



# Office of Children and Family Services

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## Administrative Directive

<b>Transmittal:</b>	20-OCFS-ADM-19
<b>To:</b>	Commissioners of Social Services
<b>Issuing Division/Office:</b>	Division of Child Welfare and Community Services
<b>Date:</b>	October 14, 2020
<b>Subject:</b>	<b>The Blind Removal Process</b>
<b>Suggested Distribution:</b>	Directors of Social Services Child Protective Services Supervisors Child Welfare Supervisors LDSS Attorneys Child Protective Caseworkers
<b>Contact Person(s):</b>	See section V
<b>Attachments:</b>	None

### Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		18 NYCRR 430.3-430.12 18 NYCRR 428.7 18 NYCRR 431.9	[SSL §411] Spanish [FCA §1021] [FCA §1022] [FCA §1024] [FCA §1027]	Child Protective Services Manual Home Finders Manual Foster Care Caseworker Guide	

### I. Purpose

The purpose of this New York State Office of Children and Family Services (OCFS) Administrative Directive (ADM) is to advise local department of social services (LDSSs) of the requirement to develop and implement **The Blind Removal Process**. OCFS is deeply committed to advancing and affirming practices of equity and inclusion and to uphold the values of our agency on behalf of the children and families of New York State (NYS). The goal of **The Blind Removal Process** is to eliminate bias in decision-making during the child protective services (CPS) removal process, decrease the overall number of children being removed from their homes, and build a more equitable system of care.

As NYS strives to promote racial equity within the child welfare system to achieve better outcomes for children and families, it is crucial that LDSSs review current practices and policies related to their CPS removal process. OCFS requires that each LDSS develop a

**Blind Removal Process** consistent with the principles and practices expressed in this ADM. These tenets shall guide decision-making during the process of removals.

## II. Background

The New York State Child Protective Services Act of 1973 was enacted to encourage more complete reporting of child abuse and maltreatment, to provide for the swift and competent investigation of such reports, to protect children from further abuse and maltreatment, and to provide rehabilitative services.<sup>1</sup> The law required that each county in New York State establish a CPS division, although, in New York City, the five boroughs are counted as one county. Each county's CPS division is required to investigate child abuse and maltreatment reports, to protect children under 18 years old from further abuse or maltreatment, and to provide rehabilitative services to children, parents, and other family members involved.<sup>2</sup>

In 1972, authors Billingsly and Giovannoni wrote, *Children of the Storm: Black Children and American Child Welfare*.<sup>3</sup> The book detailed how the child welfare system was failing children of color through policies and practices directly resulting from a history of racism. Fifty years later, the continued overrepresentation of children of color in the child welfare system is a painful reminder there remains work to be done.

National research shows, and OCFS' data confirms, disparities exist throughout the child welfare system. Families of color are more likely to be involved in a report to the New York Statewide Central Register for Child Abuse and Maltreatment (SCR). Moreover, children of color are more likely to be placed in foster care and generally experience slower achievement of permanency goals. Establishing racial equity means that racial identity no longer predicts how someone will fare in the child welfare system related to assessment, service quality or opportunities.<sup>4</sup>

### **Efforts to Reduce the Overrepresentation of Minority Children in Child Welfare**

The New York State Disproportionate Minority Representation (DMR) data show a range of overrepresentation of African American, Hispanic/Latino, Native American and Alaska Native children within the NYS child welfare system.

2019 Statewide Child Welfare Disparity Rates and Category by Race/Ethnicity				
	Distinct Children In CPS Reports	Distinct Children In Indicated CPS Reports	Distinct Children Placed in Foster Care	Distinct Children In Foster Care (on 12/31/2019)
Black	2.0 (Moderate)	2.5 (Moderate)	3.7 (Extreme)	5.7 (Extreme)
Hispanic	1.3 (Low)	1.7 (Low)	1.5 (Low)	2.1 (Moderate)
Native American/Alaskan	1.1 (Low)	1.1 (Low)	2.7 (Moderate)	1.5 (Low)

The full DMR data packet provides disparity rates by county and is located on the OCFS website. To access this report, go to the Data and Reports search page at: <https://ocfs.ny.gov/reports/> and type "Disparity" in the search box.

<sup>1</sup> SSL §411

<sup>2</sup> Child Protective Services Program Manual Chapter 1, Section E-1

<sup>3</sup> Billingsly, A. & Giovannoni, J. (1972). *Children of the Storm: Black Children and Child Welfare*. New York: Harcourt, Brace, Jovanovich

<sup>4</sup> [https://ncwwi.org/files/Promoting\\_Racial\\_Equity\\_Through\\_Workforce\\_and\\_Organizational\\_Actions.pdf](https://ncwwi.org/files/Promoting_Racial_Equity_Through_Workforce_and_Organizational_Actions.pdf)

In 2009, OCFS, Casey Family Programs, and several LDSSs examined the structural contributors to overrepresentation of children of color in the foster care system. The goal of this multiagency effort was to identify and implement several significant practice reforms and workforce development strategies to address and ultimately eliminate the disproportionate representation of children of color in the foster care system.

