me the information. They said
19 they would take care of it on their own. I followed-up with it and
11:45AM 20 I said, "Well, is it recorded?" She said, "Well, we're trying to
21 get the social worker in the school to come speak with her."
22 Nothing ever happened.

23
24 I kept trying to follow-up, so I spoke to my supervisor. My
25 supervisor said, "You need to call CPS on your own", which I did.
26 I tried calling CPS, I explained everything that happened. She
27 goes, "Well, what's the date of birth and the address." I said, "I
28 don't have that information. I go to the school, this is the
29 school I went to, this is the grade, this is the teacher's name,
11:46AM 30 this is her name." "Sorry, we can't take the case, we can't take
31 the call. Try to get us more information." I said, "Well, can you
32 call the school? The school would not give me the information."
33 "No, we can't do anything" and hung up on me. I know they're
34 understaffed and overpaid, but that's no excuse. We have to
35 protect our children.

36
37 I am as well a foster parent. I know there are people -- I was a
38 foster parent for eight years. I have since adopted. I have two
39 biological children. I adopted one of my foster children to give
11:46AM 40 them a better life. I am not one of those foster parents that do
41 it for money. I did it out of love.

42
43 And speaking of law guardians, the law guardian for my son while I
44 was in the process, it took four years to adopt him, never spoke to
45 my son. He was petrified of his biological mother. Foster had
46 visits that he would vomit -- get migraines and vomit after the
47 visit, holding onto to the back of my shirt because he didn't want
48 to see her. The law guardian never once even interviewed my foster
49 child. Finally, it took four years but I did get custody and I
11:47AM 50 since adopted him, but the system is so broken. Nobody follows-up.

51
52 I had the caseworker at the foster care, while I was in foster
53 care, come to my house in her convertible in a bikini, "Oh I'm
54 coming to do a home visit." Beeped in my driveway and waved to me
55 that this is her -- this is her visit. "All good?" I reported
56 her. I said, "What if I was doing something to the child?" Nobody

1 is doing their job. We need checks and balances to protect our
2 children. Thank you.

3
4 *Applause*

5
6 **MS. TOOKER:**

7 They don't care, they are just not listening to you.

8
9 **CHAIRPERSON ANKER:**

10 Thank you. Thank you, Jan, appreciate you coming.

11
12 All right. I have no more cards and no more public comment. We're
13 going to go right into the presentation. Can we have Commissioner
14 Frances Pierre from the Department of Social Services, and Mark
15 Clavin, from the Division -- Administrator, that's the Division of
16 Family and Children Services. They have a presentation on CPS.

17
18 And before you start, I do want to thank the audience for their
19 participation. Your participation is vital to really get to where
20 we need to go. And I'll tell you what's missing right now, and
21 I've heard it throughout the 16 or 17 people that have spoken
22 today, is communication. We have to start communicating, and your
23 input is very important. It's part of this process that will
24 change the system for the better. So, again, I just want to thank
25 the folks that have spoken today.

26
27 **MS. TOOKER:**

28 That's why you're here. We can't communicate with deaf ears.

29
30 **CHAIRPERSON ANKER:**

31 Again, we're going to focus on this presentation. Thank you so
32 much, Commissioner, for coming forward and presenting your
33 presentation. Did you have a visual or no? We're good?

34
35 **COMMISSIONER PIERRE:**

36 No. I believe you all received the fourth quarterly report.

37
38 **CHAIRPERSON ANKER:**

39 Speak into the microphone.

40 **COMMISSIONER PIERRE:**

41 I believe you all received the fourth quarterly report.

42
43 **MS. TOOKER:**

44 Does she get the three minutes to talk?

45
46 **COMMISSIONER PIERRE:**

47 Okay. I'm going to present on the quarterly report that we
48 presented to you. Actually, part of the resolution that was
49 submitted speaks to the fact that by March 15th we are supposed to
50 do a yearly update. I have with me Mark Clavin, the Division
51 Administrator, and Mike Heiser, County Attorney, with me today.

52
53 **MS. TOOKER:**

54 Louder, please.

55
56 **COMMISSIONER PIERRE:**

1 Can you hear me now?

2
3 **AUDIENCE MEMBERS:**

4 Yes.

5
6 **COMMISSIONER PIERRE:**

7 Okay, thank you. So the resolution spoke to speaking before the
8 Legislators. The resolution speaks to speaking to the Education
9 and Human Services Committee, which is now the Seniors and Human
10 Services Committee now. So we're going to be talking about the
11 caseloads, which is something that we were reporting on, and when
12 we went over 15 every month we also submitted that report as well
13 as the quarterly report.

14
15 So for the last quarter October, November and December, for new
16 reports on child abuse we have an average of 748. I believe you
17 all have the report already. And then, again, at the end of the
18 month we have open investigations of 1389. Our caseloads currently
19 for the December ending that quarter was 12.4 on average. So we
20 had four of our caseworkers that went over the caseload of 15. Two
21 of them were at 16 and another two was at 18. So we've really been
22 doing a lot of work in ensuring that we're decreasing the caseload.

23
24 In January we're also recognizing that we have individuals that are
25 retiring and people on leave. Obviously if they're on leave they
26 can't carry caseloads, so we've really been working with those that
27 are retiring and we're looking now in the County Executive's Office
28 for the next six months, people that are retiring, to see if we can
29 put folks in the queue so that -- we know that the training takes
30 almost up to nine months before they can carry a caseload of 15, so
31 before we do that we're trying to get them on board early. So,
32 again, we've been really doing the automatic backfills for any
33 caseworkers that are -- that leave. We have the automatic
34 backfill. We don't have to wait for a quarterly hire in order to
35 do that.

36
37 And for Child Protective Services, obviously they're two different
38 units. We Child Protective Services with investigations and then
39 we have Child Protective and Prevention Services as well. So for
40 Child Protective and Preventative Services, at the end of the
41 quarter was 892. Again, cases that we had, open cases, with an
42 average of 12.6 on the caseload. And the ones that went over 15
43 was four. So we had one caseworker with a caseload of 16 and
44 another one with a caseload of three.

45
46 So, again, we're doing active recruiting. We're also working with
47 Civil Service to ensure that -- normally the list is good for 90
48 days. We've worked with Civil Service or we're in the process of
49 working with them that if there's -- that the list is ready for us
50 on a regular basis. So as folks leave, that we have a list that we
51 can work on regularly.

52
53 So that's really the quarterly report. We haven't had the full
54 year since the resolution went into place, so I'm just reporting on
55 what we've done thus far.

1 **CHAIRPERSON ANKER:**
2 Okay. I have some questions --

3
4 **COMMISSIONER PIERRE:**
5 Sure.

6
7 **CHAIRPERSON ANKER:**
8 -- and I was, you know, hoping, again, you can answer them. We're
9 going to the Legislators who have some questions, but my list is
10 long.

11:53AM

11
12 **COMMISSIONER PIERRE:**
13 Okay.

14
15 **CHAIRPERSON ANKER:**
16 However, I hope you can answer these questions. How are cases
17 assigned to caseworkers?

18
19 **COMMISSIONER PIERRE:**
20 So I'm going to let Mark speak to that, but again, normal -- I'll
21 let Mark speak to that.

11:53AM

22
23 **MR. CLAVIN:**
24 Good morning. Cases are assigned to workers based on their levels
25 of experience and training and the needs and complexities of the
26 case. One of the reasons why you'll see a discrepancy in caseload
27 sizes is that once a caseworker trainee has gone through formal
28 training they're expected to be able to carry a full caseload by
29 their ninth month of training to allow for three months of
30 monitoring to see if they're able to service such a caseload.
31 However, the way the system is set up, a caseworker trainee who has
32 only nine months of experience on the job could be carrying the
33 same size caseload as someone who has been on the job for nine
34 years, 19 years. So in terms of being equitable it's unfair for
35 the families to have a caseworker who is still relatively unskilled
36 and untrained, so we end up assigning more cases to more seasoned
37 and experienced workers, which will explain some of the disparity
38 in caseload sizes.

11:53AM

39
40 **CHAIRPERSON ANKER:**
41 Okay, thank you. Is there a classification or a rating system for
42 cases, very serious to maybe not as serious? And if so, what is
43 the criteria for which cases are classified or rated?

11:54AM

44
45 **MR. CLAVIN:**
46 The State provides what's called a safety assessment, which must be
47 completed within seven days of the case being assigned. It has a
48 system of scores. It identifies presenting problems such as mental
49 health issues, domestic violence, substance abuse, whether a child
50 has special or exceptional needs, whether there are issues
51 involving parents having lack of parent skills, if the child is not
52 visible to the community and is only in the home. That elevates
53 the risk that the child is not going to school or preschool or
54 daycare. So it's a system of actually 15 different criteria that
55 the State assists in coming up with a safety assessment to
56 determine -- focus on the case and how complex or how challenging

11:55AM

1 the needs of a family might be.

2
3 **CHAIRPERSON ANKER:**

4 Okay. So when does CPS refer the cases to the Suffolk County
5 Police Department?

6
7 **MR. CLAVIN:**

8 We refer when a report comes in initially and it involves any
9 allegation that is also considered a criminal offense. Assault of
10 a child certainly. The more extreme cases, physical abuse, sexual
11 abuse. Before the case is even assigned to a CPS caseworker the
12 report is faxed over to both the D.A.'s Office and then to the
13 Special Victims Unit or one of the East End police departments that
14 are servicing the East End of Long Island. Then we coordinate with
15 law enforcement to do joint interviews so the children don't have
16 to be subjected to multiple interviews and we could gather
17 information during our concurrent investigation.

18
19 **CHAIRPERSON ANKER:**

20 Okay. What measures are in place for the CPS caseworker caseloads
21 from becoming too high? Because, again, that's a concern. We got
22 to make sure that these folks can address each case efficiently and
23 make sure every -- these issues are resolved.

24
25 **MR. CLAVIN:**

26 It is. We're looking internally at redeploying staff from other
27 functions that are important, but certainly we have to prioritize.
28 So they move staff over who've been trained in CPS but are now in
29 different functions in the agency. We're looking to try to
30 expedite the trainees that we currently have, but realize the
31 pitfalls of moving staff before they have been properly trained is
32 not going to result in better outcomes. We also are redeploying an
33 administrator from one bureau to another to assist because with
34 staff movement, retirements, resignations, if we don't have proper
35 support staff for our caseworkers, supervisors to help them manage,
36 even clerical staff to help them answer their phones and process
37 correspondence, then you have caseworkers doing all of these side
38 jobs that aren't what they've been hired to do.

39
40 We have met with administrators from the other supportive bureaus
41 and effective yesterday they are now divvied up the investigative
42 teams to offer additional monitoring and case conferencing,
43 especially in the two teams that we currently have that don't have
44 a supervisor because of retirement, and we've had to step up line
45 staff to assist in helping them manage the workload. When we do
46 that, though, then caseloads increase because we're pulling someone
47 from a previous field position. Now they're into management and we
48 have fewer caseworkers to divide the cases among.

49
50 **CHAIRPERSON ANKER:**

51 Okay. Are there currently any funded vacancies within the
52 department?

53
54 **MR. CLAVIN:**

55 Yes.

1 **COMMISSIONER PIERRE:**

2 We do have vacancies, and actually you'll see in the January 15th
3 update for the monthly report where we're at with that, but we had
4 quite a bit of retirement as well as folks that left the
5 department. So that's why Mark's talking about the adjustments
6 that's been made for the month of January.

