

# DON'T TURN BACK

## *Reform Has Made New York's Children Safer*

An analysis of trends in New York City child welfare from the  
National Coalition for Child Protection Reform

Released January 2006; most recent full update, January 2023, Data update, November 2024

And see ongoing updates on the [NCCPR Child Welfare Blog](#)

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### **ABOUT NCCPR:**

The National Coalition for Child Protection Reform is a non-profit organization whose members have encountered the child protection system in their professional capacities and work to make it better serve America's most vulnerable children.

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### ***Reform Has Made New York's Children Safer***

An analysis of trends in New York City child welfare from the  
National Coalition for Child Protection Reform  
By Richard Wexler, NCCPR Executive Director

*This report has evolved as child welfare policy in New York City has evolved. It was first issued in January, 2006, shortly after the death of Nixzmary Brown shocked the city. We feared the outcry would lead to a foster-care panic, a huge spike in removals of children from their homes, like the panic that followed the death of Elisa Izquierdo in 1995. That panic did nothing to make children safer; deaths of children previously “known to the system” even increased.*

*Unfortunately, there was indeed a foster-care panic from 2006 through about 2009. Once again it did nothing to improve child safety. So in 2009, we updated the report and changed the title – to Stop Turning Back.*

*Fortunately, New York City stopped turning back. The number of children torn from their homes declined again – with no compromise of child safety. **In fact, in 2016, key child safety indicators were the best they have been in at least six years.** But, in the wake of the death of Zymere Perkins, it is clear that another foster-care panic is underway. That panic abated and, when, because of the COVID-19 pandemic the Administration for Children's Services had to step back, and community-based community-run mutual aid organizations stepped up, **once again child safety improved.** But in [a scathing report that ACS tried to hide](#), caseworkers themselves said the agency is permeated with racial and class bias.*

### **The Price of Panic**

In the weeks after New Yorkers learned about the horrifying death of Nixzmary Brown, people made comparisons to other notorious cases. Some said it was like the case of Elisa Izquierdo. Others remembered Lisa Steinberg, killed by the man who illegally adopted her.

But the case that *most* resembles the case of Nixzmary Brown is a case which got little attention at the time, and was soon forgotten. It is the case of a four-year-old girl named Caprice Reid.

Like Nixzmary Brown, Caprice Reid was tied to a chair. Like Nixzmary Brown, Caprice Reid was beaten – so severely that by the end she could not walk. Like Nixzmary Brown, Caprice Reid was starved. Indeed, police said Caprice was beaten and starved to death over four straight days.

But there is one crucial difference between Caprice Reid and Nixzmary Brown. Caprice Reid did not die in her own home.

On the contrary. Caprice Reid had been *taken* from her own home after her mother was accused of “lack of supervision.” She was shunted from foster home to foster home, finally landing in a home that had been shut down by one private foster care agency, only to be reopened by another.

And it was in that home where Caprice Reid died, at the hands of her foster mother and foster grandmother. They pled guilty to manslaughter.

About a week before she died, Caprice Reid's mother saw her daughter for the last time. The little girl clung to her mother's neck and said “Don't go, Mommy. I love you.”<sup>1</sup>

To know *how* this could have happened, one need only know *when* it happened: 1997. The Administration for Children's Services wasn't the agency it is today. The agency was in the midst of a frenzy of child removal – a foster-care panic – in the wake of the death of Elisa Izquierdo.

The number of children torn from their homes was skyrocketing. ACS was begging for beds for all these children – and beggars can't be choosers.

Caprice Reid paid the price of panic. But it wasn't just Caprice who suffered. The ultimate paradox of a foster-care panic is that it jeopardizes the very children it is meant to protect – children in dangerous homes who really should be taken away. In the Years of Panic following Elisa Izquierdo's death, the total number of deaths of children previously known to ACS – not just deaths in foster homes but children dying in their own homes as well -- didn't decline. On the contrary, those deaths soared by 50 percent. (For details and sources for all New York City data cited in this report, see page 19).

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Fortunately, ACS learned from its mistakes. The agency changed course and embraced safe, proven approaches to keeping families together. As a result:

**New York City's children were safer.** There were fewer deaths of children "known to the system" through 2005 than during the Years of Panic. In addition, more reliable measures than fatalities show that reform was accomplished without compromising safety.

**But they are not safe enough.** The only acceptable goal for the number of child abuse fatalities is zero. But it is a goal we must seek understanding that our reach will

always exceed our grasp – a distinction New York City Mayor Bill de Blasio, among others, has failed to draw.

And it is a goal we must seek without going back to the days when a policy intended to protect children wound up destroying children in order to save them.

Unfortunately, the lessons of the panic that followed the death of Elisa Izquierdo were forgotten after the death of Nixzmary Brown.

There was another foster-care panic.

Child abuse did not double in the three days following the death of Nixzmary Brown – but the number of children torn from their parents and thrown into foster care did, compared to the same time period the year before.<sup>2</sup> And child abuse did not increase 55 percent between 2005 and 2008. Even reports alleging maltreatment did not increase that much. But child removals did.<sup>3</sup>

Although some suggest that the rate at which children previously known to ACS died in late 2005 and early 2006 was unusual, the sad truth is, it was not. What was unusual was the attention that was paid.

The tragic fact is that children previously known to ACS and its predecessor agencies had been dying at an average rate of about one every two weeks at least as far back as 1993 – a rate that is not unusual nationwide. They actually died at a *higher* rate when the city was taking away far more children.

But when the deaths occur at a time when city policy is to tear away huge numbers of children, they are largely ignored. When they happen while the city is emphasizing family preservation, people rush to assume cause and effect where it does not exist.

Even if it were true that the number of deaths in the last few months of 2005 had been unusually high, what would that mean? Overall, deaths of children known to the system were lower in 2005 than in 2004.

We fail to understand why anyone would believe children are safer in a com-

munity where the child abuse fatalities happen to be evenly spaced.

In 2006, just after the death of Nixzmary Brown, we wrote:

*If the outrage and disgust we all feel over Nixzmary's death becomes an excuse to turn back the clock and return to the days when the operating philosophy at ACS boiled down to "take-the-child-and-run," it will not reduce the number of children who die. At best, it may change the names on the tombstones. At worst, it will give those who carve the tombstones a little more business.*

Sadly, the prediction proved correct. In fact, the tombstone makers got a lot more business. In 2006, deaths of children previously known to ACS reached 44, the highest total to that point since at least 1993. And in 2008, such deaths set another record to that point – 49.

Break down that figure to look only at homicide deaths and the total that year, 16, was the highest in any year from 2006 through 2015, the only years for which we were able to find data.

Child welfare reform in New York City was succeeding. The reduction in foster care placements since 1998 had been accomplished without compromising safety and children who came to the attention of ACS were far better off than they were a decade before.

