

**Remarks by Deputy County Executive Richard Tobe  
To the Erie County Legislature's Health and Human Services Committee  
June 3, 2014**

Good afternoon.

With me today is Carol Dankert-Maurer, Commissioner of the Departments of Social Services, and representatives from the Department of Probation and Office of the Sheriff.

In addition, Personnel Department Commissioner Dave Palmer and Budget Director Bob Keating are also here with me.

We are here in response to your request for a report on the status of Child Protective Service in Erie County. We had anticipated coming before you next week or at a committee meeting the week after, as we had planned to file a resolution seeking authorization for additional CPS staff at that time. In order to provide you with a full picture of how we see things, we have filed this resolution today rather than the more customary time next week.

We appeared before you approximately nine months ago in September of last year. At that time, the Legislature asked the administration to report to it and the public about the provision of child protective services in our county.

In September, we asked the Legislature for support to hire seven more CPS workers. When that request was approved, your honorable body asked if we needed more staff beyond the seven. We said we would come back to you if we found more staff was necessary. You will hear that due to the circumstances that have since transpired, we must ask you again to support a request for more staff.

We do not make this request lightly and, as you will see, the request is only being made after the implementation of a wide array of other measures that are being accomplished with existing staff from a number of departments.

Commissioner Dankert-Maurer will be speaking in just a moment. She and her staff have prepared a report that is almost 50 pages in length. She will be summarizing this report in her statement to you. We have clocked in the full report, along with the resolution which seeks the authority to create three new CPS teams, to create 12 investigator positions that will be held by former police officers or former sheriff's deputies. We are also seeking support for a number of other initiatives that will be described in detail to you. We have also clocked in a number of other items including letters of support for the work of the department and its leadership.

You will see that ever since the unprecedented state audit that followed the September 2013 fatality our caseloads have skyrocketed. I want to be clear that we welcomed the audit and found its results and recommendations to be very sound. The scope of the audit encompassed a review

of 900 open cases and 250 cases as they were being closed. This was unprecedented in modern NYS history. We were able to gain an insight into our program that could be obtained in no other way. In its final report on the cases as we were closing them, the state concluded that we had very good casework but they were concerned about the pace of closing cases. This report has previously been made available to you.

Despite the value of this state audit report, there has been an unintended negative consequence. Our caseloads have grown to unacceptable levels since the commencement of the massive state audit. The materials that we will present show the direct correlation between the timing of the audit and caseload growth. Factors such as disciplinary actions, the new civil service exam, the long training process required for new CPS workers, the influx of new cases and other factors all combined to bring us to unsustainable caseloads. Of course, the fact that responses to audit inquiries took valuable time away from normal duties was a major factor also.

As caseloads have grown month by month, we have implemented steps to respond. There is a more detailed description of these efforts in our report, but to highlight what has occurred I will mention a few of these steps:

- With the consent of CSEA, we have brought retired workers back to work.
- Workers have been offered almost unlimited overtime and an opportunity to do some work from home.
- The workers authorized last year were hired, trained and are just starting to assume cases of their own. This was made possible in part by the state's willingness to expedite when training would be scheduled.
- Twelve additional existing DSS titles have been reallocated to work on CPS cases
- Erie County Sheriff Deputies are making wellness visits to families to help out CPS workers.
- Senior managers of DSS, including the Commissioner, have personally gone out into the field to make home visits to help reduce the backlog of cases.
- Probation officers with CPS training and experience will be offered overtime and will also help out.
- I want to thank the Legislature for its willingness to support the County Executive's state legislative package. The nineteen proposals will go a long way in improving the provisions of child protective services. We hope many of them will be enacted before the session ends this month.

Despite these and other efforts, caseloads have continued to grow and we have had more tragic deaths of children at the hands of those who should be caring for them.

So, the County Executive has authorized and directed that we make this proposal to you. We are seeking to create three new CPS teams in addition to all the other steps already undertaken. The plan itself is multi-dimensional and will deal with the long term needs of CPS and the children they protect, and will also provide a number of short term solutions that will help carry us to the time when the new workers can be hired, trained and put to work.

Our goal is to assure that there will be sufficient workers to maintain an average of fifteen cases per worker, even with some workers unavailable due to illness, turnover and training obligations.

I described our proposal to senior New York State officials yesterday. I expect they will comment directly on this proposal. I can report to you now that their response was very positive and included comments about the appropriateness of our goal and being favorably impressed with our creative multi phased interdepartmental approach. They said they want to work with us as we move forward.

Representatives from Social Services, Probation Department, the Sheriff's Office, Budget Office and Personnel Department will be reporting to you or are available for your questions. I want to officially thank the Sheriff's Office for being so willing to help and for their creative approaches. That gratitude is extended to other county departments, such as the Probation Department.

Some have sought to place blame on a single individual. They seem to think that the answer is to decapitate the department. And regrettably they have come to this conclusion without conducting the work that is necessary to be able to arrive at such a momentous decision. They have not seen the great work that is done each day. Nor have they seen the challenges that we have been forced to face and overcome. They seem to rely only upon media reports- even though they know that those who have direct knowledge of what has been occurring are barred by law from speaking to the media about cases.

We have concluded that the removal of Commissioner Dankert-Maurer is not only unjustified, but it would set back the wide ranging multi-dimensional improvement program now being conceived and led by her. It is no exaggeration to conclude that the termination of the Commissioner at this time would have profound negative consequences within the Department and to those who rely upon the very best services that the department can provide.

Despite all the difficulties, the vast bulk of our CPS workers are out there every day, day after day, doing their best to protect children. They are asked and expected to do the impossible. We want them to determine which families and which individuals at some time in the near or distant future will commit the most unnatural of all human acts - harm or allow someone close to them to harm their own child. We are rightly horrified by these acts. We sometimes think such people must be monsters and their vileness can be seen by a trained discerning eye. Sometimes there are telltale signs. All too often there are not. And caseworkers will tell you that children lie to their own detriment to protect their family from intruding strangers. Even when there is suspicion, there must be evidence. I would not want it any other way.

We should not remove children from their families without being able to prove a case. Sometimes our system that protects families from an overzealous state leads to tragic results for children.

The professionalism, commitment and dedication of the vast bulk of our CPS workers are of the highest standards. We want to thank them for what they do every day. But beyond that, we want to provide them the support and resources that they need to do their jobs properly. We hope that you will agree.