7
8 **CHAIRPERSON ANKER:**

9 Okay. How long is the initial training to become a CPS caseworker?
10 And are there annual, semiannual, retrainings so these folks know
11 if there's new, you know, new concerns, new theories, new, you
12 know, measures to take.

13
14 **MR. CLAVIN:**

15 The State provides mandatory training for all caseworker staff. It
16 is six weeks of training broken up with one week in between of
17 hands-on experience in the local district. It's two weeks of what
18 they call response training, then four weeks of core training. In
19 Suffolk County we're one of the few counties that has a designated
20 Training Unit. So we have a supervisor and a senior caseworker who
21 help to continue to train our staff outside of the upstate setting
22 who looks to see that they're able to apply things that they've
23 learned to actual workloads. They physically go out with them so
24 they are accompanied in the field at any time during their initial
25 training period, and they offer additional supports that the State
26 otherwise doesn't do.

27
28 **CHAIRPERSON ANKER:**

29 Okay. And what are the minimum qualifications to become a
30 caseworker or to take the test to become a caseworker?

31
32 **MR. CLAVIN:**

33 As far as Civil Service requirements the minimal qualification is
34 that you have a Bachelor's Degree and that you have a driver's
35 license.

36
37 **CHAIRPERSON ANKER:**

38 What's the protocol for schools who need to report suspected abuse?

39
40 **MR. CLAVIN:**

41 School personnel are mandated reporting parties, and in New York
42 State anybody who's mandated by law to make a CPS report is
43 required to do so. It's actually a Class A Misdemeanor if they
44 fail to do so and then the child is subject to additional abuse or
45 neglect as a result.

46
47 **COMMISSIONER PIERRE:**

48 And there is a hotline number. That's the Statewide Central
49 Registry that the mandated reporters do call, and then those calls
50 are divvied out to the county. So whatever county that -- first
51 they obviously screen through them or go through them, and then
52 once that's done from the Albany level they then divvy it to the
53 County.

54
55 **CHAIRPERSON ANKER:**

56 Now, this is an 800 number. Can anyone call this number or is it

1 just for these reporters?

2

3 **COMMISSIONER PIERRE:**

4 Anyone can call it.

5

6 **CHAIRPERSON ANKER:**

7 Anyone can call if they suspect there's any type of abuse, any type
8 of situation. Do you happen to have that phone number by any
9 chance? If not, could you get that to us?

12:01PM 10

11 **COMMISSIONER PIERRE:**

12 We can get that to you.

13

14 **CHAIRPERSON ANKER:**

15 That would be great.

16

17 **COMMISSIONER PIERRE:**

18 And it's also on our website.

19

12:01PM 20

21 **CHAIRPERSON ANKER:**

22 Okay. What communication is there between the schools and CPS
23 during and after a complaint made by the school when it's
24 investigated.

24

25 **MR. CLAVIN:**

26 If the school is the mandated reporting party we reach out to the
27 school to get additional clarifying information. We do need to ask
28 for parent's written permission to obtain written records from the
29 school, so we would do that to receive attendance records, records
30 regarding a child's IEP, any records pertaining to the school. We
31 don't have the authority to obtain the records unless we are able
32 to go to court and petition and then the records would be
33 subpoenaed. So during a CPS investigation we need to rely on the
34 cooperation of the parents.

12:02PM 30

35

36 If the school does make a report and the State has clarified that
37 any mandated reporting party who makes a report is permitted to
38 share documentation in support of what the concerns are, so that
39 would then negate the need for the parent's permission to share
40 that information and would further support the mandated RP's
41 concerns about child abuse or malfeasance.

12:02PM 40

42

43

44 **CHAIRPERSON ANKER:**

45 So real quick. If the parent does not give that information, what
46 happens if they say no.

46

47 **MR. CLAVIN:**

48 If the parents say no and the school district is not the reporting
49 party of the concern, we are unable to obtain the records from the
50 school.

12:03PM 50

51

52 **CHAIRPERSON ANKER:**

53 Unless you go to court.

54

55 **MR. CLAVIN:**

56 Yes, unless you go to court. Often it's information necessary to

1 sustain both an indication and the court petition, so without that
2 evidence prior to going to court we don't have the mechanism to
3 obtain the records.

4
5 **CHAIRPERSON ANKER:**

6 Okay. What criteria must a complaint meet in order for a
7 caseworker to determine a complaint is founded?
8

9 **MR. CLAVIN:**

10 The level of evidence is called some credible evidence, and it's
11 gathering the information. There needs to be some supportive
12 evidence. So if a child makes a statement we would need to have a
13 medical record, an injury documented, a witness, something that
14 would support the allegation. It's frustrating to both the
15 community that we deal with and our staff that mere repetition of
16 an allegation by itself does not support that the allegation is
17 true with a child repeating it. We still need that supportive
18 evidence. And sometimes it could be simply if the child's affect
19 is consistent with describing the incident, and the child is
20 showing some emotional upset as a result, that could be enough to
21 indicate the case and have there be a record which would stay on
22 file until the youngest child in the household turns 28 years of
23 age. So it's on file for quite some time.
24

25 **CHAIRPERSON ANKER:**

26 Okay. What are the time lines in place as far as when a complaint
27 must be investigated? And is there any mandatory follow-up after a
28 complaint is deemed unfound -- unfounded.
29

30 **MR. CLAVIN:**

31 As far as following-up on the initial complaint, we are obligated
32 to go out within 24-hours of the report having been made to the
33 State Central Registry. Sometimes there's a delay in the report
34 being received locally, but the clock starts ticking when it's
35 actually logged in at the State level. New York State requires
36 that there be a 24-hour safety assessment, which would satisfy the
37 State's requirements if you called a reliable source who can tell
38 you yes, the children are currently safe. In Suffolk County we've
39 instituted for at least the last 20 years that we must make a face
40 to face attempt to see all of the children within the first
41 24-hours. Within -- by the 72-hour deadline everyone in the family
42 must have been seen or efforts reached out to see them.
43

44 There's a report that goes to the State as part as the computer
45 system connections, which one of the speakers had referenced. That
46 is at the seven day mark where the State oversees the steps that
47 have been taken to date, and it's an assessment of whether or not
48 at that time the children are safe based on the information that
49 was gathered.
50

51 **CHAIRPERSON ANKER:**

52 There's a question here, do we do follow-up on families with
53 multiple unfounded complaints?
54

55 **MR. CLAVIN:**

56 During the course of an investigation yes, following the end of an

1 investigation and the case being unfounded, CPS no longer has the
2 legal authority to reach out, to return to the home, to follow-up
3 with any of the community personnel with that concern.

4
5 **CHAIRPERSON ANKER:**

6 Is there any threshold for complaints that would trigger an
7 escalation of how a case is handled? Basically dealing, I guess,
8 with the unfounded complaints. What happens with that?

9
10 **MR. CLAVIN:**

11 Based on the severity of the allegations that are reported we have
12 two specialized abuse teams that are all forensically trained and
13 coordinate all of their investigations with law enforcement. So we
14 differentiate internally that if the allegations rise to the level
15 of abuse versus maltreatment they would automatically go to two
16 designated units that cover the County that have more expertise.
17 They're all senior caseworkers so they've been with the agency
18 longer, they've had more training.

19
20 I apologize. You had asked a question earlier about updated
21 training. We are required by the State to have all experienced
22 staff undergo updated training every year. It's six hours
23 designated by the State.

24
25 **CHAIRPERSON ANKER:**

26 Okay, just a couple of more questions. Do caseworkers receive any
27 training for implicit biases? You know, again, there's kids out
28 there that may have Autism that may have special issues, special
29 concerns. You know, what do you do regarding that? You know, some
30 of the Autistic children may self inflict. I mean, how do you
31 determine how you investigate these cases?

32
33 **MR. CLAVIN:**

34 To answer your question, Legislator, we do have training on
35 implicit bias. There's specific training that's provided by the
36 State. We took advantage of all of their offerings to have
37 approximately half of our staff trained. The less experienced
38 staff, they're coming back in the spring to train and retrain all
39 of our remaining staff. So it is to focus on not making
40 assumptions upfront about any family, whether it's about a child
41 with disability, a parent because of their race or ethnicity or
42 socioeconomic status, to not make assumptions and to let the
43 observations and the evidence lead you to where they're supposed to
44 go without making these assumptions.

45
46 **CHAIRPERSON ANKER:**

47 Okay. I just have one more question and then we're going to go
48 through the Legislators, will have their chance. Do caseworkers
49 receive compassion fatigue training, and also how does DSS address
50 burnout with CPS workers. You know, we're seeing that a lot with
51 the opioid epidemic and the burnout with the folks, you know,
52 administering Narcan. It's just -- it's overwhelming, emotionally
53 overwhelming. So how does DSS address that?

54
55 **MR. CLAVIN:**

56 Internally we formed committees in our division for people to

1 identify things that would help them relieve stress. Some of them
2 are social in nature, some of them are more meditative in dealing
3 with the stresses of the job. We do recognize that when you're
4 dealing with families in crisis for X number of years there's
5 secondary trauma. You do experience that. We've had a recent
6 conversation involving Commissioner Hart from the Police Department
7 and the police experience something similar. Perhaps at a
8 different level, but you are dealing with families in crisis. So
9 we are actively looking at more formal safeguards. To my surprise,
12:10PM 10 we don't have an active employee assistance program that staff can
11 readily turn to for emotional support.

12
13 We did involve Family Service League, who has a Community Crisis
14 Action Team, and brought them in to do group counseling for
15 caseworkers who are devastated by this child's death as well, and
16 questioning what could have been done differently, what should have
17 been done differently. So it's a raw time for everybody. We
18 managed to have more than 65 of our staff participate in these
19 supportive meetings with trained counselors and then they have the
12:11PM 20 ability to follow-up. But there certainly is a need for more
21 concrete and supportive services.

22
23 **CHAIRPERSON ANKER:**
24 It sounds like we need that program. That is a very important
25 program. I know, I attended the CPS External Task Force and,
26 again, the big issue -- it started at the beginning and it ended
27 with the meeting was communication. We need to be communicating,
28 you know, not just with the parents and the school, but with the
29 doctors, with the neighbors, with, you know, folks that know what's
12:12PM 30 going on. And, again, that's why I think if we could create some
31 type of or if we have that hotline people can call in. But we need
32 to make sure the system is working. We need to make sure that
33 information is getting to the right people so we can address, you
34 know, of course these issues.

35
36 And the other idea, too, is a presentation to the judges, to the
37 attorneys, you know, make it required. I don't know how that would
38 work, that might be on a State level, but they need to understand
39 emotionally how all this affects them and their families,
12:12PM 40 especially when dealing with Autism and these mental health
41 situations.

42
43 Okay. I am going to go to Deputy Presiding Officer Hahn has some
44 questions for you.

45
46 **D.P.O. HAHN:**
47 Thank you very much for being here. This is obviously a case that
48 is devastating to everyone involved, especially the family itself.
49 A child is dead and so clearly something went wrong. We have been
12:13PM 50 receiving complaints for quite some time. We are committed as a
51 Legislature to do the systematic assessment that needs to happen.
52 What is absolutely overwhelming for everyone is the fact that it's
53 not just one system. It's multiple bears of systems that are
54 failing our children, from the courts, CPS, law enforcement. We're
55 all just devastated and I know you are, too.