When this report first was released, we wrote that

*ACS needs to find out if any of the errors in the case of Nixzmary Brown and other tragedies can be generalized beyond these individual cases. If so, the lessons must be applied to the reform process. But the City of New York must not return to the days of "take the child and run." Nor should anyone believe that "the pendulum has swung too far" toward keeping families together. The data show that simply is not true.*

*The solution to the problems of reform is more reform.*

In fact, ACS did not revert all the

way to the worst excesses of the 1990s. Even in the midst of three years of crisis, ACS continued to reduce the proportion of children in the worst forms of care, group homes and institutions. There also are signs of improvement in placing children with relatives instead of strangers.

Furthermore, entries into care in 2008, though 55 percent higher than in 2005, remained lower than they were not only after Elisa Izquierdo died, but also before that tragedy.

There have been other steps forward as well, notably big improvements in legal representation for families.

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But by 2009 it was painfully apparent that, on balance, ACS was moving in the wrong direction.

The panic abated, and, when New York's current Mayor, Bill deBlasko named Gladys Carrion to run ACS, a new era of reform began. Again, entries into care declined and child safety demonstrably improved.

Then Zymere Perkins died, Carrion resigned, another foster care panic began, and is continuing.

### **Foster care panics**

Perhaps the most important thing to understand about any child welfare system is

# The good old days?

## IN 2000, THIS IS WHAT IT WAS LIKE AT ACS

Akka Gordon,\* a former child abuse investigator for ACS wrote about her experiences for the magazine *City Limits*, in December, 2000. The full story is [available online here](#).

*If ACS turns back on reform, it will be like this again.*

These are some excerpts from Gordon's account [italics added by NCCPR]:

**"To the manager ... who makes the fateful decision to remove a child and the judge who approves it, a child exists only on a piece of paper, alongside a list of disturbing circumstances. They don't see a child having a panic attack at 3 a.m. because he is suddenly alone in the world. Or slamming his head against the wall out of protest or desperation. The good intentions that go into the decision to remove a child often have little to do with the sometimes brutal outcomes of that choice. ... *Unlike fatalities, the trauma a child endures from being wrongly removed, followed by years of difficulty growing up in foster care, are not measurable.*"**

**"A manager or supervisor has no one to answer to if a child who shouldn't be in foster care is removed from home anyway. *There is no penalty for the wrongful taking of a child.*"**

**"At moments of uncertainty, the mantra was 'Cover your ass' – a phrase heard often around the office. ... The obsessive concern with liability at the field offices quickly overshadows the reasonable criteria [workers] have been taught for identifying abuse and neglect. Most quickly learn to abandon their training and to do what it takes to survive."**

**"One week after the investigation begins, caseworkers have to file an electronic report. The computer offers two options: 'safe' and 'unsafe.' But my manager accepted only one. Any time I determined a child to be 'safe' my manager rejected it and returned it to me. *The first step to protect yourself, I quickly discovered, is to determine that a child is 'unsafe' from the outset of an investigation.*"**

**"Any caseworker can tell you that they have done removals that they did not personally agree with. But they rarely complain to management, since they will never get in trouble for removing a child under supervisors' orders. Caseworkers are also quiet about unnecessary removals because *doing a removal and then transferring a case to foster care takes them a lot less time than keeping it and trying to work with a family.* Keeping a case obligates a worker to do regular home visits and follow-ups to make sure a family is getting preventive services. It also means dealing with anything that may go wrong and continuing to be responsible for the children's safety."**

**"*By the time I resigned, I felt strongly that the system was working against children instead of for them.*"**

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\*The name is a pseudonym. The worker wanted to use her real name but lawyers for City Limits advised against it.

that *nothing* influences how many children are taken from their parents more than whether there is a highly-publicized death of a child “known to the system” and how government officials and media respond to that death.

The former head of the Illinois Department of Children and Family Services, Jess McDonald, has a chart he calls his “EKG chart” which links spikes in child removals to the very week such a story made the front page of the *Chicago Tribune* or the *Chicago Sun-Times*.

The same is true long term.

In 1995, 8,000 children were taken from their parents by ACS’ predecessor, the Child Welfare Administration. In November of that year, Elisa Izquierdo died. In January, 1996, Mayor Giuliani himself said Elisa’s death proved the city was doing too much to keep families together. So did his new head of the newly-formed ACS, Nicholas Scoppetta. Scoppetta would later realize that this was a mistake. To his great credit, he began the era of reform.

But from 1996 through 1998, the operating philosophy at ACS became take-the-child-and-run. The result was a foster care panic.

By 1998, removals had increased by 50 percent – to 12,000 children taken from their homes. Children were torn from their parents for such crimes as leaving a ten-year-old and a four-year-old at home for an hour to shop for groceries, or losing track of a child’s whereabouts while helping a friend to move. Even a prosecutor who handled such cases for the Queens District Attorney’s office said: “I find that police charge endangering the welfare of a child when there shouldn’t be an endangering case at all.”<sup>4</sup>

The fear of ACS so permeated impoverished neighborhoods that some parents never left their apartments without their papers exonerating them from a false allegation.<sup>5</sup>

Giuliani and Scoppetta said they

were doing this to reduce fatalities among children known to the system. But those fatalities increased – from 24 in 1996 to 36 in 1998.

Then, in 1999, the City settled a class-action lawsuit, *Marisol A. v. Giuliani*. The lawsuit created a panel of national experts, including John Mattingly, who would later be named to run ACS, overseen by the Annie E. Casey Foundation, (which also helped to fund NCCPR for many years). The panel was purely advisory, but Scoppetta took its advice.

Showing remarkable courage, he changed course and embraced safe, proven programs to keep families together. As he was preparing to leave office, he told the *Times*: “I’m absolutely convinced we have too many children in foster care.”<sup>6</sup> William Bell and, at first, John Mattingly continued the reforms when they ran ACS. By FY 2005, the number of children taken from their parents was 4,887.

Then came the death of Nixzmary Brown. As noted earlier, from 2006 to 2009, there was another foster-care panic and another increase in fatalities.

Some news coverage of fatalities in late 2005 and early 2006 included a “boilerplate” paragraph noting that the deaths came at a time when ACS was working to keep families together. Some commentators have gone farther, specifically scapegoating family preservation.

In contrast, in not one story about any of the deaths that occurred during the Years of Panic did any reporter write that the death came “as the city has sought to emphasize its policy of ‘if in doubt, yank ‘em out.’” Only one *New York Times* story raised the issue, [even indirectly](#), in 1999. And, of course, not one columnist or editorial writer linked the sharp increase in fatalities to ACS’ policy of take-the-child-and-run.

Fortunately, ACS made so much progress that even with the increases in 2006 and succeeding years, New York City still



took away fewer children than it did during the first foster-care panic. But the upsurge in removals endangered all that had been accomplished.

Then starting toward the end of Mattingly's tenure, the panic abated. Reform really got back on track when Mayor de Blasio named Gladys Carrion to run ACS.

### **2016: Another round of panic**

But then, in late September, 2016, came the death of Zymere Perkins.