In 2011, in response to the growth of disproportionate representation of children of color in the foster care system, Nassau County Department of Social Services (NCDSS) developed a strategy to remove all identifying information from the case record prior to reviewing the case. This new CPS strategy was intended to reduce bias at the point of the removal decision-making process. The NCDSS process is known as **The Blind Removal Process**. Over time, NCDSS noticed a significant improvement in their DMR data.

From 2012-2018, OCFS worked with LDSS, voluntary agencies (VAs) and relevant stakeholders to provide DMR data. Training was made available in Racial Equity and Cultural Competency as well as Implicit Bias.

In 2017, OCFS held a forum: Mindfulness and the Brain Sciences of Bias: Approaches to Addressing Racial Disparities. This forum paved the way for the system to comfortably discuss implicit bias, the impact on day-to-day practices and decisions made by child welfare staff with the children and families encountering the child welfare system.

In 2018, OCFS held the first *Blind Removal Conference* in Rockland County which included all local districts in Region 5.

In 2019, OCFS held the *Blind Removal Summit* at NCDSS. OCFS, Casey Family Programs, ten LDSSs, and other partners witnessed NCDSS' removal committee demonstration of a **Blind Removal Meeting**. Each LDSS developed action plans that set in motion goals to address racial equity within their respective counties. Gleaning knowledge and best practices from the *Blind Removal Summit*, OCFS engaged the University at Albany School of Social Welfare to attend the summit and assist in developing the *Blind Removal Toolkit*.

In 2020, Governor Andrew Cuomo confirmed his commitment to equal treatment of all families who experience the child welfare system, regardless of race and ethnicity. The Governor supports the implementation of **The Blind Removal Process** as a strategy for reducing overrepresentation of minority children in the foster care system.<sup>5</sup>

### III. Program Implications

OCFS is responsible for promoting the safety, permanency, and well-being of children and families. To achieve this, it is critical to acknowledge the problem of racial and ethnic disproportionality and disparity that exists within the child welfare system and implement promising strategies to address these issues in general and at specific decision points in the child welfare continuum. Doing so will improve outcomes for the children and families we serve.<sup>6</sup>

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<sup>5</sup> <https://www.governor.ny.gov/2020-state-state-address/2020-state-state-proposals>

<sup>6</sup> <https://www.childwelfare.gov/topics/systemwide/cultural/disproportionality/reducing/bias/>

## **Removals**

Separating a child from their family is a traumatic experience for both the child and the parent(s) and family members. Implementing a process that can eliminate biased decision-making and reduce the trauma of separation for children and families will support an equitable system.

Under federal and state law, LDSSs have a responsibility, where appropriate, to make reasonable efforts to prevent or eliminate the need for removal of the child from the home. NYS laws and policies generally aim to keep children with their families. However, districts are responsible for assessing both safety and risk as part of their investigations. When a child's safety or health is in immediate or impending danger of serious harm or the child's best interests are not met by remaining with his or her family, concern for the safety of the child takes precedence over family preservation.<sup>7</sup>

The removal of a child from his or her home may occur in any of the following circumstances:

- **Temporary removal with consent** – The parent or person legally responsible (PLR) consents to the removal of the child [FCA §1021];
- **Pre-petition court order** – The court issues an order after a hearing directing the removal of the child before an Article 10 petition has been filed [FCA §1022];
- **Emergency removal without court order** – CPS or a law enforcement official (e.g. police officer or peace officer) takes the child into protective custody without the consent of the parent or PLR [FCA §1024]; and
- **Post-petition court order** – The court issues an order after a hearing directing the removal of the child after the Article 10 petition has been filed [FCA §1027].

## **Goals of the Blind Removal Process**

- To maintain unbiased decision-making in the removal process while maintaining the safety of the child(ren) and reducing risk of harm;
- To reduce disparity in the removal decision making process; and
- To decrease the overrepresentation of children of color in out-of-home placements.

To determine whether the removal of a child is necessary to avoid imminent risk to the safety and health of the child, a **Blind Removal Meeting** must be convened. Prior to the meeting, the CPS worker must remove all demographic and identifiable information (race, gender, language needs, zip code, etc.) from the case summary. Redacting the demographic and identifiable information from the case summary reduces the potential for biased decision-making among committee members. The focus will instead be on the evidence of safety factors, risk elements and family strengths. **The Blind Removal Process** improves the overall quality of a case review and works to develop a strength-based plan that addresses the needs of the children and families.

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<sup>7</sup> Child Protective Service Program Manual Chapter 2, Section A-1

While **The Blind Removal Process** is intended to reduce unnecessary removals, it is important to stress that **not all cases** will qualify for a **Blind Removal Meeting**. The following are examples where a removal meeting should **be held**, but the meetings are **not “blind”**:

- Removals in which a decision cannot be made without viewing photographs of injuries.
- Removals that are done at night or over the weekend (these are presented to the committee the next day, except for LDSSs that may have 24/7 operation).