1 I want to, you know, I have a list of questions and not in an
2 order, but I'm going to start where sort of Sarah left off on the
3 implicit bias question. A common thread through so many of these
4 cases has been that one of the accused parents are connected to law
5 enforcement. Is in the implicit bias training the inclusion of,
6 you know, if a parent that's accused of abuse is law enforcement
7 that they not necessarily be believed because they are such. So I
8 hope I'm articulating that question. So do you know if in that
9 implicit bias training in addition to, you know, race and sex and
10 the disability, and all of those are very important implicit biases
11 that we need to be sure, religion, whatever it is, that we need to
12 be sure. But one of the common threads in the narratives of many
13 cases that have been brought to us has been that one of the parents
14 was law enforcement. So is that part of what the implicit bias
15 training includes?

16
17 **MR. CLAVIN:**

18 It is. I had participated in the first round of this training at
19 the end of September so I could experience it firsthand, and it
20 focuses on implicit bias based on perceived privilege. We've been
21 reporting for years that unfortunately there is a disproportionate
22 number of children of color in care disproportionate to their
23 representation in our population. So we're constantly looking at
24 why is that. Is there bias towards some families and bias in the
25 opposite direction that works to support families. So the training
26 does focus on looking at people who have privilege and that that
27 privilege shouldn't give them any different pass than not having
28 that. We shouldn't treat somebody in an elevated line of
29 employment any differently than we treat somebody who may be living
30 in a shelter and currently receiving client benefits.

31
32 So we have to step back, we have to discuss that with more
33 experienced supervisors and administrators so that implicit bias
34 doesn't rear its head. The problem with implicit bias that
35 sometimes the person demonstrating it isn't aware of it because
36 it's internalized and implicit.

37
38 **D.P.O. HAHN:**

39 Absolutely, and your answer somewhat responds to one of the
40 speakers earlier today who said oh, the home is clean so therefore,
41 you know, the home is beautiful so therefore it's unfounded and it
42 speaks to that.

43
44 However, I'm not going to let go the angle of law enforcement. We
45 all have the utmost respect for those who are willing to put their
46 lives on the line to protect our communities every day, but they're
47 human beings and there are bad apples, and when they're brought
48 into the system I keep hearing the common thread that they're
49 believed over others, and I hope we can figure that out and I don't
50 want to let that piece go. So I'm not quite sure that your answer,
51 well, you said yes in terms of privilege. This is a very special
52 angle of privilege and there's been many, many questions about
53 that. I don't know, Commissioner, if you can answer any more
54 thoroughly.

55
56 **COMMISSIONER PIERRE:**

1 I think your point is well taken and we're definitely working on
2 our department as far as staff training on a regular basis just to
3 ensure that you can't judge a book by its cover, right, so that is
4 something that we're looking at. And even within our own internal
5 review, are there -- is there any other things that we could have
6 had in place for that. But we definitely understand --

7
8 **D.P.O. HAHN:**

9 And a badge, and a badge. And is there some way where if a, and
10 this will go to the question to the school district, question to
11 CPS workers, question to therapists and doctors, etcetera, that if
12 a worker -- so think of a young, you know, CPS worker, been on the
13 job for a year or two or three. You know, the badge is flashed.
14 Maybe there's intimidation that's happening. Is there -- do you
15 have a channel, you know, for people to go to their supervisor if
16 that should happen. I've just heard it far too many times and I
17 want to understand is there a channel internally if a worker --
18 because I'm sure that workers feel intimidated all the time,
19 whether it's a law enforcement or, you know, someone with a lot of
20 money that thinks they can try to intimidate, a position of power
21 in the community for whatever reason. The power dynamics are
22 difficult ones to navigate. And so do you have some sort of
23 recognition of that fact and a way for a worker who may feel
24 intimidated, whether it's at the door of the home or elsewhere.

25
26 **COMMISSIONER PIERRE:**

27 Legislator Hahn, I think each of our caseworkers have challenges
28 that they're dealing with with any specific case, but they do have
29 caseworker supervisors that if there's bias amongst an individual
30 that's working with that family that is brought to their attention.
31 So there's definitely training and that's why we make it our
32 business for casework supervisors not to carry caseloads, so that
33 they can really devote their attention to the ones that do have
34 caseloads and addressing any issues that may come up.

35
36 **D.P.O. HAHN:**

37 Okay. I'm hoping we can discuss that angle further. And, again,
38 you know, so back to my original list of questions in no particular
39 order. I'm sorry.

40 The training, and you may not know this, but we've addressed
41 somewhat the training for your workers, and then because we did
42 have the task force yesterday that deals particularly with the
43 Autism Spectrum disorders and the disability angle of the case, and
44 there are many angles of this. So are there -- is there specialty
45 training for caseworkers about children with disabilities and about
46 communication struggles that those children may have, and about --
47 are there specialized workers or should there be if there are not,
48 specialized workers in CPS, specifically cases that deal with
49 children with disorders. Because there is -- there are absolute
50 communication challenges above and beyond just being a seven,
51 eight, nine, ten-year-old child whose parent is abusing them, but
52 then when you can't communicate and you add in the other disorders,
53 should there be specialized workers that deal?

54
55 **MR. CLAVIN:**

56 There certainly should be specialized training and we've had

1 training on working with children on the Autism Spectrum. We need
2 to bring that back, we need to have refresher training. The
3 training that we had was a graduate student who was Autistic
4 herself, who gave concrete examples about this is how I relate to
5 other people. I will not make eye contact. Don't interpret that
6 as a lack of credibility or being evasive. It was such an
7 eye-opener in terms of looking at what we consider to be so-called
8 normal behaviors, but looking at them in the context of a child who
9 is on the Autism Spectrum who won't be demonstrating these, or
10 there will be different cues to interpreting what they are. That
11 would be one of those cases if we have a worker who has had prior
12 experience with that population would be more likely to get that
13 assigned to them in their unit when the next like case comes up
14 because you have this experience.

12:23PM

15
16 Although the requirement for our staff are often just a Bachelor's
17 Degree in unrelated fields, we have a number of staff who are
18 pursuing their Master's level education in social work, so have
19 that additional enhanced training on that. So although there's no
20 special compensation for staff with that additional level of
21 education and expertise, we would rely on those staff to take on a
22 case with more challenging or complex characteristics, such as a
23 child who's on the Autism scale. We've had people come from
24 education who come to Child Protective Services so we take
25 advantage of their prior experience in those venues as well.

12:23PM

26
27 We certainly need more training always, always, but it's something
28 that we've had training on and it's something that we have that
29 conversation with. The State training is very broad. It's working
30 with children with developmental disabilities, which I found
31 insufficient when I took it many moons ago, because you have to
32 focus on what the presenting disability is to better understand
33 what the difference is that you have to put in your toolbox to work
34 with the family.

12:24PM

35
36 So I apologize for jumping around with your question, but staff
37 that have had positive experiences working with a population will
38 get a case that will have those similar characteristics when it
39 comes up again.

12:25PM

40 **D.P.O. HAHN:**

41 Yeah, I think we need to find a way to maybe better
42 institutionalize that, so I look forward to that discussion,
43 especially in light of the task force and looking at this case from
44 that angle. Of course you're probably not going to be able to
45 answer, but certainly the courts, the judges, need to be trained in
46 understanding this as well. Okay, sorry.

47
48 **CHAIRPERSON ANKER:**

49 Real quick, I just want to mention we've gone well beyond our time.
50 In fact, an hour ago another committee meeting was supposed to
51 start. So if I could just remind the Legislators, you know, ask
52 your questions and get the answer.

12:25PM

53
54 **D.P.O. HAHN:**

55 Okay. Quick then, when a report is deemed unfounded I have been
56 told that it's essentially erased. So, you know, this goes back to

1 a question, you know, Legislator Anker had asked. So multiple,
2 multiple unfounded reports. Do they kind of disappear after a
3 certain amount of time or can you go back and say -- so if they
4 don't disappear, is there somebody who's going -- is at some point
5 -- like we need the statistical analysis of all these cases. Are
6 we saying here's a family where there's been 50 unfounded, you
7 know, reports, maybe we need to dive a little bit deeper here. You
8 know, something's not quite right. And so is there a review of all
9 those unfounded, and I don't remember if you answered that.

12:26PM 10

11 **COMMISSIONER PIERRE:**

12 So what we do is that currently actually as of January 21st, and
13 we're doing this in foster care, any reports more than four is
14 actually brought to a supervisor and administrator to review if
15 there are four or more cases. So effective January 21st I believe
16 all of the investigators are now known that any reports more than
17 four will go through a supervisory review as well as an
18 administrator.

12:27PM 20

21 **D.P.O. HAHN:**

22 But is that only if they're in foster care? Is that what you said?

23 **COMMISSIONER PIERRE:**

24 It was, but now it's --

25 **D.P.O. HAHN:**

26 Oh, okay. I'm sorry. Thank you for clarifying that. Thank you.

27 **COMMISSIONER PIERRE:**

28
29 And, I mean, the challenge with that as we realize that four or
30 more reportable incidents really is about 50 percent of our cases.
31 So we actually worked with OCFS to see how can we really dwindle
32 that down, and one of the things that OCFS had suggested is looking
33 at families that have been giving us difficulty in obtaining entry
34 to their home or interviewing the children. And we actually looked
35 at that immediately recently and found that we actually had no
36 cases that had that situation, specific situation, but we are
37 looking at what type of cases do we elevate so that we can take a
38 closer look at it.

12:28PM 40

41 **D.P.O. HAHN:**

42 Yeah, I will end, and I do have more questions, but I know because
43 of the task force and because of, you know, the intense scrutiny
44 I'll have an opportunity to ask more. But I do hope -- it's very
45 bothersome to me that, you know, knock on the door, nobody's home
46 unfounded idea. You know, the police officer is the dad,
47 unfounded. That was very sickening to me because it -- the few,
48 and there's only been a small handful of cases that have come to my
49 attention through the community, and it seems to be this common
50 thread that it's very quickly unfounded, and that could have been
51 older caseload issues, you know, from before, but I'm especially --
52 you know, some of those mandated reporters do it, it's just -- it's
53 so -- it's been so disturbing to all of us. So thank you for your
54 time here.

12:28PM 50

55 *(The following was taken by Gabrielle Severs - Court Stenographer*
56 *and transcribed by Diana Flesher, Court Stenographer)*

1
2 **CHAIRPERSON ANKER:**

3 Thank you. Thank you, Legislator. Appreciate your questions and
4 your input.

5
6 Legislator Gonzalez.

7
8 **LEG. GONZALEZ:**

9 Thank you for being here. I just have one question. I heard you
10 speak about that you guys have a 24-hour safety assessment; that's
11 correct?

12
13 **MR. CLAVIN:**

14 Yes.

15
16 **LEG. GONZALEZ:**

17 Does that also -- do you also consider that as part of that initial
18 hotline where, you know, you call the hotline to file a complaint
19 and then it goes up the chain and then it comes back down to where
12:29PM 20 the complaint is originated from, is that a 24-hour period that
21 that takes before it gets -- because I think you said Albany and --
22 so I'm just curious to find out if that's a 24-hour.