In one sense, the response was better this time. There has been no attempt to explicitly scapegoat efforts to keep families together for this latest tragedy.

But that is not enough to prevent a foster-care panic.

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While workers are fond of saying they're "damned if we do and damned if we don't" that's not true. When it comes to taking away children, they're only damned if they don't.

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With politicians [tripping over each other to attack ACS](#) for its alleged incompetence, with Gov. Andrew Cuomo exploiting the tragedy to score points in his feud with mayor de Blasio,<sup>7</sup> with de Blasio himself setting an impossible standard, seeming to demand that ACS prevent every child abuse death, with workers fired, and the commissioner resigning, the message to the front-lines is clear:

Take away hundreds, perhaps thousands of children needlessly and while the children will suffer terribly, the workers are safe. Even if the child subsequently is abused, even dies in foster care, the worker

who originally removed the child will face no scrutiny.

In contrast, if a tragedy occurs after a caseworker leaves a child in her or his own home, that worker may be suspended, demoted, fired – perhaps even criminally charged.

So while workers are fond of saying they're "damned if we do and damned if we don't" that's not true. When it comes to taking away children, they're only damned if they don't.

And that explains why in the year ending June 30, 2017, the number of children taken from their home [was 12 percent higher](#)<sup>8</sup> than the number the year before – the first year-to-year increase since 2009. Entries declined the following year – but only slightly.

This figure actually understates the impact of the panic, since the time period includes about three months before Zymere Perkins died.

In the months before this figure was released, Carrion's successor, David Hansell and his top staff repeatedly made [misleading, contradictory statements](#), with Hansell even claiming at one point, erroneously, that there had been no increase at all.

The panic also has shown itself in other ways. The most disruptive kinds of removals of all, in which the worker takes the child immediately, without even going to court first, have increased sharply – soaring nearly 30 percent in FY 2017 and staying at that high rate in FY 2018.

Many of the cases were so flimsy that judges refused to approve the removal at the first court hearing, and sent the children home – something so embarrassing to ACS that it took enormous pressure just to get the agency to [release the data](#).

And while needless removal is the most serious harm ACS can inflict, dragging a family into court, placing the family under agency supervision and forcing everyone to jump through pointless hoops also can do serious damage, [as this parent explained](#) in



# **The errors go both ways**

## **ACS *STILL* CONFUSES POVERTY WITH NEGLECT -- AN EXTRAORDINARY STORY FROM *THE NEW YORK TIMES* IN 2017 WAS ONLY THE LATEST EXAMPLE.**

The theme of this report is that ACS improved when it reformed to emphasize taking fewer children. But it hasn't improved enough. And the errors go both ways. Just as the agency still sometimes leaves children in dangerous homes, it also continues to tear apart some families just because they are poor.

But unlike the old ACS, the new ACS sometimes will admit its mistakes and help such families. It did just that only weeks before this report originally was issued in the case of a Mexican immigrant family, whose story was first told by the Immigrants and Child Welfare Project (ICWP) and Cabrini Immigrant Services.

The story begins on December 14, 2005 – a time when ACS already was feeling pressure to revert to a “take the child and run” approach.

An ACS caseworker found Anna (not her real name), a mother with four children, living in an SRO hotel – just like many other poor immigrant families who work in neighborhood restaurants. (The father had gone back to Mexico for medical care he couldn't afford in the United States.)

Anna did not beat her children, or torture them, or starve them; nor did she let anyone else do so. And she didn't keep them out of school.

On the contrary, the parent coordinator at the children's school knows them well. He says the mother is devoted to her children

There was no allegation that Anna mistreated her children in any way. Why, then, were they torn from everyone they knew and loved? Because the two youngest children slept in the same bed as the mother and the family kept their clothes in bags stacked in a corner of the room. The ACS caseworker also cited the presence of roaches.

The caseworker did not speak Spanish. Instead of getting a translator, she used the oldest child – age 14 - to translate.

At a family team conference - which is supposed to find ways to avoid foster care – five ACS staff berated Anna for living in overcrowded conditions.

Then ACS refused to place the children with an uncle, because of his immigration status.

So the children were trapped in foster care, in a home where the foster mother did not speak Spanish. According to ICWP, the foster mother refused to allow the oldest daughter even to call her mother, telling the girl “go out on the street if you want to talk to your mother, this phone is only for my use.”

The foster mother said the 14-year-old did not show her enough respect. When a social worker suggested during a telephone conversation that perhaps the girl was distraught at being separated from her family the foster mother said: “I don't care if she's mad, I can't have that girl acting towards me with disrespect.”

During the conversation, the 14-year-old could be heard in the background, crying.

The youngest child is 18 months old, and was being breastfed by his mother. While in care, he lost three pounds in one week, refusing to eat unfamiliar food.

The parent coordinator at the children's school notes that at least six other families live at the same address, prompting him to ask: “So is ACS going to remove the children from all of them – is it now a crime to be immigrant and poor?”

In the past, that would have been the end of the story. But with the Immigrants and Child Welfare Project and Cabrini Immigrant Services advocating for the family, top ACS officials intervened. They found the family a place at a family shelter in the Bronx. They're now working to find permanent housing for the family, including the father, now back in this country.<sup>9</sup>

When we first released this report, in 2006, that left us with two questions:

- How many other families, who don't have this kind of advocacy, still are being needlessly torn apart?

• In a climate of foster-care panic, if another such case comes to their attention again tomorrow, will top ACS officials be willing to do the right thing again?

We got a disturbing answer early in 2009, when the *Daily News* told the story of a little boy named Juan. Juan's mother, Lillian Lucas-Dixon, did not beat him, or torture him, or sell him on the streets for drugs. *As the Daily News reported*, her crime was working to raise her youngest child.

She needed to get to her job as a subway station attendant. So she'd leave Juan, age 7, home alone after school until his 23-year-old sister got off work and could get to their Co-op City apartment to watch Juan.

"My choice was, do I lose my job or stay home with my son?" Lucas-Dixon, told the *Daily News*.

Juan mentioned this in his notebook at school. Poor Juan had no way of knowing that every school employee is on notice that their jobs are on the line if they don't call in absolutely everything to the hotline. So the school did. And, of course, Juan knew nothing about the "get tough" message caseworkers were getting in the years after Nixzmary Brown died. That message explains why, instead of helping Juan's mother find after-school care, they simply opted to take the child and run.

So Juan was placed in the foster home of a total stranger, far from where he lived. And in a throwback to one of the most regressive practices of bad child welfare agencies, visits often are scheduled during his mother's working hours.

