



News never stops. Neither do we. Support NJ.com

Advertisement

SUBSCRIBER EXCLUSIVE 

N.J.'s child welfare system stopped investigating child-on-child sexual abuse cases, watchdog says

Updated: Feb. 10, 2023, 2:16 a.m. | Published: Feb. 09, 2023, 9:52 a.m.

Sign up for our newsletter to bookmark stories to read later.



NEW!

By [Susan K. Livio](#) | [NJ Advance Media for NJ.com](#)

The state's child welfare agency declined to investigate more than 100 reports of child-on-child sexual assaults and other "inappropriate sexual activity" in 2021, according to [a report](#) by the Office of the State Comptroller Wednesday that accuses the [Murphy administration](#) of not following the law and its own policies.

Officials at the state Department of Children and Families — backed by the leader of a prominent child advocacy organization — say the comptroller report is missing important context. The state is trying to reduce the instances in which it investigates families in what is often an invasive, traumatizing experience. If the allegations involve a child perpetrator, the agency refers these cases to the children's mental health system so they both can receive treatment.

Advertisement

Ad removed. [Details](#)

Last month, Children and Families Commissioner Christine Norbut Beyer announced a \$2.5 million treatment fund for juvenile abusers and their families.

The critical report lands at a very sensitive time for the Murphy administration, which is about five months away from ending 20 years of court supervision of its child welfare system. The oversight was part of a 2003 settlement during Gov. Jim McGreevey's administration after Children's Rights, a national advocacy organization, sued the agency for being so poorly funded and mismanaged that it actively harmed foster children.

Get politics news like this right to your inbox with the N.J. Politics newsletter. Add your email below and hit "subscribe"

Subscribe

The state Legislature approved a bill and Murphy enacted a law in December that creates a less-powerful advisory panel to make sure the improvements to staffing, training and technology remain in place. A court hearing is scheduled for April to decide when the supervision will end.

Acting State Comptroller Kevin Walsh said he opened an investigation a year ago, after concerned prosecutors and police officers contacted his office, according to the report. They said the agency, known as the Division of Child Protection and Permanency, used to investigate child-on-child abuse complaints but abruptly changed its practices without telling them.

State statute, as well as a 2011 policy require the division to "accept all reports and referrals of child-on-child sexual abuse and child-on-child sexual activity." But the comptroller found documentation in emails and training manuals saying the unofficial approach to these cases took place in early 2020.

After law enforcement officials complained about how these cases were handled, the department performed its own analysis of cases it had screened out. From September 2021 to January 2022, hotline screeners referred 123 incidents of child-on-child sexual assaults and other inappropriate sexual activity not involving parents or caretakers to the Children System of Care, the public mental health network, according to the report.

No one at the Division of Child Protection and Permanency followed up to see if these families received any help. Families were left “to seek out services on their own,” according to the report.

“These findings are troubling,” Walsh said in a statement. “(The Department of Children and Families) made a significant change in its approach, then kept police, prosecutors, and other partners in the dark. The ramifications of DCF’s decisions were serious for children and the system as a whole.”

Police and prosecutors also provided a list of more than 30 cases “showing DCF and others the adverse impact of the new practice on children,” according to the report.

In one case, a parent called the hotline to report his or her 11-year-old child had sexually assaulted a younger sibling and requested help. “In the past, child welfare investigators would have evaluated the home, evaluated whether the aggressor child was also being abused, and determine whether both children would have been safe remaining there together,” the report said.

But the agency declined to open a case and referred the parent to the Children’s System of Care.

The Children’s System of Care ... “was unable to provide the necessary treatment for the older child. The abuse continued until the younger child reported the abuse at school, and the school alerted law enforcement,” the report said.

The prosecutor criminally charged the child, enabling a judge to separate the children, according to the report. The criminal investigation revealed the 11-year-old child had been the victim of sexual abuse by an adult family member. “Only upon learning this additional information did (the Division of Child Protection and Permanency) agree to get involved with the older child and coordinate appropriate services,” the report said.