23
24 **COMMISSIONER PIERRE:**

25 From the time that report is made to us, we have 24 hours. So,
26 once it comes to us, we have 24 hours.

27
28 **LEG. GONZALEZ:**

29 So --

12:30PM 30
31 **MR. CLAVIN:**

32 If I could correct, because actually at the time the report is
33 accepted by the State, the 24-hour clock starts ticking. So,
34 sometimes there could be such a volume of reports that the State is
35 sending out statewide, that that report doesn't come to the local
36 district for an hour-and-a-half. We're already into that 24-hour
37 window. So, it doesn't -- we don't buy extra time. It doesn't
38 delay the process. It actually shortens the timeframe to
39 physically go out and see all of the children.

12:30PM 40
41 **LEG. GONZALEZ:**

42 So, from the time I call, I pick up that phone on the hotline and
43 file my complaint, it goes all the way up to the State and then
44 back down, you're saying that you'll receive that complaint within
45 the 24 hours; is that what you're saying?

46
47 **MR. CLAVIN:**

48 We'll go out on the complaint within 24 hours. We will receive it,
49 sometimes it's a half hour turnaround time from the State.

12:31PM 50
51 **LEG. GONZALEZ:**

52 Okay.

53
54 **MR. CLAVIN:**

55 Sometime it's longer. It's somewhat of a burden on the system
56 because they handle all the complaints for the entire state

1 including the five boroughs of New York. And I don't know -- I can
2 imagine that's quite a volume of cases, but they will send them to
3 us. And once we get them, we do have staff assigned 24 hours a
4 day, seven days a week. So, we are able to go out within that
5 24-hour window regardless of whether it's a night or a weekend or a
6 holiday.

7
8 **LEG. GONZALEZ:**

9 So, on the good time you'll say within an hour of when the initial
10 call is made; but there are times that it is longer. And that's
11 what I'm trying to steer at, is that those incidents that take a
12 lot longer than an hour, what is that time? What is that maximum
13 time? Because I'm almost sure that it's time-stamped once that
14 call is made to, you know, file that complaint. Okay, so we know
15 that on the short end it could be an hour, it could be less; but on
16 the long end, that's where I'm trying to find out, what's the
17 timestamp that you have ever seen that it's taken quite a longtime
18 to reach you?

19
20 **MR. CLAVIN:**

21 I can't tell you off the top of my head. It's something that once
22 we receive the report, there'll be grumbling, "*Oh, it took two*
23 *hours for us to get this*", but the focus is on triaging and running
24 out on that report. So, that's something that we could try to
25 track if the Legislature is interested in those trends. We haven't
26 found that it was so egregious that it was hours and hours but, you
27 know, assessing the safety of a child, every second is important
28 and it gives us less time to follow up if there is that delay, so.

29
30 **LEG. GONZALEZ:**

31 Correct. That's why I'm asking that question, because it's
32 important. You know, there's so many lapse along the way that
33 sometimes that timestamp between when you get that call and that
34 child is being reached, I just want to make sure that, you know,
35 that there is enough time to reach that child before another
36 tragedy occurs. That's why I'm asking. Thank you.

37
38 **MR. CLAVIN:**

39 We have two ports of entry in our office for new reports. I can
40 have staff as soon as I go back today start tracking that when this
41 is the time it came in from the State versus the time that's on the
42 report. So, that's an easy fix to look at.

43
44 **LEG. GONZALEZ:**

45 Thank you so much.

46
47 **CHAIRPERSON ANKER:**

48 Okay.

49
50 **LEG. GONZALEZ:**

51 Thank you.

52
53 **CHAIRPERSON ANKER:**

54 Okay, we have a few more Legislators. I'm just curious, though, do
55 you know how many calls the State gets on this hotline? Do you
56 have any idea? If not, if you can get that information back. I'm

1 just curious because on the State level -- because that's where
2 those first complaints go, right to the State; and then it gets
3 divvied to the counties; correct?
4

5 **MR. CLAVIN:**

6 Yes, I'm sure I can get you that information annually and let you
7 know for perhaps the last five years how many reports the State
8 gets as a whole.
9

12:34PM

10 **CHAIRPERSON ANKER:**

11 That would be great. Legislator Krupski has some questions.
12

13 **LEG. KRUPSKI:**

14 Thank you, Legislator Anker. So, I have to, first of all, thank
15 you for the way you run a very difficult committee meeting. It's
16 been very helpful, certainly to me sitting here listening to you
17 run it, and thank you for that.
18

12:34PM

19 But I had a number of questions. And I think all the questions
20 that you asked and then the answers we received kind of answered
21 those questions. So, thank you. This has been very difficult for
22 all of us and for all of our communities, but I think you've taken
23 a great step here towards finding the answers and trying to fix it.
24

25 **CHAIRPERSON ANKER:**

26 It's a start.
27

28 **LEG. KRUPSKI:**

29 Something that, you know, that might need fixing. So, thank you.
30

12:34PM

31 **CHAIRPERSON ANKER:**

32 Absolutely. Legislator Kennedy has some questions.
33

34 **LEG. KENNEDY:**

35 Thank you. And thank you for coming out today. We all know that
36 DSS and CPS tries their hardest to do everything correctly and to
37 stand by the rules. Most of my questions were asked. I just have
38 one about the level of evidence that you had discussed before.
39 From the news, and I don't know if it's true, there were multiple
40 reports of Thomas bed-wetting. So we all know that you can take
41 sheets and pajamas and all those other things and quickly throw
42 them in the wash and your evidence is all gone. But if he was kept
43 outside as the report said, there are things that you can do. I
44 don't know if we --
45

12:35PM

46 **CHAIRPERSON ANKER:**

47 Excuse me, Legislator. Let's make sure we're not getting into
48 sensitive information that's under investigation.
49

50 **LEG. KENNEDY:**

51 No, I don't think it's under investigation. So, you go to -- CPS
52 can go to the police, they can go to Special Victims, they can go
53 to the DA. Can they ask for forensic information like a stain on
54 the cement? I watch too much CSI.
55

56 **MR. CLAVIN:**

1 I would say yes with the assistance of a Family Court petition and
2 order. We've had where the case has gone; not in information
3 gathering, we wouldn't have a mechanism to do that, so we would
4 have to have some evidence to support petitioning a case and then
5 seeking to bring that in as evidence.

6
7 **CHAIRPERSON ANKER:**

8 Again, I just want to mention, this is from legal counsel, when you
9 get into territory involving information related to pending
10 criminal investigation prosecution, we'll have to go into Executive
11 Session. So, Legislator Kennedy, if you do have specific
12 questions, we can address that in Executive Session.

13
14 **LEG. KENNEDY:**

15 No question. So that would have to be changed at a State level at
16 this point.

17
18 **MR. HEISER:**

19 Let me respond to it.

20
21 **LEG. KENNEDY:**

22 Okay.

23
24 **MR. HEISER:**

25 Legislator, I think what you're getting at is in terms of their
26 investigation. They would have to rely upon the police or law
27 enforcement for that forensic information. Once they had enough
28 information to petition the court, then we have had cases in the
29 past where we have made requests to the court for forensic
30 information or testing, and those have been granted in general on
31 cases, but during the investigation stage, I think, is what you're
32 more interested in. They really don't have that authority, no.

33
34 **LEG. KENNEDY:**

35 So, if we wanted them to get that authority, it would have to go
36 through State legislation.

37
38 **MR. HEISER:**

39 That is correct.

40
41 **LEG. KENNEDY:**

42 Okay, great. Thank you.

43
44 **CHAIRPERSON ANKER:**

45 Legislator Trotta.

46
47 **LEG. TROTТА:**

48 You mentioned earlier that you were down supervisors. How many
49 supervisors are you down?

50
51 **MR. CLAVIN:**

52 We are currently down two supervisors in CPS investigations.

53
54 **LEG. TROTТА:**

55 And how many do you have normally?

1
2 **MR. CLAVIN:**
3 We normally have 16.
4
5 **LEG. TROTТА:**
6 And now you're down to 14.
7
8 **MR. CLAVIN:**
9 Correct.
10
11 **LEG. TROTТА:**
12 You mentioned before that 50 percent of the cases have four or more
13 complaints; is that correct?
14
15 **COMMISSIONER PIERRE:**
16 Yes.
17
18 **LEG. TROTТА:**
19 And then once that happens, you've instituted a new policy as of
20 January 21st that you will now review them.
21
22 **COMMISSIONER PIERRE:**
23 Yes, we have.
24
25 **LEG. TROTТА:**
26 Are you saying that if there's less than four, they're not being
27 reviewed?
28
29 **COMMISSIONER PIERRE:**
30 The caseworkers are working on them, but they don't necessarily
31 have to through intense supervision.
32
33 **LEG. TROTТА:**
34 Does a supervisor sign off on any every case?
35
36 **MR. CLAVIN:**
37 Yes.
38
39 **LEG. TROTТА:**
40 And what is that form; is that like at the bottom of a form or how
41 does that work?
42
43 **MR. CLAVIN:**
44 It's actually an electronic approval of the case through the system
45 of records called Connections. That's the State computer system.
46
47 **LEG. TROTТА:**
48 So, they don't have a verbal conversation with the caseworker; it's
49 just -- do they fill in all the blanks or is it --
50
51 **MR. CLAVIN:**
52 They do. They discuss -- the determination is submitted to the
53 supervisor. The supervisor reviews it electronically. I'm sorry,
54 I can't make eye contact with you. Then it's in conference that
55 they discuss what questions or additional pieces of casework that
56 the supervisor is recommending be done before the case can be

1 determined. So, it's a discussion and a review of the gathering of
2 the information is submitted electronically and approved
3 electronically.
4

5 **LEG. TROTТА:**

6 So, they don't sit -- do they sit down with the caseworker; does a
7 supervisor sit down with them and go over it and discuss what's
8 going on?
9

12:39PM

10 **MR. CLAVIN:**

11 Yes. During the life of the case, the supervisor conferences with
12 the caseworkers every two weeks on their existing caseload. So,
13 they would discuss with their caseworker a case that they just
14 received; then, two weeks later it would be an update on where we
15 are at with this case and so on until we move to that 60 day
16 determination window. More often than not, there is that immediate
17 need to conference, so if a worker comes back from the field or can
18 call the worker directly, it's not limited to those times, but the
19 supervisors review the workloads of each caseworker at key points
20 during their investigation.
21

12:40PM

22 **LEG. TROTТА:**

23 So, in the investigations, you said there was 16 supervisors and
24 you were down two.
25

26 **MR. CLAVIN:**

27 Yes.
28

29 **LEG. TROTТА:**

12:40PM

30 And totally, in all of CPS, not just the investigation section, how
31 many supervisors are you down? And how many are there and how many
32 are you down?
33

34 **MR. CLAVIN:**

35 In our division we have a total of 33 including the other Child
36 Protective and Preventive Services Bureau, which we're also
37 monitoring caseload sizes as well. So, it's a total of 33
38 supervisors between the two bureaus.
39

12:41PM

40 **LEG. TROTТА:**

41 And how many are you down?
42

43 **MR. CLAVIN:**

44 We're down two right now.
45

46 **LEG. TROTТА:**

47 In the investigation section?
48

49 **MR. CLAVIN:**

12:41PM

50 Yes.
51

52 **LEG. TROTТА:**

53 And what about in the other section?
54

55 **MR. CLAVIN:**

56 In the other sections we have a full complement. Other parts of

1 the agency; Foster Care we're done two supervisors. They have
2 mandates in child safety to assess as well. In Adult Protective
3 Services we're also down a supervisor. The positions don't easily
4 swap off, though, because our Adult Protective Services staff is
5 not CPS-trained so we couldn't bring them upstairs.