As to the mother who raised Juan, and should be raising him now, the *Daily News* reports that:

*Her oldest eight have graduated or are in college or the military. The ninth is in high school. ... Her older children, now ages 15 through 29, say they always received Christmas presents, went on vacations, participated in sports and arts programs and that their mother knew the administrators and teachers at each of their schools.*

*"She does for 10 of us what some parents do for one," said Princess, Lucas-Dixon's 20-year-old daughter, a student at Sullivan County Community College. "I just don't get it." Lucas-Dixon brags that none of her kids have criminal records, were pregnant as teens or abused drugs. "If I was dumb enough to have a large family, I owe it to myself and the world to produce responsible citizens," she said.*

In fact, there are millions of children like Juan, left home alone every day in America by single parents, usually mothers, who have no other choice. But Juan was in the wrong place, New York City, at the wrong time, a time when every ACS worker is running scared.<sup>10</sup>

In the new era of reform under Mayor de Blasio and Commissioner Carrion, workers had less to be afraid of, so families had a little less to be afraid of as well.

But now, Carrion has resigned (effective when a successor is named) and de Blasio has made comments that encourage foster-care panic. And that seems to be exactly what's happening. So families have good reason to be afraid once again.

And sure enough, in mid-2017 *The New York Times* confirmed it in a story about New York City [foster care as the new "Jane Crow."](#)

the *New York Daily News*.

Those numbers skyrocketed 50 percent in 2017, and increased again in 2018.

### New York City is not alone

Very few jurisdictions are large enough to be able to detect any pattern based on fatalities. But two that are big enough mirror the pattern in New York City.

The state-run system in Illinois went

through a foster-care panic from 1993 to 1997, after the death of Joseph Wallace. The number of children in foster care on any given day soared from about 33,000 to over 50,000. And again, total child abuse fatalities actually increased. (Illinois doesn't break "known-to-the-system" into a separate category). So Illinois changed course. Today, fewer than 17,000 children are in foster care statewide.<sup>11</sup> And, as discussed below, as foster care plummeted in Illinois, child safety improved.

The first Florida foster-care panic began in late November, 1998, after the death of Kayla McKean. Removals soared 50 percent in one year. And while New York City and Illinois learned from their mistakes, it took a lot longer for Florida. So, in most of the state, removals stayed at that high level until 2007. In the four years before the panic, (which is as far back as the data go) there were an average of 25 child abuse deaths per year involving children “known to the system.” In the seven years afterwards, the annual average was 37. The number shot up again in 2006, in part because the definition of a maltreatment-related fatality was broadened.

But then, in 2007, the first year removals declined, for the first time in nearly a decade deaths of children known-to-the-system declined as well.

There were more declines in entries into care in succeeding years, under reform-minded leaders.<sup>12</sup>

But these leaders are gone now.

And, thanks largely to [highly-misleading news coverage](#),<sup>13</sup> Florida is in the midst of another foster-care panic. And, once again, deaths of children known-to-the-system in that state [increased](#).<sup>14</sup>

### Why would it happen?

It certainly seems counterintuitive. After all, if a child known-to-the-system dies, you’d think you could reduce deaths by taking away more children.

But consider:

Although every child abuse fatality is a terrible tragedy, they are, in fact, needles in a very large haystack. There are 1.9 million children in New York City. Just the number that came to the attention of ACS each year is more than 60,000.

If you want to find the needles in a haystack you can’t do it by trying to vacuum up the haystack. Yet that’s what workers try to do during a foster-care panic. Suddenly workers are terrified to leave any child in his

or her own home. As more and more children are taken, caseloads increase. Workers have less time to make those crucial life and death decisions. So they make snap judgments. That leads to more mistakes in both directions – more children needlessly taken away even as more children in real danger are overlooked.

### Who is in foster care?

The other reason the idea that a foster-care panic would increase child abuse deaths seems counterintuitive is because of misunderstandings over who is in foster care and why. Very few parents who lose their children to foster care are anything like the mother of Elisa Izquierdo or the parents of Nixzmary Brown.

Far more common are cases in which a family’s poverty is confused with neglect.

ACS workers sometimes still will tear children from their parents solely because a working mother – desperate to keep her low-wage job and stay off welfare – left her children home alone because the sitter said she’s be late. And ACS workers still will take children solely because their parents can’t afford better housing. (See “The errors go both ways,” page 9).

And it was only in 2005 – after finding itself on the losing end of scathing decisions from a federal district court and the New York State Court of Appeals, that ACS finally settled a class-action lawsuit and stopped fighting to continue the shameful practice of routinely tearing away children from battered mothers, solely because those mothers had been beaten. (NCCPR Vice President Carolyn Kubitschek was co-counsel for plaintiffs in this suit.)

Mothers who did everything right – obtaining orders of protection, fleeing to shelters – still would be accused of “engaging in domestic violence,” apparently for throwing their faces into their attackers’ fists. (See page 13). As one expert testified, for the child, to be torn away from the non-

offending parent in this situation is “tantamount to pouring salt on an open wound.”<sup>15</sup>

Other cases fall between the extremes, the parent neither all victim nor all villain. Sometimes, these in-between cases involve substance abuse. And that raises another question: Why even bother with parents – usually mothers -- in these cases? But the reason to “bother” is not for the sake of the parents, but for their children.

University of Florida researchers studied two groups of infants born with cocaine in their systems. One group was placed in foster care, the other with birth mothers able to care for them. After six months, the babies were tested using all the usual measures of infant development: rolling over, sitting up, reaching out. Consistently, the children placed with their birth mothers did better. For the foster children, being taken from their mothers was more toxic than the cocaine.<sup>16</sup>

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**It is extremely difficult to take a swing at “bad mothers” without the blow landing on their children.**

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It is extremely difficult to take a swing at “bad mothers” without the blow landing on their children. If we really believe all the rhetoric about putting the needs of children first, then we need to put those needs ahead of everything – including how we may feel about their parents.

That doesn’t mean we can simply leave children with addicts and do nothing. It does mean that allowing families to stay together under supervision while a parent is in drug treatment or allowing the parent and child to live together while the parent gets inpatient treatment is almost always a better first choice *for the child*, than tearing the

family apart and consigning the child to foster care.

### **Double standards**

Because the idea that taking away more children can increase child abuse fatalities is counterintuitive, it contributes to a double standard in the attention paid to deaths of children “known to the system.”

If a child “known-to-the-system” dies in his or her own home at a time when the city is trying to keep families together, often it is assumed, wrongly, that the death is related to the policy. But if a child known-to-the-system dies even as the city already is tearing away huge numbers of children from their parents, then it seems, on the surface, that the two facts are unrelated, so it’s easier to dismiss the death as an aberration.

It would be hard to argue that the death of Caprice Reid was any less shocking than the death of Elisa Izquierdo. It should have been no less horrifying. Yet a Nexis search done by NCCPR in 2000 found more than 1,000 stories mentioning the name of Elisa Izquierdo, from all over the country. The total mentioning Caprice Reid: 36. And only one of them was on the front page of any New York City daily newspaper.

The fact that, when this report first was released, almost any New Yorker reading it would recognize the name Elisa Izquierdo and almost none would recognize the name Caprice Reid speaks for itself.

