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City won't release DHS data: city solicitor denied an Inquirer request for internal reviews of child abuse deaths

Despite a recent promise of openness by Philadelphia's new child-welfare commissioner, the Street administration is refusing to make public the city's internal reviews of child-abuse deaths. City Solicitor Romulo L. Diaz Jr. yesterday denied a three-week-old Inquirer request for the death reviews, which sometimes include stark criticisms of the performance of the city's Department of Human Services.

He cited a Pennsylvania law requiring child-abuse information to be kept confidential, and he said the law prevented disclosure, even though The Inquirer had asked for the documents with the names blacked out. State Welfare Secretary Estelle Richman, who oversees DHS, offered a different view. "I am not aware of a state regulation that would prevent information from being shared if identifying information had been removed," Richman wrote in an e-mail yesterday. Diaz also refused to release the names of taxpayer-funded social-service agencies that experienced the death of a child on their watch. He said the city had an obligation to protect the agencies' reputations and due-process rights. City child-welfare officials said this week they would investigate the performance of five contractors that were supervising children who died. In the meantime, those contractors are still being paid to check on vulnerable children. Mayor Street, who recently forced the resignation of his child-welfare commissioner and named a panel to investigate child deaths, did not respond to a request for comment. Reached last night, Arthur C. Evans, Street's new DHS commissioner, said he was not even aware of the decision and suspected that the city was trying to be sensitive to the legal proceedings.

"We're not backing away from being as open as we possibly can," Evans said, "and we will show data." The refusal comes a week after Evans pledged a new era of "transparency and accountability" at an agency with a history of secrecy and an unwillingness to confront mistakes.

Advocates yesterday criticized the decision. "DHS is the only agency in the city that does their own investigation and then it doesn't release the results," said Richard Gelles, dean of the School of Social Policy and Practice at the University of Pennsylvania. Gelles noted that other states publish child-abuse death reviews. New Jersey, for example, has an Office of the Child Advocate that conducts -- and posts on the Internet, with names -- in-depth reviews of deaths and near-fatalities of children whose families had involvement with the child-welfare system.

"I think the facts should become public," Gelles said. "I see no reason why a redacted report can't become available.... In Philadelphia, the only window into DHS is when a really horrible case, a public tragedy, takes place and the facts are put on the [court] record because someone died." The Inquirer has published a series of stories examining DHS's failures to protect some of the vulnerable children in its care. In response, Street forced out the top two officials in the agency and promised changes. "This deeply disappointing decision hurts the public's ability to fully understand how this public agency functions," said Carl Lavin, an Inquirer deputy managing editor. "We will continue pursuing every opportunity to bring the full story to light." The death reviews, performed by a panel of DHS officials and outside experts, also have recommendations for policy changes to address systemic problems.

Inquirer reporters were allowed by a source to read the DHS death review of the case of Danieal Kelly, a 14-year-old girl who died of neglect in August while a DHS contractor was being paid to check on her family. The review was scathing in its criticism of both DHS and the contractor. It concluded that very little was done for the family, and that anyone who saw the girl in the last weeks of her life should have known she was at serious risk. Under Pennsylvania law, child-abuse reports are confidential to encourage the reporting of abuse and protect the privacy of victims. For that reason, The Inquirer asked for the reviews with names removed. Diaz refused, saying that any facts revealed might allow people to match the review with a specific case in court records. His explanation pointed up a legal contradiction: Most child-abuse deaths are prosecuted criminally, and therefore information about them becomes public record in the courts, despite the confidentiality rules governing DHS investigations. In 2003, Congress passed a law requiring states to release certain details of child-abuse deaths and severe injuries. Pennsylvania came into compliance last month, when the legislature adopted a measure requiring quarterly disclosures of some abuse information. But legislators failed to act on a bill that would have required release of death reviews. Diaz also said he didn't want to preempt the work of a new child-welfare panel by releasing those records now.

According to DHS records, at least six children have died in the last three years while the city was paying a contractor to check on them. In addition to Kelly, those children include Marrion Currie, who was beaten to death, allegedly by his mentally ill mother, in January. In both cases, there are questions about how the contractor -- and the DHS worker

supervising the case -- could have missed what experts say were obvious danger signs. The contractor in the Kelly case, MultiEthnic Behavioral Health, has already been fired and is under federal investigation. City officials said they have identified a total of five contractors they wanted to scrutinize. Gelles predicted that the reviews would show that not all deaths could have been prevented. But the public has a right to know when contractors fail children, he said. "There ought to be some accountability so we don't continue to contract with those agencies year after year after year," he said.

To read New Jersey's child-death reviews, go to <http://go.philly.com/njkids>

To read The Inquirer's past DHS coverage, go to <http://go.philly.com/dhs>

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