6
7 **LEG. TROTТА:**

8 So, you're down five supervisors total in all of the --

9
10 **MR. CLAVIN:**

11 In the entire division, yes.

12
13 **LEG. TROTТА:**

14 Okay. And how many rank and file members does each supervisor
15 supervise?

16
17 **MR. CLAVIN:**

18 They supervise between five and seven caseworkers at a time. The
19 fewer the caseworkers, the more specialized the unit is. So in our
20 abuse teams -- the two abuse teams we have, they have caseloads
21 that we keep at 12 or below, and there's only five caseworkers
22 versus seven, so the supervisor can discuss the more complex cases
23 that are more likely to go to court involving child removal to
24 allow them to be able to handle that work with the complexity of
25 the workload.

26
27 **LEG. TROTТА:**

28 What percentage of cases are unfounded?

29
30 **MR. CLAVIN:**

31 At this point it's about 20 to 25 percent.

32
33 **LEG. TROTТА:**

34 Twenty to 25 percent. So, 75 percent of the cases are founded?

35
36 **MR. CLAVIN:**

37 Yes.

38
39 **LEG. TROTТА:**

40 And out of those 75 percent of the cases that are founded, what
41 percent are the child removed from the parent's custody?

42
43 **MR. CLAVIN:**

44 I'd have to get back to you on that. I can tell you how many
45 children we currently have in foster care, 467. There are -- that
46 includes children that are placed through JDs, PINS and Raise the
47 Age petition so they have nothing to do with parental neglect or
48 abuse.

49
50 **LEG. TROTТА:**

51 I'm sorry. I missed that. What did you say?

52
53 **MR. CLAVIN:**

54 I'm sorry. Out of the children currently in foster care, some of
55 them are either juvenile delinquent, PINS placements or Raise the
56 Age, which is the children who come into Family Court who were

1 previously processed in District Court who are convicted of
2 nonviolent crimes, nonviolent felonies, and they're 16 and 17. So,
3 that's included in that total number.

4
5 **LEG. TROTТА:**

6 So not necessarily abuse in those --

7
8 **MR. CLAVIN:**

9 Correct.

12:43PM 10

11 **LEG. TROTТА:**

12 Out of the 748 cases that you took in the last quarter, it's safe
13 to say that 75 percent of those are founded?

14
15 **MR. CLAVIN:**

16 I'm sorry, unfounded.

17
18 **LEG. TROTТА:**

19 So wait a minute. You said --

12:44PM 20

21 **MR. CLAVIN:**

22 I'm sorry.

23
24 **LEG. TROTТА:**

25 Seventy-five percent are unfounded?

26
27 **MR. CLAVIN:**

28 Yes. I misled you.

12:44PM 30

29
30 **LEG. TROTТА:**

31 You got it backwards.

32
33 **MR. CLAVIN:**

34 I'm sorry.

35
36 **LEG. TROTТА:**

37 That changes everything.

12:44PM 40

38
39 **MR. CLAVIN:**

40 Yeah. No, unfounded. I apologize.

41
42 **LEG. TROTТА:**

43 I was going to say there's a lot of kids out there who are -- okay.
44 All right. You mentioned that you had to have a degree; a
45 Bachelor's Degree. In what?

46
47 **MR. CLAVIN:**

48 Civil Service doesn't specify.

12:44PM 50

49
50 **LEG. TROTТА:**

51 You can have a degree in Ancient History and you qualify.

52
53 **MR. CLAVIN:**

54 Yes.

55
56 **LEG. TROTТА:**

1 And then the training is nine months, you said?

2 **MR. CLAVIN:**

3 It's over a period of -- it's six weeks over a period --

4
5 **LEG. TROTТА:**

6 Six weeks.

7
8 **MR. CLAVIN:**

9 Yes.

12:44PM 10

11 **LEG. TROTТА:**

12 Six weeks of training. When a guy -- I think I remember this -- I
13 called Child Protective Services many times, does one person go to
14 the house or do two people go to the house?

15
16 **MR. CLAVIN:**

17 It's one person generally.

18
19 **LEG. TROTТА:**

12:45PM 20

21 Generally. So, if there's an allegation of -- I'll just make
22 something up, you know, they're not feeding a kid or something.
23 Explain -- go through the process of what happens when that person
24 knocks on the door. Or they're -- yeah, maybe there's bruises on
25 the kid and he's not being fed properly. Take me through what
26 happens.

27 **MR. CLAVIN:**

12:45PM 30

28 The first step would be to reach out to the reporting party who
29 would have the clarifying information, additional information, and
30 it would be to physically locate where the child is during the
31 course of the week. CPS workers will routinely go to the schools
32 or day-care or pre-school to see a child first. And depending upon
33 the severity of the allegations that are reported, there's more of
34 an urgency to see that child before the parents are aware of CPS
35 involvement and may be able to coach them, so that they will
36 physically go out on the weekends when children are not in school.

37
38 Our staff will be deployed to the home. If there are larger
39 sibling groups, we'll have multiple caseworkers go out. Because if
12:46PM 40 you're going out to assess safety and you have five or six children
41 in the household, you really need to deploy our resources
42 appropriately and interview them separately and in private and be
43 able to gather the information that much quicker.

44
45 If a case comes in on the weekend, it actually would be gone out by
46 one of our emergency services staff and then reassigned to the
47 ongoing worker when it's during Monday through Friday business
48 hours. So, a case could be touched by more than one worker. It's
49 not routinely done so.

12:46PM 50

51 **LEG. TROTТА:**

52 I mean, I'm just playing devil's advocate. Say, you go out on a
53 Saturday, you knock on the door and someone opens the door and
54 says, "You're not coming in here" and closes the door. What do you
55 do?

1
2 **MR. CLAVIN:**
3 And bars entry?
4
5 **LEG. TROTТА:**
6 Yes.
7
8 **MR. CLAVIN:**
9 We have a mechanism. If the allegations are so serious that we can
12:47PM 10 seek after hours access to inside the home and to see the children,
11 but the allegations have to be such that --
12
13 **LEG. TROTТА:**
14 What is that process?
15
16 **MR. CLAVIN:**
17 It would be to contact the supervising judge of the Family Court
18 and to have what is essentially a mini-hearing by telephone to
19 share what information is -- been provided to us. We've gone with
12:47PM 20 police escort and sometimes law enforcement is successful at
21 encouraging entry into the home. Often law enforcement won't have
22 any more authority than we would to gain entry without a parent
23 volunteering. So, it's going to the home, it's going to the home a
24 second and third time because you might get the parent who is in a
25 better frame of mind, you might get a different parent. We don't
26 have the authority to force our way -- our entry into a home unless
27 the allegations are overwhelmingly in support of a child being at
28 imminent risk of harm.
29
12:48PM 30 **LEG. TROTТА:**
31 You had 16 supervisors. Now your down to 14.
32
33 **MR. CLAVIN:**
34 Yes.
35
36 **LEG. TROTТА:**
37 How many, let's call them a lieutenant, above the supervisors. How
38 many of those directors do you have?
39
12:48PM 40 **MR. CLAVIN:**
41 In CPS investigations we have four. They're called Assistant
42 Directors. We're also down one who's been out on extended medical
43 leave and will be most likely not returning to work. So, that's
44 another line of supervision and monitoring that our staff doesn't
45 have. So, consultation with administration has to be divvied up
46 among our existing --
47
48 **LEG. TROTТА:**
49 I'm going to ask you a loaded question. You would prefer that all
12:49PM 50 of those positions were filled I'm assuming.
51
52 **MR. CLAVIN:**
53 Yes.
54
55 **LEG. TROTТА:**
56 Okay. I mean, do you think that your organization has suffered

1 because of the lack of supervision?
2 **MR. CLAVIN:**
3 I would say yes. And to add to that conversation, when we promote
4 to fill those supervisory positions, then we will lose caseload
5 carrying staff until we can backfill those staff so we're
6 constantly playing catchup in terms of having a deficit somewhere
7 in the agency. We have currently in our Training Unit for all of
8 the different bureaus in the division, we have 12 trainees for all
9 of the bureaus. None of them can carry a caseload, so that's 12
12:50PM 10 fewer staff that we have actually carrying caseloads right now.
11
12 **LEG. TROTТА:**
13 How many emergency investigative CPS staff do you have?
14
15 **MR. CLAVIN:**
16 We have seven caseworkers. They're senior caseworkers so they're
17 more experienced and more highly trained. Their schedules are
18 broken down over a seven day --
19
12:50PM 20 **LEG. TROTТА:**
21 That --
22
23 **MR. CLAVIN:**
24 You said emergency?
25
26 **LEG. TROTТА:**
27 Well, I know it's a bad term. Investigators.
28
29 **MR. CLAVIN:**
12:50PM 30 I'm sorry. We have -- we're budgeted for 111. We currently have
31 four vacancies. We currently have four on extended medical leave.
32
33 **LEG. TROTТА:**
34 And why aren't those positions filled?
35
36 **MR. CLAVIN:**
37 I don't have the decision-making authority in that.
38
39 **COMMISSIONER PIERRE:**
12:51PM 40 Well, the four vacancies are being backfilled and we do have
41 individuals -- we have the --
42
43 **LEG. TROTТА:**
44 I mean, there's, you know, five supervisors down. I mean, clearly
45 you're getting eight calls a day. I was shocked; 748 last quarter.
46 I think you need a little more help obviously. Thank you.
47
48 **CHAIRPERSON ANKER:**
49 All right. Thank you. Legislator Cilmi.
12:51PM 50
51 **LEG. CILMI:**
52 Thank you, Madam Chair. So much information here, so many
53 questions to ask and to be answered. I apologize if any of these
54 are redundant and have already been asked in some way, shape or
55 form, but I'm going to ask them anyway.
56

1
2 The first question may sound rhetorical but it's not really
3 rhetorical so, you know, answer it to the best of your ability.
4 With so many of these cases, probably all of these cases, there is
5 some sort of mental health component or a psychological component
6 to them. When a child is in a situation where they're either being
7 abused or even when parents are being accused of being abusers, for
8 sure there is going to be a psychological impact on the child or
9 children. So, in order for somebody to get a degree in psychology,
12:52PM 10 it's many, many years of education. How can we expect a CPS
11 caseworker with six weeks of training to be able to function as a
12 psychologist basically to really get to the bottom of whether or
13 not there are issues in that household with those children.
14

15 **COMMISSIONER PIERRE:**

16 Well, the caseworker trainees that come in with us, they start out,
17 again, normally with three on their caseload and they have a
18 supervisor that's working with them closely when they first come in
19 to oversee the cases that they actually have on hand. So, the
12:53PM 20 casework supervisor is monitoring the new individual coming in as
21 they're working on cases. So, that's why they're slowly getting
22 the cases coming in.
23

24 **LEG. CILMI:**

25 But I can only imagine what that level of monitoring is. And I
26 can't imagine it's holding a hand and being with that caseworker
27 every step of the way for every case, because that supervisor is
28 managing multiple caseworkers. So, my point is that it just seems
29 to me to be impossible for a caseworker with such minimal
12:54PM 30 experience to really -- and perhaps it's possible for one or two,
31 you know, depending on the experience of that person or whatever.
32 But it just seems like as a rule, you would want caseworkers to
33 have experience in at least education in the field of psychology.
34 So, that sort of brings me to -- but they don't. That's not a
35 requirement.
36

37 At any point is it a requirement if there are -- are there certain
38 instances where you would utilize -- do you have mental health
39 professionals, psychology professionals working in the department
12:54PM 40 that consult on certain types of cases?
41

42 **MR. CLAVIN:**

43 We don't.
44

45 **LEG. CILMI:**

46 You don't.
47

48 **MR. CLAVIN:**

49 We don't.
12:54PM 50

51 **LEG. CILMI:**

52 Okay. Do you think you should?
53

54 **MR. CLAVIN:**

55 Yes.
56

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LEG. CILMI:

Okay. Thank you for that honest answer. Why is it that you don't? Is it just that we don't -- there's no position for it or there's no funding for it or what's the reason?