### **After the panic**

Child fatalities went up during the New York City foster care panics after Eliza Izquierdo and Nixzmary Brown died. But what about afterwards – did they consistently go down?

No. In both Illinois and New York City there’s been no pattern – fatalities have fluctuated, (though in Florida there was a fairly consistent decline when the state emphasized family preservation).

That should come as no surprise.

## When ACS punished children of battered mothers

*Before the reforms at ACS, it was common practice to take children from mothers solely because the mothers had been beaten. It took a class-action lawsuit to curb the practice, and a reform-minded ACS administration to settle the case and acknowledge that it was doing terrible harm to children. (NCCPR Vice President Carolyn Kubitschek was co-counsel for the battered women). Below, is the story of one of the courageous women who brought the lawsuit. If ACS turns back on reform, the children of women like these will be in danger once again:*

Sharwline Nicholson held down a full-time job while pursuing a college degree in behavioral sciences and caring for her two children.

She decided to break off a relationship with her daughter's father because he lived far away in South Carolina. When she told him, he became enraged. "He started hitting on me, pounding me, kicking me..."<sup>17</sup>

But even as she was bleeding profusely, suffering from a broken arm, broken ribs, and gashes to her head, as she called 911 and waited for an ambulance to take her to a hospital, she arranged for a neighbor to care for her children.

But that wasn't enough for ACS. As Nicholson lay in her hospital bed, ACS took the children from the babysitter and threw them into foster care with strangers.

When ACS workers came to her hospital room to let her know, "there was no softness, no comfort, no explanation of where [the children] were, nothing," Nicholson said. "I compare it to kidnapping. I compare it to death."<sup>18</sup>

The ACS case manager said the children were in "imminent danger" because their mother was in the hospital and couldn't protect them. The case manager admitted he deliberately delayed notifying the court of the "emergency" removal to gain leverage over Nicholson and force her to meet ACS demands. He said this practice is common.

ACS charged Nicholson with "engaging in domestic violence" in front of the children. In fact, when she was beaten one child was asleep in another room, the other was in school.

"It reached the point where I said 'Oh, why did I call 911,'" Nicholson said.<sup>19</sup>

Nicholson could not even visit her children for eight days, and then only with supervision at a foster care agency. As the judge wrote in his decision, "Ms. Nicholson was able to locate her nine-month-old daughter within the building by following the sounds of her crying." She found her "sitting on a chair by herself with tears running down." She had a rash on her face, yellow pus running from her nose, and she seemed to have scratched herself. Her son had a swollen eye. He said the foster mother had slapped his face. When another foster mother was assigned to take him away, he asked the new foster mother: "You're not going to hit me, are you?"

Even after the court ordered the children returned, on condition that the family stay with a cousin in The Bronx, ACS stalled for days – on grounds that the children would not have adequate bedding.

Long after being reunited, the harm ACS did to her children remains. Once, when her son heard police were in the building he froze and said "Oh no, they're going to take me."<sup>20</sup>

Winning back her own children has been only the beginning for Sharwline Nicholson. She has served on the Board of Directors of the Child Welfare Organizing Project, and helps other families fight for their children. She hopes to open her own shelter for battered women and their children.<sup>21</sup>

Though much of this report up to now has focused on measuring fatalities, that actually is a poor measure of overall child safety – for a reason for which we all should be grateful. Even in a jurisdiction

the size of New York City, the number of deaths of children "known-to-the-system" is small enough to be able to fluctuate due to random chance.

And not all children "known to the

system” are equally well known. In some cases, it turns out the case file had more “red flags” than a Soviet May Day parade. In other cases, it would have been very hard to know in advance that the child was in danger—that was due entirely to an increase in deaths due to natural causes.

This long discussion of fatalities appears here because it’s the measure of choice for the news media and some public officials. And as long as that is the measure of choice, we will keep pointing out that the one and only clear pattern, in New York City and around the country, is that during a foster-care panic, fatalities often go up.

### Other measures

If not by fatalities, how can one measure safety?

One way that often is reliable is an independent court-appointed monitor with the power to read every record, look over everyone’s shoulder and do random “case readings.” As a result of lawsuits, such monitors exist in, among other places, Illinois and, for many years, they existed in Alabama.

In Illinois, the monitors have found that, as the reforms led to a dramatic reduction in removals of children, child safety improved.

One of those monitors, Prof. Mark Testa, Director of the Children and Family Research Center at the University of Illinois at Urbana-Champaign told the *St. Louis Post-Dispatch* that, as the newspaper put it:

“Children are safer now than they were when the state had far more foster children.”<sup>22</sup> And that’s especially significant since the rate at which children are removed from their parents in Chicago probably is lower than the rate in New York City.<sup>23</sup>

Alabama also had an independent monitor for many year. And he attested to the fact that, as that state rebuilt its system to emphasize family preservation, [child safety improved](#).<sup>24</sup>

ger.

In addition, most fatalities among children “known to the system” are not due to abuse or neglect. For example, there was a large increase in fatalities in 2014 – but

Other key measures are the overall rate at which children left in their own homes are reabused within a specified period of time and foster care “recidivism” – that is, how often, when a child is returned home from foster care, must that child be placed again? These are measures of safety with populations large enough to be unaffected by random chance. These measures also have flaws, but as a way to detect trends, they’re probably the best available short of a case reading.

### What these measures show for New York City

Data are available for one of these measures back to 1993 and for the other back to 1998. They are presented in full at the end of this analysis. But the bottom line is this:

The reabuse measure was at its worst at the end of the first panic, then it got a lot better. Then it got worse during the second panic, continued to worsen after that panic abated, before starting a slow improvement over the past several years. **In 2016, this measure was the best it’s been in six years. Then in 2017, as removals increased again, this measure worsened again.**

The recidivism measure worsened during both foster-care panics, it was at its best between the two panics, and for the past few years, it’s been slowly improving. **In 2016, this measure was the best it’s been in ten years. This measure continued to improve in 2017 but worsened in 2018.**

One thing is clear: Taking huge numbers of children during the Years of Panic did not make children safer.

Look at it this way: Suppose you had two drugs to fight cancer. Each drug cured



the disease 85 percent of the time, and failed in 15 percent of cases. But one drug had hideous, painful side effects. The other didn't. Which drug would you choose?

Foster care is an extremely toxic intervention with severe side effects. One major study of foster-care alumni found that the alumni had twice the level of Post-Traumatic Stress Disorder of Gulf War veterans and only about 20 percent of the alumni were said to be doing well.<sup>25</sup>

And [two major studies](#) have compared outcomes for more than 15,000 children in those “in-between” cases – the kinds where the decision could go either way. On average, the children left in their own homes fared better than *comparably maltreated* children placed in foster care.<sup>26</sup>

Why in the world would anyone want to return to throwing thousands more children needlessly into a system that churns out walking wounded four times out of five – when there is an alternative that is just as effective, indeed more effective, at keeping children safe?

Add to the emotional trauma the rate of abuse in foster care itself, which is far higher than in the general population and far higher than generally realized.