On Thursday, a trio of state lawmakers issued a statement demanding the department “look at every case that was not investigated to ensure our children are protected and not at risk.”

“We should all be deeply disturbed after reading the State Comptroller’s report which outlined the systematic failures in the handling of highly sensitive matters involving New Jersey’s children,” said the statement from Senate Majority Leader M. Teresa Ruiz and Assemblywomen Eliana Pintor-Marin and Shanique Speight, Democrats from Essex County. “This is unacceptable and swift action must be taken to demand that DCF fulfill its obligation and adequately respond to all reports of child abuse.”

A spokesman for Norbut Beyer did not address the report’s criticism directly in comments to NJ Advance Media.

“Recognizing the complex nature of non-caregiver sexual abuse situations and the need to clearly define the responsibilities of each stakeholder involved in responding to these cases – including DCF, law enforcement, and service and support providers – the Department of Children and Families has taken and continues to take proactive steps to ensure that no child falls through the cracks,” spokesman Jason Butkowski’s statement said.

“Those steps include the creation, in February 2022, of a statewide workgroup to analyze the needs of those families affected by these abuse cases, which led to the recent announcement of a Child Treatment Assistance fund to ensure children and their families can access the supports they need.”

Marcia Robinson Lowry, a founder of Children Rights and then a new nonprofit advocacy organization, A Better Childhood, which took over the lawsuit, said she wondered whether any of these cases involved foster children. If so, the Division of Child Protection and Permanency would have a duty to investigate because once a child is taken from his or her family, it’s the state’s responsibility to ensure they are safe.

“I really do think the agency is definitely in better shape and is one of the best systems in the country. But if I understand this policy correctly, it is very troubling,” Robinson Lowry said.

Pamela Kruger, a spokeswoman for the comptroller, said the question about whether foster children were involved was “outside the scope of the report.”

Mary Coogan, president of Advocates for Children of New Jersey and a member of the workgroup Beyer formed to discuss this policy change, said she didn’t believe foster children were involved.

Coogan expressed disappointment the agency altered its practices without telling law enforcement officials first. But she said she supports the policy change.

“To me, it doesn’t make any sense to involve a family in child protective services or a youth in the juvenile justice system if you don’t need to,” she said. “

The number of children supervised by Division of Child Protection and Permanency has declined from 48,400 in 2018, when Murphy took office and appointed Norbut Beyer, to 32,100 in 2021, according to the most recent data on the state website. The number of children removed from their homes and placed into foster care dropped 42% over the time frame, to 3,200 kids.

Norbut Beyer, in a statement Thursday, emphasized that she understood the concerns raised by law enforcement prior to the comptroller getting involved.

“DCF began hearing concerns at the same time as the Comptroller’s Office about the way in which cases of alleged child-on-child sex abuse are managed in New Jersey. That is why last year, we proactively mobilized a statewide working group – one that includes prosecutors and law enforcement, as well as our regional diagnostic treatment centers, community-based child-serving organizations, and DCF staff – to identify challenges and develop recommendations that offer tangible solutions for children and families involved in these complex and unique cases,” Beyer said.

“The Department of Children and Families takes very seriously our responsibility of child protection,” she said.

Our journalism needs your support. Please subscribe today to [NJ.com](https://www.nj.com).

—

[Susan K. Livio](mailto:slivio@njadvancemedia.com) may be reached at slivio@njadvancemedia.com. Follow her on Twitter [@SusanKLivio](https://twitter.com/SusanKLivio).

If you purchase a product or register for an account through one of the links on our site, we may receive compensation.

Around the Web

Shop Kimball from Warby Parker

With its keyhole bridge and vintage-inspired shape, Kimball is a reliable charmer, through and through.

\$95

Warby Parker | Sponsored

Play Today For Free