MR. CLAVIN:

I'd say a combination of that. There's no job title that's commensurate with that position. We were able to carve out an educational consultant and bring them on by contracting independently a former school superintendent who helps us navigate the school system for the children we work with. We have two medical services specialists, that's their Civil Service title but they're registered nurses, so we can use them for some of their medical expertise. We don't have a similar mental health professional that we can consult and that certainly would be a benefit.

LEG. CILMI:

How many do you think we would need given your caseload, your knowledge of the caseload. Do you think we would need just one; do you think we would need two, three?

MR. CLAVIN:

I would say one certainly to monitor what kind of use and workload they would have.

LEG. CILMI:

Right.

MR. CLAVIN:

If they would be accompanying staff in the field and we do have experienced staff going out with caseworkers. But, again, if they don't have that mental health training, then it's strictly based on job experience --

LEG. CILMI:

Right.

MR. CLAVIN:

-- and not on education. So, certainly, one. I would never say no to more staffing.

LEG. CILMI:

How many cases are in the investigative section? Because you have -- it's really three different --

MR. CLAVIN:

Yes.

LEG. CILMI:

-- sections, right? Investigative, Services and Foster. How many are in the investigative section?

MR. CLAVIN:

Currently as of last Wednesday, because that's our cutoff for data,

12:55PM

12:55PM

12:56PM

12:56PM

1 there are 1455.
2 **LEG. CILMI:**
3 Cases.
4
5 **MR. CLAVIN:**
6 Yes.
7
8 **LEG. CILMI:**
9 Spread over how many caseworkers in that particular section?
10
11 **MR. CLAVIN:**
12 Spread over 101 caseworkers.
13
14 **LEG. CILMI:**
15 Okay. So, that's roughly 14 or so cases per caseworker?
16
17 **MR. CLAVIN:**
18 Yes.
19
20 **LEG. CILMI:**
21 Okay. I mean, I think we as a body should immediately create a
22 title because that's something that we can do, Sarah Simpson,
23 create a title that would be appropriate, which requires -- we can
24 work with the department in doing so, a title that would basically
25 put a psychologist or something to that effect in the department,
26 at least one and possibly more. You know, the title is separate
27 from budgetary constraints. Once we create the title, then we can
28 worry about how to fund positions and how many positions to have,
29 but we should immediately work on that, I would think. That's like
30 a no-brainer to me. It's gotta be a no-brainer.
31
32 So, at what point in a case and what factors in a case require
33 cases to be kicked up the chain? Is it -- for example, is it --
34 would the number of complaints -- you mention you have a new policy
35 where it's four. So the number of complaints now will necessitate
36 a case being looked at by a supervisor of some sort. What about
37 the severity of complaints? Is there anything related to the
38 severity of the complaint that would require it being kicked up to
39 somebody with more experience, more years in the department?
40
41 **MR. CLAVIN:**
42 In terms of severity of complaints, the cases that I identified as
43 such upfront will go to our specialized abuse teams. So, we have
44 workers with smaller caseloads, more training, more years of
45 experience to be able to handle those cases that have abuse
46 allegations, serious harm identified upfront. So we already do
47 that internally. There are certain allegations that will not go to
48 the regular teams.
49
50 **LEG. CILMI:**
51 Gotcha.
52
53 **MR. CLAVIN:**
54 They would go to the specialized abuse teams.
55
56 **LEG. CILMI:**

1 Okay. What about the people who are involved; like, their
2 professions, their -- you know, let's say that somebody is a judge
3 or, you know, an attorney in the system or a police officer or some
4 other law enforcement official, or any -- you know, any other type
5 of position that, you know, somebody might give deference to in an
6 investigation. Would any of those types of cases be normally
7 kicked up the chain to a supervisor or would they be handled
8 typically by a regular caseworker?
9

01:00PM

10 **MR. CLAVIN:**

11 They would be kicked up the chain. If a case involved a high
12 profile parent, and that could be somebody who's known in the
13 community, somebody who's -- a peer that we work with, somebody
14 who's in a high profile position such as a job -- a judge, excuse
15 me, that would be immediately -- I would be involved with the
16 conversation.
17

18 **LEG. CILMI:**

19 Okay.
20

01:00PM

21 **MR. CLAVIN:**

22 We would find the worker that had the most experience to deal with
23 that case. We would immediately mark it sensitive in our computer
24 system so prying eyes don't look because they're curious because
25 the buzz in the office or in the newspaper is that "so and so is
26 the subject of a CPS report."
27

28 **LEG. CILMI:**

29 But just being a public safety officer of some kind, whether it be
30 somebody on the NYPD or somebody in the Suffolk County PD or
31 somebody at the New York City Fire Department, those cases would
32 not automatically be kicked up to a supervisor.
33

01:00PM

34 **MR. CLAVIN:**

35 Correct.
36

37 **LEG. CILMI:**

38 Is that correct? Okay. When a caseworker is working on a case,
39 are the case notes entered online or not online into a computer
40 data -- into a computer system of some kind?
41

01:01PM

42 **MR. CLAVIN:**

43 Yes.
44

45 **LEG. CILMI:**

46 They are. So, I would imagine -- are they taking written notes and
47 then they transpose those written notes into the computer at some
48 point or are they literally working on tablets?
49

01:01PM

50 **MR. CLAVIN:**

51 They're working on laptops.
52

53 **LEG. CILMI:**

54 They are. They're actually working on laptops in the field.
55

56 **MR. CLAVIN:**

1 Eighty percent of our investigative staff have laptops. When they
2 can find -- as soon as they can find connectivity, they will sit
3 down in their cars at a local convenience store --

4
5 **LEG. CILMI:**

6 Okay.

7
8 **MR. CLAVIN:**

9 -- and commit those notes to paper. We don't keep written --
01:02PM 10 separate written notes as a general --

11
12 **LEG. CILMI:**

13 And are those -- that's good. Are those notes accessible to, say,
14 the Police Department or the District Attorney's office currently?

15
16 **MR. CLAVIN:**

17 They're not. If we're conducting joint investigations we are
18 permitted to share everything in our record and prior involvement
19 with the family, but not unless there's a concurrent criminal
01:02PM 20 investigation.

21
22 **LEG. CILMI:**

23 Is it law or is it policy that would prevent you from giving access
24 to those other, you know, other -- I shouldn't say other -- that
25 would prevent you from giving access to law enforcement agencies to
26 those records on a regular basis?

27
28 **MR. HEISER:**

29 That's a statute. What Mark is referring to is when they're doing
01:03PM 30 a joint investigation, they're doing a multi-disciplinary team
31 investigation.

32
33 **LEG. CILMI:**

34 Right.

35
36 **MR. HEISER:**

37 So, the statute does provide for sharing of the records at that
38 point. Once the case is determined, the sharing stops. So if
39 there's no multi-disciplinary team investigation, they can't share.
01:03PM 40 So, if you are Detective Smith out of the Third looking for Mark's
41 notes, you're not going to get them unless you have a joint
42 investigation, but that's by statute.

43
44 **LEG. CILMI:**

45 In your legal opinion, is there good reason for that?

46
47 **MR. HEISER:**

48 I guess --

49
01:03PM 50 **LEG. CILMI:**

51 Or do the potential benefits outweigh the --

52
53 **MR. HEISER:**

54 I think the policy determination was that if the case is unfounded,
55 you're releasing case records out there for people to read and see
56 and there's been no determination yet. I'm assuming that's the

1 case, but that's the public policy.

2 **LEG. CILMI:**

3 Okay, okay. So, I mean, I think that should be explored as well.
4 I don't know what the cons would be to doing that, but if you -- to
5 me, if you gave access to the Police Department, for example, to
6 those records, and, you know, if the police department was entering
7 a name, for example, of somebody that they were, you know,
8 interviewing for some case or something like that, and then that
9 name came up flagged because there is an active CPS investigation
01:04PM 10 or vice versa, if the Police Department's records were assessable
11 (sic) to CPS, it seems to me that that coordination of activities,
12 or at least, you know, would be beneficial to children and to
13 potential victims. So, that might be something that I would want
14 to pursue.

15
16 Lastly, the interviews between the CPS caseworker and/or supervisor
17 and the people that they're interviewing, whether it be a child,
18 whether it be a parent or anybody, are those interviews videotaped
19 or recorded in any way?

01:05PM 20
21 **MR. CLAVIN:**

22 No, they're not.

23
24 **LEG. CILMI:**

25 Are they -- is that a matter of law or is that a matter of policy
26 or what?

27
28 **MR. CLAVIN:**

29 Policy and also capacity. Most of our staff don't have the ability
01:05PM 30 to tape, I guess, unless they use their cellphones; now everybody
31 can do that.

32
33 **LEG. CILMI:**

34 Right.

35
36 **MR. CLAVIN:**

37 But that hasn't been practiced.

38
39 **LEG. CILMI:**

01:05PM 40 Okay, but there's no -- there's no, Mark -- Mike, rather, there's
41 no law prohibiting that from occurring?

42
43 **MR. HEISER:**

44 There's really not, no.

45
46 **LEG. CILMI:**

47 Okay. I mean, yeah, chatter behind, obviously we couldn't have
48 them using personal cell phones; there would have to be some
49 official system set up to do it. And it would be much more complex
01:06PM 50 than just having somebody take video on their own cellphones
51 because there's no security associated with that, etcetera; you'd
52 want the videos to be, you know, stored somewhere for obvious
53 reasons. So there would have to be some formal system set up to
54 allow that to occur, but it might be something also that we should
55 look into doing.

1
2 So, Madam Chair, that's all of the questions that I have that are
3 not specific to the case that's at hand.

4
5 **CHAIRPERSON ANKER:**

6 Okay.

7
8 **LEG. CILMI:**

9 So, I'll stop there for the moment. Thank you.

01:06PM 10

11 **CHAIRPERSON ANKER:**

12 Okay, thank you. Legislator Donnelly.

13
14 **LEG. DONNELLY:**

15 Thank you. Most of my questions have been asked and answered.
16 And, again, I just want to thank you for your leadership on such a
17 horrific situation.

18
19 **CHAIRPERSON ANKER:**

01:06PM 20

21 Thank you. Legislator Piccirillo.

22 **LEG. PICCIRILLO:**

23 Thank you, Madam Chair. Good afternoon, Commissioner, how are you?

24
25 **COMMISSIONER PIERRE:**

26 Good afternoon.

27
28 **LEG. PICCIRILLO:**

01:06PM 29

30 Commissioner, I think I heard this before, just so you could
31 refresh my memory. How long have you been advocating for more
32 caseworkers in your department overall?