That same alumni study found that one-third of foster children said they'd been abused by a foster parent or another adult in a foster home.<sup>27</sup> (The study didn't even ask about one of the most common forms of abuse in foster care, foster children abusing each other.) Switching to group homes, orphanages or any other form of institution won't help -- the record of “congregate care” is even worse.<sup>28</sup>

And the more a foster care system is overwhelmed with children who don't need to be there, the less safe it becomes, as agencies are tempted to overcrowd foster homes and lower standards for foster parents.

Witness Caprice Reid.

**The most dangerous phrase in the**

## **child welfare lexicon**

It is for all these reasons that the most pernicious myth in child welfare can be summed up in the claim that only parents are harmed by wrongful removal of children, and that taking these children means agencies are “erring on the side of the child.” In fact, there is probably no phrase in the child welfare lexicon that is more dangerous to children.

- It is dangerous to children because it vastly underestimates the trauma to a child from needless foster care placement.

- It is dangerous to children because it underestimates the risk of abuse in foster care itself.

- It is dangerous to children because it encourages overloading the system with needless placements, stealing time, money and effort from the quest to find children in real danger.

Thus, the idea that foster care should be used quickly and easily because it's supposedly “safer” for children, while every i must be dotted and every t crossed before a family is reunified, or allowed to stay together, is a perilous double standard that endangers children's psyches and sometimes their very lives.

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**The more a foster care system is overwhelmed with children who don't need to be there, the less safe it becomes, as agencies are tempted to overcrowd foster homes and lower standards for foster parents.**

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None of this means that all children can be kept in their own homes, or that all



families separated by foster care can be reunified. Rather, it means that for most children most of the time, the best way to err on the side of the child is to err on the side of the family.

### **Fixing the bicycle while riding it**

One of the leaders of the reform effort in Alabama, and a member of the panel that advised Commissioner Scoppetta, Paul Vincent, has said that reforming a child welfare system is like fixing a bicycle while riding it. We would add: riding it up a mountain.

One can be ahead of almost all the other cyclists, and still be only half way up the mountain. And that is why it is possible to be a national model – compared to the rest of the country – yet tragedies still happen. And those tragedies go in both directions. Some children are left in dangerous homes; others have their lives destroyed by needless foster care placement, others face abuse in foster care itself.

But ACS was still making progress up the mountain when Nixzmary Brown died. Much of that progress was reversed during the second foster-care panic. Then ACS got back on track – though it still was a long way from the mountaintop.

That progress included a renewed effort to demand accountability from the many private agencies that provide foster care and which, in fact, effectively ran the system for more than a century.

Those efforts began in the early part of the last decade. They could be seen most clearly in the closing of Miracle Makers, an agency involved in another tragedy late in 2005. Miracle Makers was the private agency which recommended returning Sierra Roberts to her father (though in fairness to Miracle Makers, it does not appear that the agency could have known, at the time, that this recommendation was tragically wrong). And ACS didn't end its contract with Miracle Makers after-the-fact to find a scapegoat

– they did it months before, after seeing that it was one of the worst performing private agencies in the city.

That should, of course, be a given. A private agency does a lousy job and doesn't improve, so you stop doing business with it. But in New York City child welfare it was revolutionary.

Child welfare has been the perfect example of what the late Jack Newfield called “the permanent government.” Commissioners came and commissioners went, but for more than 150 years, since Charles Loring Brace founded the Children's Aid Society and started grabbing poor people's children and throwing them onto “orphan trains,” the private agencies have actually run the system, and run it for their own convenience.

Every time the city would come up with a plan for accountability, the agencies and their blue-chip boards of directors drawn from every corner of the city's business, civic and religious elite, would crush it.<sup>29</sup>

A foster-care panic itself impedes efforts to hold private agencies accountable. It puts the city in a position where it is so desperate for beds that it has to do business on the private agencies' terms. And that may well explain why ACS put Caprice Reid in a foster home opened by one of those agencies even after another had shut it down as substandard.

So until the reforms initiated by Commissioner Scoppetta, and continued, until the second foster-care panic, under commissioners Bell and Mattingly, the City of New York *couldn't* close an agency for poor performance – because performance wasn't even measured.

It's likely that 20 years ago, even an agency like St. Christopher's – which the city Department of Investigation charged in 2005 with acts of blatant falsification of case records – would have gotten a stern letter demanding a “corrective action plan” – and nothing more. It is a measure of how much

things have changed that instead ACS canceled its contracts with the agency.<sup>30</sup>

When reform was on track, that kind of accountability was possible again. But every time there is a foster care panic, New York City foster care is at risk of becoming, once again, a “seller’s market” with the private agencies free to call the shots.

### **Toward real solutions**

ACS still leaves some children in dangerous homes. ACS *also* still takes children, needlessly, from homes that are safe or could be made safe with the right kinds of help. And both errors are equally harmful to children.

In 2006, we wrote this:

*Any measures taken in the wake of recent tragedies must recognize this. Therefore:*

*Mayor Bloomberg and Commissioner Mattingly must speak out forcefully against the surge in entries into care that still is underway.*

*The message to workers must be that children have to be safe, but child removal doesn’t necessarily equal child safety – and wrongful removal is as harmful to a child as leaving that child with dangerous parents.*

*Child safety has always been the agency’s top priority, and the fact that reforms were accomplished without compromising safety shows that this message is clearly understood on the frontlines.*

Unfortunately, [Mattingly failed](#).<sup>31</sup> He made inflammatory comments and enacted policies that made the panic worse.

During the second foster-care panic, ACS repeatedly argued that an increase in children removed from their homes should be expected because there has been a sustained increase in reports alleging maltreatment. ACS is making the same argument now.

There are two problems with this argument:

First, both during the second panic and the one underway now, the increase in removals outpaced even the increase in reports.

Second, if the reports really were being evaluated on their merits, the proportion that led to removal would be going down.

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**There has been no foster-care panic in Connecticut because the courageous public officials in charge at the moment refuse to *allow* a foster-care panic in Connecticut.**

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That’s because common sense suggests that the reliability of reports during a panic is likely to go down. A lot of the new reports are likely to be “CYA” reports from mandated reporters, such as doctors and teachers, terrified of being on the front page, and being prosecuted, if they don’t report anything and everything and something goes wrong. And members of the general public, rightly furious over tragedies such as the death of Zymere Perkins, are more likely to see abuse anywhere and everywhere: “That neighbor always did seem a little strange, and her baby sure was crying a lot last night.”