#### IV. Required Action

Each LDSS must develop a CPS review process consistent with **The Blind Removal Process**. This ADM provides direction and resources to guide the implementation process. OCFS will provide resources, including training and technical assistance, and an evaluation to support the implementation and sustainability of **The Blind Removal Process** statewide.

##### A. Pre-Implementation

Leadership commitment is key to successful implementation; therefore, it will be necessary to develop and leverage support from commissioners, directors, managers, and supervisors. It is essential to lay the groundwork for **The Blind Removal Process** *before* implementation.

1. **Organizational Readiness:** Each LDSS must assess the readiness of staff. The *OCFS Race Equity Cultural Competency Assessment* must be completed throughout the organization to gather information about policies, practices, and organizational factors that contribute to disparity and identifying gaps between intent and outcomes. The organizational readiness assessment shall be administered by the OCFS regional office.
2. **Data Collection and Analysis:** Each LDSS must review and analyze their DMR data. Analyzing the data is crucial in understanding the problem of disparity. The review of practices and policies will be critical to the process. County specific DMR data can be accessed here: <https://ocfs.ny.gov/reports/>
3. **Professional Development:** Each LDSS must provide training about DMR data and implicit bias to staff at every level. This ongoing education gives staff opportunities for skill building, knowledge development and engagement in reflective practice on the impact of racism and bias on the lives of the children and families they serve. OCFS can assist with training.

***While not all LDSS are impacted with high rates of disproportionate minority representation, this does not mean that the implementation of the Blind Removal Process is not appropriate for your district. This is an opportunity***

***to use your data to inform your practice.*** (e.g., Who are the children being removed? *Are they coming from specific zip codes?*)

## **B. Implementation**

1. Each LDSS must develop a Blind Removal Committee. An essential starting point of **The Blind Removal Process** is to identify committee members. While the structure of the committee may differ for each county, the committee members should include, but are not limited to, administration, supervisors, attorneys, caseworkers and home finders. The LDSSs organizational structure should determine who can realistically participate in the Blind Removal Committee meetings. Aside from the investigative caseworker, the home finding staff are the only other staff present in the meeting who are aware of the information and demographics of the family. During the meeting, the home finders are asked to refrain from participating in the removal decision-making.
2. Each LDSS must develop a Blind Removal Committee meeting protocol. The core principle of the Blind Removal Committee is a collaborative experience for all participants. The process must include:
  - a. ways in which the committee members will be notified when a *Blind Removal Meeting* needs to occur;
  - b. the frequency of the Blind Removal meetings; and
  - c. the Blind Removal decision-making protocols. The OCFS Child Welfare Practice Model - *The Principles of Partnership*<sup>8</sup> should be embedded.
3. Each LDSS must determine the *Case Selection*. Caseworkers should discuss the case that is under investigation with their supervisor and administrators prior to bringing the case before the Blind Removal Committee. Once it has been determined that the case meets the criteria for a Blind Removal Committee meeting, the caseworker must remove all demographics and identifying information from the case summary. The committee is then presented with only the case summary. The caseworker will only present evidence of safety factors that place the child(ren) in immediate or impending danger of serious harm and the family's strengths to the committee. Keeping the facts and challenges in the forefront of the discussion, the committee will discuss and present clarifying questions to the caseworker. This discussion should drive participants to think beyond the most obvious resources and consider underutilized or nontraditional services and resources, even if they are not necessarily considering a removal. Should the committee agree the child cannot be maintained safely in the home, the home finding unit is expected to make

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<sup>8</sup> <https://www.ocfs.ny.gov/main/prevention/CW%20Practice%20Model.pdf>

every effort to identify, locate, and engage kin first for the child. (see, ADM 20-OCFS-ADM-18)

4. Each LDSS must develop a Blind Removal Monitoring and Tracking Plan. The common goal should be grounded in improving outcomes that are equitable to all children and families. Generally, the monitoring plan should be created during the planning phase and prior to implementation. A clear and concise monitoring and tracking plan can assist with thinking through the objectives, identifying challenges and noting opportunities for improvement.
5. The LDSS must develop a Quality Assurance Process that should include a timetable that identifies a defined timeframe (e.g., three, six and twelve months) to internally evaluate implementation and assess impact. During the period of review, the LDSS should focus on key performances and comparative outcomes. Additionally, all reviewed cases should be assessed and measured for quality and performance outcomes.

Questions to consider during the evaluation period:

Is the process working?

Should additional staff be included in the committee meeting?

Is the fidelity of **The Blind Removal Process** being maintained?

Organizational change is a continuous process and should be based on ongoing evaluation and effectiveness. LDSSs are encouraged to take a holistic approach to capitalize on the greatest potential for impact, understanding that change is a process. Districts should not be afraid to stop and reset.

## V. Contacts

Any questions concerning this release should be directed to the appropriate contact identified below in the OCFS Division of Child Welfare and Community Services.

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**VI. Effective Date**

This policy is effective immediately.

***/s/ Lisa Gharthey Ogundimu***

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**Issued by:**

Name: Lisa Gharthey Ogundimu

Title: Deputy Commissioner

Division/Office: Child Welfare and Community Services