33 **COMMISSIONER PIERRE:**

34 One of the things dates, not necessarily advocating for more
35 caseworkers, but just that we have the automatic backfills; so,
36 when vacancies do occur, then we can fill them quickly.

37
38 **LEG. PICCIRILLO:**

01:07PM 39

40 Then you can fill them quickly. Okay. And to what level would it
41 rise if a child hypothetically would come to school soaked in
42 urine, at what point would something happen where someone would
43 intervene and remove that child from the home?

44 **MR. CLAVIN:**

01:08PM 45

46 I would say certainly we would look into the circumstances. Did
47 the child wet themselves on the bus ride in, were they sent by the
48 parent as punishment to be punitive, what are the circumstances
49 around that; does it happen often? Sometimes children have
50 accidents, so we would have to look at all of those things. Does
51 the child have any developmental concerns; should the child --
52 should the parent have been mindful of the child's toileting prior
53 to coming to school; does the child have toileting accidents at
54 school versus other places.

55 So, we would have to -- we would look into all of that. It would
56 be a concern, was the parent aware that they did show up at school;

1 what was the parent's response; did they respond timely to the
2 concerns with a change of clothes or whatever. So, you would look
3 at a number of factors. But by itself it would raise concern and
4 most likely warrant a CPS report to the State, but then we'd have
5 to look into all those factors.

6
7 **LEG. PICCIRILLO:**

8 Thank you, Madam Chair. I yield back.

9
01:08PM

10 **CHAIRPERSON ANKER:**

11 Legislator Flotteron.

12
13 **LEG. FLOTTERON:**

14 Yes. Some of this might seem like it's repetitive, but I just want
15 to make sure I really understand. So, again, caseworkers have a
16 four-year college degree.

17
18 **COMMISSIONER PIERRE:**

19 Right.

20
21 **LEG. FLOTTERON:**

22 And they just have that six weeks of training and then they start
23 the process.

24
25 **COMMISSIONER PIERRE:**

26 Right, they start the process and then they're on probation for
27 nine months.

28
01:09PM

29 **MR. CLAVIN:**

30 It's a full year.

31
32 **COMMISSIONER PIERRE:**

33 Full year.

34
35 **LEG. FLOTTERON:**

36 And these are basically Civil Service requirements of how it is.

37
38 **COMMISSIONER PIERRE:**

39 Correct.

01:09PM

40
41 **LEG. FLOTTERON:**

42 So this is sort of how it's done throughout the State in every
43 county.

44
45 **COMMISSIONER PIERRE:**

46 Correct.

47
48 **LEG. FLOTTERON:**

01:09PM

49 Also, other states have their own Civil Service so there might be
50 different requirements. Say, Jersey might be doing it a different
51 way, what their requirements are, to Kansas or anywhere else.

52
53 **MR. CLAVIN:**

54 Yeah, I believe there are different Civil Service requirements from
55 county to county. So we wouldn't have to go out of state for
56 differences.

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01:10PM

01:10PM

01:10PM

01:11PM

01:12PM

LEG. FLOTTERON:

It might be a good way to look and see if other states, you know, to learn from them.

Now, the allegations -- allegations are coming in, you know, to look into a case of a child. Where do the majority of them come from? Do they come from like schools or the doctors and stuff like that? What is your break up?

COMMISSIONER PIERRE:

Well, I know 30 percent is school.

MR. CLAVIN:

Second would be 16 percent with law enforcement, and then it goes down from there. Medical professionals, doctors and hospital personnel would be, I believe, approximately eight percent was the last time I looked at data for last year.

LEG. FLOTTERON:

So -- and that's -- the reason I'm asking that is that -- and you said from the allegations we look into them -- 75 percent of them are roughly unfounded?

COMMISSIONER PIERRE:

Unfounded.

LEG. FLOTTERON:

That's what I want to point out, is if you only need a four-year degree and six weeks of training and they're finding out 75 percent of them are unfounded, seems like a rather high number of unfounded when you're challenging schools, I mean, teachers and other educators which have many years of education on this topic; and also law enforcements, etcetera. It seems like there's a lot -- my gut would be is there more falling through the cracks, because these are people that have a lot of the education, more education than the people that are being maybe the judge and jury of it being unfounded. So, I do really support the idea of getting, like, Legislator Cilmi pointed out, we need other eyes and ears in this process. Thank you.

CHAIRPERSON ANKER:

Okay. Next, Presiding Officer Calarco.

P.O. CALARCO:

Thank you, Madam Chair, and I'll be brief or I'll try to be brief. And I know if anybody has specific questions, they will maybe break to Executive Session. But following up on Legislator Cilmi's line of questioning regarding sharing of notes, when there's a case that's unfounded, you know, reports made and the worker goes out and to the best of their ability they don't find any evidence that supports the allegation made, and then there's multiple reports that get made on the same family that are even similar in nature, do we have the same worker assigned to that case every time? Or even if it is different workers, do they have the ability -- you know, sometimes it might even be beneficial to have new eyes on a

1 case if it keeps coming over. But do they have the benefit of
2 seeing that other caseworker's notes and seeing exactly what they
3 witnessed and they documented as they tried to proceed?
4

5 **MR. CLAVIN:**

6 Yes, they do. The unfounded records are still maintained until the
7 youngest child in the household turns 28, so we do have access to
8 them. They were historically expunged, destroyed. There was
9 legislation that might be going back a good 20 years now where that
01:13PM 10 was overturned. So, now all of those unfounded records there is an
11 electronic history of them. The records were scanned and destroyed
12 but all of the contacts, both hard copy and notes and Connections
13 are there to be reviewed. And it's a requirement by the State to
14 review the prior history. So, that is available to the new worker.
15

16 Sometimes there's a benefit to have the same worker go out who's
17 familiar with the family and may not be easily distracted by
18 allegations or explanations. Sometimes there's a benefit to assign
19 a new worker because you don't want that previous worker to have
01:13PM 20 some of those pre-conceived, *oh, I know, this family* and perhaps
21 implicitly not base their current investigation on actual evidence,
22 but more so *I've been to this house many times*. Each time you go,
23 it's a different snapshot. So we do a variety.
24

25 It's a benefit to the family, the children. You develop a rapport
26 with them, they may be more comfortable to talk to the worker that
27 next time around because they remember them from several months
28 ago. But we've also assigned cases when we reach that point, *this*
29 *is confounding, it's the same allegations. What are we doing, what*
01:14PM 30 *should we be doing differently*. And then we do assign it to a
31 different worker. So really it's case specific whether it stays
32 with that same worker or is assigned to a new one.
33

34 **P.O. CALARCO:**

35 Okay. In general the policy of the department as it pertains to
36 dealing with families, and I'm just going to say this upfront, the
37 work that you have to do in this unit is probably the most
38 difficult work that we in government have to do. And you're
39 dealing with situations that, it's really hard to have a positive
01:14PM 40 outcome because chances are if you have to get too involved,
41 there's already a negative affect that's happening. And you're
42 dealing with -- even with unfounded cases, oftentimes you may be
43 dealing with homes that have need for better parental activities or
44 parents who need to learn how to be better parents or how to deal
45 with their children in a more productive fashion. And sometimes
46 they have frustrating situations that even exist that compounds the
47 issue. But typically is it the policy of the department, even when
48 there are issues involved in the home, to try to keep the children
49 in the home versus pulling them out and placing them into a foster
01:15PM 50 care situation.
51

52 **MR. CLAVIN:**

53 Yes. We're required to offer as many preventive services in the
54 home as we can provide the family with. And if we go to court we
55 have to actually document that we've made every effort to provide
56 services to keep the child out of foster care. It's considered the

1 legal last resort. And for a Family Court judge to support the
2 children coming into care or remaining in care, we have to show
3 that the risk of the child couldn't have been ameliorated through
4 an order of protection, counseling services, the intervention of
5 somebody else in the home. So, it's expected to be the last
6 resort.

7 *(The following was taken by Gabrielle Severs - Court Stenographer*
8 *and transcribed by Kim Castiglione - Legislative Secretary)*
9

01:16PM 10 **P.O. CALARCO:**

11 When you're dealing with families that have divorced parents where
12 you have custody issues at play, unfortunately, I'm sure to a
13 certain degree your department gets used as a tool, so to speak.
14 How do you deal with that situation when you have those competing
15 interests and you're trying to just sort it out and find out what's
16 best for the child?
17

18 **MR. CLAVIN:**

01:17PM 19 I'd say generally you would look for a third source of the
20 information when you have the parent back and forth, which often
21 will account for multiple reports with one family. That
22 unfortunately it does impact credibility at times. What does the
23 child have to say? What does a neighbor or school personnel or
24 somebody else in the family have to say? It does create
25 difficulties when there's an underlying motive for having a report
26 indicated against your estranged spouse. We've had people tell us
27 outright my attorney told me to call CPS during their custody or
28 marital legal matter, so it is hard to sift through that when
29 there's that motive for someone making a report and the motive
01:17PM 30 isn't to protect the children.
31

32 **P.O. CALARCO:**

33 Do you think that it's possible that at times it colors the view of
34 the worker if they're dealing with an estranged spouse making
35 allegations in order to do a fair assessment of what's going on in
36 the household?
37

38 **MR. CLAVIN:**

01:18PM 39 I can say generally, yes, I could see that impacting assessment of
40 the parties involved.
41

42 **P.O. CALARCO:**

43 You mentioned that you would look for an outside third party, so to
44 speak. In dealing with those cases, would you place higher
45 credence or higher need to do a more thorough investigation if
46 you're getting complaints that are coming in from say the school
47 district or some other third party or a reporter that's making
48 reports about a family?
49

01:18PM 50 **MR. CLAVIN:**

51 Yes, generally we hold the source of information as a more reliable
52 source of information.
53

54 **P.O. CALARCO:**

55 Okay. Obviously it indicates that we have dealt with, and we've
56 heard a lot of heart-wrenching stories just here today from parents

1 who have had -- unfortunately had to have contact with the system
2 for one reason or another and it's very difficult. As I said, it's
3 the hardest thing that we have to do in government and very, very
4 difficult for us to ever even have positive outcomes. It's clear
5 that I think we need to try to do a better assessment, how do we
6 deal with these different situations.

7 I guess the next question I have is in dealing with Family Court
8 itself and trying to make sure the judges have sufficient
9 information, because ultimately any decision that you make has to
01:19PM 10 go to a judge. I mean, it's not that you get to just take the
11 child out of a home. You have to go and present that case to the
12 judge. Are there things that we could be doing better to ensure
13 that judges are getting full information and that they're being
14 able to make the best decisions possible on behalf of those
15 children? I believe that's a question for the attorney.

16
17 **MR. HEISER:**

18 Yeah, I'm trying to think off the top of my head but, I mean, they
19 do now right now present as best they can the evidence to the
01:20PM 20 judge. The judges are obviously under the pressure to make an
21 immediate decision on a removal, so that's a little bit more
22 difficult, but I think by and large we do present it to them in a
23 fair and open manner.

24
25 **P.O. CALARCO:**

26 Do those children -- I heard it mentioned earlier about the
27 children getting a legal guardian or a law guardian. Where do they
28 get that legal assistance from? Is that a County Attorney or?