### **Conclusion**

In previous versions of this report, we wrote that:

*The solution to the problems of reform is more reform. So the message we offer to Mayor Bloomberg to ACS and to all concerned New Yorkers is simple: Don’t turn back.*

*Don't turn back to the days of "take the child and run" when children were torn from their parents for such crimes as leaving a ten-year-old and a four-year-old at home for an hour to shop for groceries, or losing track of a child's whereabouts while helping a friend to move.*

*Don't turn back to the days when the fear of ACS so permeated impoverished neighborhoods that some parents never left their apartments without their papers exonerating them from a false allegation.*

*Don't turn back to the days when battered women had to live in fear of seeking help – because ACS might take their children.*

*Don't turn back to the days when, in a single year, New York City threw 12,000 children into foster care, a form of care that churns out walking wounded four times out of five.*

ACS did not regress that far. But for awhile, ACS turned its back on reforms that promised to make it a national model.

Then the retreat ended. ACS headed back up the mountain.

Then came another retreat, and now more progress.

But this cycle is not inevitable.

[In Connecticut for example](#), a reform-minded commissioner of the state Department of Children and Families, Joette Katz, faced enormous pressure to retreat from reform in the wake of high-profile tragedies. As in New York City, politicians took every opportunity to exploit tragedy.

But Katz refused to retreat, telling the *Hartford Courant*:

*Historically, when DCF had a bad outcome, everything would change. The next week, 500 children would be removed. We don't do that. We know that wasn't good for the kids.<sup>32</sup>*

And her boss, Gov. Dannel Malloy, has backed her up.

There has been no foster-care panic

in Connecticut because the courageous public officials in charge for many years refused to allow a foster-care panic in Connecticut.

New York City has not done as badly as it has after previous high-profile fatalities.

But there shouldn't have been any foster-care panic at all. That it has happened again reflects the poor leadership of ACS Commissioner David Hansell and his boss, Mayor Bill de Blasio.

Neither was willing to show the courage required to put the interests of protecting children ahead of the desire to protect themselves.

## **The unintended abolition**

But then came COVID. The COVID-19 pandemic forced ACS to step back. At the same time community based, community-run mutual aid organizations stepped up – and the federal government started giving poor families what they need most: money.

The result is what Prof. Anna Arons of New York University School of Law calls [“an unintended abolition.”](#) Not only was there no spike in child abuse reports as children returned to school, the network of mutual aid groups that sprung up during the pandemic kept children safer than the city's "child welfare" agency.

Hansell confirmed it. He [told the New York City Council](#) that not only was there no evidence of a pandemic of child abuse, the real lesson from the pandemic was that there's been an overreliance on rushing to call child abuse hotlines.

Data on key safety measures confirm it. They improved. Now we'll see if another new mayor, Eric Adams and another new ACS Commissioner, Jess Dannhauser, can continue the progress.

*See following pages for key statistics and endnotes.*

## KEY NEW YORK CITY CHILD WELFARE STATISTICS

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Reports Alleging maltreatment	52,458	49,129	47,591	52,994	53,567	57,732	54,673	53,540	57,224	55,925	53,894	51,477	50,251	62,585	64,190	64,572	64,748	65,114	65,731
Reports included in above total investigated as CARES cases																			
% of reports Labeled "indic-Ated" by caseworkers	29.6	29.2	25.1	33.0	35.6	35.6	36.9	37.3	34.1	33.6	33.6	33.7	32.6	36.7	39.8	39.9	42.1	41.9	40.1
Snapshot # of children in foster care	48,036	46,855	43,494	42,008	41,771	40,901	38,440	34,354	30,858	28,215	25,701	22,082	18,968	16,706	17,005	16,946	16,440	15,895	14,843
Entries into foster care	9,809	9,022	7,949	8,912	11,453	12,000	10,418	9,390	7,908	8,498	6,901	6,201	4,813	6,213	7,132	7,451	7,474	7,086	6,313
Recidivism (%)	12	12	13	13	11	12	12.2	10.1	8.6	9.3	9.2	8.6	8.8	7.8	11.4	11.1	14.1	11.0	11.2
Re-abuse (%)						17	7.7	8.8	8.9	10	9.3	10.5	11.7	12.6	14.7	14.2	14.7	16.9	17.0
Fatalities, child known to system	25	25	27	24	30	36	23	22	32	25	24	33	30	44	41	49	39	46	43
Homicide Fatalities, child Known to system														13	9	16	6	10	11
Fatalities, Homicide + cause Unknown, child Known to system														29	21	27	18	26	25

*\*This increase is due to a spike in deaths due to natural causes, from four the year before to 19 in Calendar Year 2014.*

*\*\*This figure also may be due to an increase in deaths due to natural causes.*

*Four dates are crucial in evaluating trends in these data: November, 1995: Elisa Izquierdo dies. 1999: Marisol lawsuit is settled and panel of national experts begins work. January, 2006: Nixzmary Brown dies, September 2016, Zymere Perkins dies.*

### NOTES ON DATA:

2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
57,453	54,039	55,529	54,926	55,329	59,329	59,166	56,336	48,607	45,825	50,613	52,369	52,090
								2,294	3,042	5,545	8,587	11,605
39.6	39.8	39.5	38.7	36.1	40.0	38.	37.7	36,4	35.2	31.8	28.4	30
13,820	12,958	11,728	11,098	9,926	8,921	8,732	8,341	7,827	7,639	7,140	6,728	6,441
5,698	4,779	4,501	4,233	3,657	4,088	4,188	3,798	3,105	2,609	2,832	2,848	3,075
8.6	8.6	9.3	9.1	7.9	6.2	7.5	9.7	8.0	7.4	7.5	8.5	8.1
16.2	16.9	17.4	17.2	16.8	18.5	18.5	17.9	17.2	14.9	15.2	13.5	13.4
50	44	58*	43	**56	**63	59	57	52	53	39		
15	6	9	10	10	6	10	11	5	10	9		
30	26	26	26	29	22	30	26	28	31	22		

- Data are for fiscal years, except fatality data, which are for calendar years.
- Where a box is blank, data were unavailable to NCCPR.
- The snapshot number is the average number of children in foster care on one day of each fiscal year.
- Recidivism means percentage of children reunified from foster care who had to be placed in foster care again within one year.
- Reabuse means percentage of cases where abuse was “indicated,” and there was another indicated case of abuse within one year.
- Fatalities indicates the number of child abuse fatalities in which the child was previously known to ACS or its predecessor agencies.

*Sources:*

1998 reabuse data are from Richard Perez-Pena and Andy Newman, “A Child’s Death Commands Lasting Attention to Change,” *The New York Times*, January 18, 2006. Reabuse rates for all other years, recidivism data from 1999 to date and data on reports, substantiation, entries into care and the number of children in foster care from 2012 to date are from annual *Mayor’s Management Reports*.

Other data are from *Child Welfare Watch*. The most recent six years of data are here: <http://www.centrernyc.org/watching-the-numbers> The rest requires searching the site for back issues. *Child Welfare Watch*, in turn cites *NYC Mayor’s Management Reports*, *New York State Office of Children and Family Services Monitoring and Analysis Profiles*.

Data breaking down child abuse fatalities by category are from Casey Family Programs, [Assessment of New York City Administration for Children’s Services Safety Practice and Initiatives: Key Findings and Recommendations](#), May, 2017 and from ACS’ [Systematic Fatality Review, 2022 Annual Report](#) and the same report for previous years.

**NOTE:** For some years, *Child Welfare Watch* lists fatality data in a way that may be confusing. Because these data are for calendar years, while other data are for fiscal years, fatality data for a calendar year now are listed under the heading for the end of the corresponding fiscal year. This means the child fatality data for calendar year 2009 are listed by *Child Welfare Watch* under the heading 2010 because fiscal year 2010 started during calendar year 2009. NCCPR is not listing fatalities this way. We list the figure 39, for example, under the heading 2009 because there were, in fact, 39 fatalities among children “known to the system” in calendar year 2009.

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## NOTES

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- <sup>1</sup> Rachel Swarns, "Agency Was Warned About Foster Mother Charged in Girl's Death," *The New York Times*, July 2, 1997, p.B3; Michelle McPhee et. al., "Two Charged in Foster Death" *New York Daily News*, July 2, 1997, p.17. The guilty pleas were reported in a two-paragraph "neighborhood news" brief in the *Daily News* on March 12, 1999.
- <sup>2</sup> Joseph Mallia, "Child abuse reports soar after publicized case," *Newsday*, January 17, 2006.
- <sup>3</sup> See data tables on Page 19.
- <sup>4</sup> Rachel Swarns, "In Policy Shift, More Parents Are Arrested for Child Neglect," *The New York Times*, Oct. 25, 1997, p.A1.
- <sup>5</sup> Somini Sengupta, "Parents in Poor Neighborhoods Wary of Child Welfare Agency," *The New York Times*, May 31, 2000.
- <sup>6</sup> Nina Bernstein, "City Will Close Office Running Foster Program," *The New York Times*, August 29, 2001.
- <sup>7</sup> For details see, Richard Wexler, "The politics of foster care panic in New York," *NCCPR Child Welfare Blog*, Dec. 18, 2016.
- <sup>8</sup> City of New York, Mayor's Mangement Report, [Administration for Children's Services, How We Performed in Fiscal 2017](#)
- <sup>9</sup> Information about this case was provided to NCCPR by the Immigrants and Child Welfare Project, and Cabrini Immigrant Services.
- <sup>10</sup> Dorian Block, "Boy, 7, taken away because she left him alone to go to work," *New York Daily News*, Jan. 18, 2009.
- <sup>11</sup> The Illinois Department of Children and Family Services publishes data monthly in an *Executive Statistical Summary*. Back issues give totals before and during the panic. Data from 2006 through 2015 are available from the U.S. Department of Health and Human Services, Administration for Children and Families. HHS has not posted the latest figures online, so NCCPR posted them at <http://nccpr.org/reports/2006to2015.pdf>
- <sup>12</sup> For full details and sources, see *Fatality Data the Herald Left Out*, on the NCCPR Florida Blog: <http://heraldvsfacts.blogspot.com/p/fatality-data-herald-left-out.html>
- <sup>13</sup> For details, see NCCPR's blog about Florida child welfare, [The Herald vs. The Facts](#).
- <sup>14</sup> Richard Wexler, ["The Herald's Shame: Florida child abuse deaths increase in 2015."](#) *The Herald vs. The Facts*, Jan. 11, 2016.
- <sup>15</sup> Decision of Judge Jack B. Weinstein, *Nicholson v. Williams*, 205 F.R.D. 92 (E.D.N.Y. 2001).
- <sup>16</sup> Kathleen Wobie, Marylou Behnke et. al., *To Have and To Hold: A Descriptive Study of Custody Status Following Prenatal Exposure to Cocaine*, paper presented at joint annual meeting of the American Pediatric Society and the Society for Pediatric Research, May 3, 1998.
- <sup>17</sup> Weinstein, note 11, supra. Also: Dawn Fratangelo, "Double Jeopardy," *Dateline NBC*, July 31, 2001.
- <sup>18</sup> Wendy Davis, "Active Parenting," *City Limits*, June 2002, p.17.
- <sup>19</sup> Ibid.
- <sup>20</sup> Ibid.
- <sup>21</sup> Ibid.
- <sup>22</sup> Matthew Franck, "The Pendulum," *St. Louis Post Dispatch*, Feb. 2, 2003.
- <sup>23</sup> NCCPR calculates the propensity of a state or locality to remove children by comparing the number of children taken from their parents over the course of a year to the total number of impoverished children in each locality. A precise comparison of New York City and Chicago is not possible, because the Chicago data are included in figures for all of Cook County, Ill.
- <sup>24</sup> Erik Eckholm, ["Once Woeful, Alabama Is Model in Child Welfare,"](#) *The New York Times*, Aug. 20, 2005.
- <sup>25</sup> Casey Family Programs, [Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study](#), (March 14, 2005), available online at See also, NCCPR's analysis of this study, [80 Percent Failure](#).
- <sup>26</sup> Joseph J. Doyle, Jr., ["Child Protection and Child Outcomes: Measuring the Effect of Foster Care"](#) *American Economic Review*: 2007. and Joseph J. Doyle, Jr. [Child Protection and Adult Crime: Using Investigator Assignment to Estimate Causal Effects of Foster Care](#) See also NCCPR's [full analysis of these studies](#)
- <sup>27</sup> Casey Family Programs, note 25, supra. For other studies on abuse of foster care see NCCPR Issue Paper #1, [Foster Care vs. Family Preservation: The Track Record on Safety](#)
- <sup>28</sup> See NCCPR Issue Paper #15 [Just Say No to the Orphanage](#). See also, Richard Wayman, J.D., *Clinical Studies, Survey Review, and Pediatric Research on Risks and Harm to Children and Youth Subjected to Large Residential Institutions*, available from NCCPR. For a report specific to congregate care in New York City, see: Madelyn Freundlich, *Time Running Out: Teens in Foster Care*, (Juvenile Rights Division, Legal Aid Society, Lawyers for Children, Children's Rights, Inc.), November, 2003.
- <sup>29</sup> This is one of the many stories brilliantly woven together in one of the most important books ever written about child welfare in New York City or anywhere else, *The Lost Children of Wilder: The Epic Struggle to Change Foster Care*, by New York Times reporter Nina Bernstein (Pantheon: 2001). Another fine illustration of how private agencies ran child welfare is an outstanding 1975 *Daily News* series, "Big Money, Little Victims" (May 13-17, 1975).
- <sup>30</sup> Nix foster contracts, *New York Daily News*, January 15, 2005.
- <sup>31</sup> For a detailed discussion of Mattingly's performance, see Richard Wexler, ["Foster care in New York: A fresh start for New York City Child Welfare?"](#) NCCPR Child Welfare Blog, July 26, 2011.
- <sup>32</sup> Richard Wexler, ["Yes, There IS a Problem with the 'Culture Change' in Connecticut: It Hasn't Gone Far Enough."](#) *Chronicle of Social Change*, Oct. 25, 2016.