29
01:20PM 30 **MR. HEISER:**

31 Okay. In Family Court it's two different types of attorneys are
32 the -- it's actually referred to now as the attorney for the child
33 rather than law guardian. Legal Aid has a Children's Law Bureau.
34 I don't know the exact number, but probably somewhere around 20
35 attorneys or 25 attorneys. They can be appointed by the court to
36 represent the child on the case, a custody case, child neglect
37 case. If there is prior Legal Aid involvement with the family,
38 then the court will go to the Law Guardian Panel, which is run by
39 the Appellate Division. The attorneys are similar to 18-B, but
01:21PM 40 it's paid by the Law Guardian Panel, and they're appointed through
41 that panel. So it would be similar to an 18-B attorney. That's
42 the two types of law guardians -- attorneys of the children that
43 are appointed.

44
45 **P.O. CALARCO:**

46 So for the attorney for the child when they are appointed to a
47 case, do they get all of the relevant case documentation?

48
49 **MR. HEISER:**

01:21PM 50 Generally speaking most will request a copy of the case record
51 because they're entitled to it. And the case record will vary from
52 an inch to about three inches, so it pretty much gives them a full
53 history of what CPS has. Most of them are expected to go see the
54 child within a week or two.

55
56 **P.O. CALARCO:**

1 Are the parents required to allow those children to have the
2 attorneys have access to the children unfettered?

3
4 **MR. HEISER:**

5 I will say to you occasionally we've had situations where the
6 attorney for the child had to go back to the judge and say one
7 parent or the other is not giving me access to the child, and the
8 judge will direct the parent to permit access.

01:22PM

9
10 **P.O. CALARCO:**

11 Do we coordinate our actions with those attorneys in terms of
12 discuss if we think a petition needs to be brought or not and to
13 see if they believe we are or are not bringing an appropriate
14 action to protect the child?

15
16 **MR. HEISER:**

01:23PM

17 CPS will occasionally meet with the Children's Law Bureau to
18 discuss specific cases or the handling of cases in general, but
19 prior to the filing of a petition they're not involved and they're
20 not assigned, so there is no discussion with them prior to filing
21 the case.

22
23 **P.O. CALARCO:**

24 There's no attorney assigned to the child until the case is
25 brought, until there is a petition brought?

26
27 **MR. HEISER:**

01:23PM

28 Until a the petition is filed in court or a request for removal is
29 made pre-petition. But then the petition is going to follow that
30 up.

31
32 **P.O. CALARCO:**

33 So if that happens and then the attorney is assigned to the child
34 and there are subsequent future allegations reports made, does that
35 attorney stay with the child? Are they responsible for that child
36 as long as they are through our system?

37
38 **MR. HEISER:**

01:23PM

39 Depending on the judge. If it's a new judge they may reassign that
40 attorney, they may assign a new one. I think most of the judges
41 the goal is to keep that attorney on the case if there is a new
42 case filed.

43
44 **P.O. CALARCO:**

45 Have you ever had a legal attorney -- a Legal Aid attorney, an
46 attorney for the child file a petition on behalf of the child where
47 we did not file a petition?

48
49 **MR. HEISER:**

50 Yes.

51
52 **P.O. CALARCO:**

53 But I thought they don't get an attorney until there is a petition
54 filed by us.

55
56 **MR. HEISER:**

1 They generally are not assigned an attorney in a neglect case until
2 the petition is filed. If the attorney is representing them on
3 another matter, say a custody case or a family offense case and the
4 attorney learns of the allegations and wants to file a petition,
5 they can ask the court for permission to file.

6
7 **P.O. CALARCO:**

8 Do the attorneys for the children -- do all children in custody
9 cases get an attorney?

01:24PM 10

11 **MR. HEISER:**

12 In -- I mean, we don't get -- my office doesn't get involved in the
13 custody cases, but I would venture, yes, that in 99 percent of them
14 the court is appointing an attorney for the child.

15
16 **P.O. CALARCO:**

17 Okay. I guess this question is for Mr. Clavin. When we are trying
18 to provide services in the home for the family to avoid, you know,
19 the ultimate, which is taking the child out of a home, and
20 obviously the best place for a child is in a loving home, and
21 obviously if the home is not functional that's a problem. Does
22 that rise to the level that we have to necessarily go to a court
23 with a petition or do we, you know, offer services and maybe that
24 never gets to the point where we're actually filing any kind of
25 action with the court?

01:25PM

26
27 **MR. CLAVIN:**

28 We will offer services on cases that are unfounded because even
29 though there's not a basis to indicate a case, there's often a
30 problem that a family needs assistance with. So we try to provide
31 them some direction in the community. We could --

01:25PM

32
33 **P.O. CALARCO:**

34 That's because bad parenting doesn't necessarily equal abuse or
35 neglect.

36
37 **MR. CLAVIN:**

38 Correct. There could be other stressors in the home, too, and it's
39 not just limited to bad parenting, but something that is preventing
40 optimal parenting. We could indicate a case but not petition it,
41 and the family could be receptive to voluntary protective services
42 because they're acknowledging, yes, something happened, it was an
43 isolated incident, I've had this ongoing problem, I'm willing to
44 accept support and the child was not at significant risk where we
45 would take it to court. We have about 100 of those types of cases
46 that are voluntary protective cases. So we can offer services
47 without having to go to court. It's when the parent is not
48 receptive to receiving services or if the harm to the child or risk
49 is so serious that we could only address it through either an Order
50 of Protection or custody or mandated services would we have to go
51 the court route.

01:25PM

01:26PM

52
53 **P.O. CALARCO:**

54 Okay. Thank you. Thank you. Any other questions I have would be
55 reserved for Executive Session.

56

1 **CHAIRPERSON ANKER:**

2 Okay. Legislator Berland.

3
4 **LEG. BERLAND:**

5 Thank you. Legislator Anker, I want to thank you for having this
6 today. I have two general concerns. To piggyback off of our
7 Presiding Officer's questions with the Law Guardian Panel. I know
8 that's not necessarily your purview, but I think it's important if
9 there is not a requirement that the lawyer meet specifically with
01:27PM 10 the child, because we did hear that a number of times. And it, you
11 know, frankly, as a lawyer and someone who has been a child
12 advocate in the beginning of my career, it doesn't make any sense
13 to me that the law guardian would not or the attorney for the
14 child, as referred to it now, would not be having face to face with
15 that child, you know, because they do represent that child. So
16 although I think that might be out of your scope, that might be
17 something the Legislature looks into to, you know, speak with that
18 panel and require that.

19
01:27PM 20 **MR. HEISER:**

21 You might want to check with the panel to see what their
22 requirements are. I know I've been with the County 31 years and
23 that's been a complaint that's come across for the last 31 years.
24 Some of the attorneys will indicate that they're very busy and they
25 can't see the child at the house, and they see the child face to
26 face in court, or they'll stop by the child's school. I can't
27 disagree with you. The attorney should see the child in whatever
28 setting they're in at that point. If it's foster care then in the
29 foster home, but it is a complaint that's gone on for quite a few
01:28PM 30 years.

31
32 **LEG. BERLAND:**

33 Yeah, and I think it needs to be done in a timely manner, not at
34 court. That's not the appropriate time that a lawyer should be
35 talking with a child, you know, who is going through, you know, a
36 whole family crisis. It should be well beforehand.

37
38 That kind of piggybacks on my, you know, my next point. I have
39 been an advocate for the use of Skype and the use of
01:28PM 40 videoconferencing in a number of different ways, but I think if,
41 you know, that we should look into if you set up something similar
42 to Skype and get us into this century where you're at a receiving
43 end and your, you know, investigators and your workers are out at a
44 location, that they can, you know, even if you're using your
45 personal phone but you're videotaping to a secure videotape
46 location that the County maintains, so that you can videotape these
47 interactions at homes. You can videotape the home. You can
48 videotape conferences with the parents. You can videotape what
49 you're seeing with the child. Because sometimes often what we're
01:29PM 50 hearing from people is that maybe what's written in these reports
51 are not necessarily what's happening. Or it's, you know, someone
52 has bias and they're, you know, writing something which is not
53 necessarily what was happening, but videotapes can't lie and maybe
54 we need to get into this century to make this happen so that we can
55 have that information.

1 And if we're talking about, you know, storage capacity and clouds,
2 then it's up to us to, you know, provide you with the funding to
3 get a bigger cloud, you know, and hire a person whose job it is to
4 sit there and retrieve these videos. So, you know, I think we
5 should look into that and I am totally supportive of that effort.
6 What are your thoughts on something like that? Not to put you on
7 the spot, but to put you on the spot.

8
9 **COMMISSIONER PIERRE:**

01:30PM 10 No, I think our technology is definitely a little behind. I think
11 it's through the Legislature that we were able to actually get
12 tablets now so that our folks can utilize the tablets while they're
13 in the community.

14
15 So Skype, I would be curious to see if any other counties are doing
16 it and how they are utilizing that. But I do think that, again,
17 for confidentiality purposes there's a lot of different thoughts
18 that are going through my head, so I would have to definitely
19 consider that option.

01:30PM 20
21 **LEG. BERLAND:**

22 I would think that if, you know, it doesn't have to necessary be
23 Skype, but there are, you know, other office type of --

24
25 **COMMISSIONER PIERRE:**

26 Understood.

27
28 **LEG. BERLAND:**

01:31PM 29 -- videoconferencing applications that we can look into. And just
30 as, you know, when you're walking into a house to do an evaluation,
31 maybe the first words should be okay, here's my tablet and there's
32 a camera on this tablet and you're being videotaped. You know,
33 whether that changes people's behaviors or not, it might for the
34 first three seconds, but if you're really going to be the person
35 you're going to be, that's going to come out eventually, you know?
36 So I think it's a good tool that we should really look into.

37
38 **COMMISSIONER PIERRE:**

39 I think it's worth looking into as well, Legislator.

01:31PM 40
41 **LEG. BERLAND:**

42 Thank you.

43
44 **CHAIRPERSON ANKER:**

45 All right. Well, Legislators, I think we are going to go into
46 Executive Session to discuss specifics. Again, and I cannot
47 guarantee they can answer your questions because there is a high
48 level of confidentiality and I just want you guys to be aware of
49 it.

01:32PM 50
51 I'll make a motion to go into Executive Session and adjourn just
52 for that time. All in favor? Opposed? Abstentions? We will go
53 downstairs in the conference room. Folks that are here in the
54 auditorium, I can't guarantee how long we will be in Executive
55 Session, but we will return and back on the record. We'll return
56 when we get done.

1
2 **LEG. CILMI:**

3 There will be no additional information for folks here that are
4 listening right now.
5

6
7 **CHAIRPERSON ANKER:**

8 Yes, there will be no additional information for folks here that
9 are listening right now. Everything that we speak in the
10 conference room will be in confidence. I just want to put that on
11 record. So, again, thank you everybody that have come here, that
12 have, you know, given us your personal information regarding this
13 issue. And we really look forward to tackling this and making sure
14 that we can protect those individuals, especially, especially our
15 children. So, again, thank you and we are going to adjourn to go
16 into Executive Session.
17

18 (Legislators met in executive session
19 from 1:33 p.m. until 2:47 p.m.)
20

21 **CHAIRPERSON ANKER:**

22 I just want to let folks know we're back on the record, coming back
23 from our Executive Session. I see no further business. This
24 meeting is adjourned.
25

26 (The meeting was adjourned at 2:47 p.m.)
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