

I read the Child Fatality Report issued on September 26, 2023, related to the death of 16 month old Akasha Luvert in May of this year from a drug overdose. At the time of her death, there was considerable finger pointing and blaming after DA Conaty revealed the result of his department's investigation. The public has never heard about any subsequent efforts on the part of the Department of Family Services or the County Attorney's office to improve our systems to safeguard children at risk in Sullivan County.

The report from the New York State Office of Children and Family Services details all the mistakes and failures of the three investigations by CPS which were conducted due to multiple reports and serious concerns about child safety, starting after the birth of the child, because of the parents' drug use, and numerous agencies were referred and involved with the family, unsuccessfully. The report lists many substantiated charges of neglect by the parents of the child who died and her infant brother. The Office of Children and Family Services determined that one case was unfounded improperly, as the investigation was unfinished and inadequate. Another substantiated case had been brought for removal of the child and denied three times by the County Attorney's office, and in addition the casework and investigations by DFS were inadequate in many ways, and safety plans were either inadequate or not followed through. Investigators even failed to contact the sources of some of the reports which came from people who were concerned about the children's safety. The report contains a grisly picture of the dysfunctional system which failed to protect Akasha.

In the five months since she died, there has been no public plan for correction of these lapses, which might include retraining, restructuring, closer oversight, active recruiting of caseworkers, mentorships, teambuilding and so on. Working as a CPS caseworker is a very difficult job. DA Conaty had made certain recommendations in May based on his department's investigation, which concluded that Mr. McGuire had created a culture of apathy which resulted in a failure of workers to bring forth appropriate requests for removals of children. The culture of apathy part was vehemently denied by Mr. McGuire. If we're assigning blame, let's not leave out the Chair of the Legislature who insisted on hiring Mr. McGuire even while he was in the process of being disrobed as a judge due to the many incidents of his improper conduct at Family Court, and earlier today the Chair seemed only interested in clearing McGuire of blame, not in taking responsibility in any way for this terrible tragedy. Mr. McGuire still supervises the legal team at DFS, which used to be a separate unit from the County Attorney's office. One of DA Conaty's recommendations was to once again separate McGuire from supervising the DFS

attorneys. Obviously, there is still a wide chasm between the Chair and the CA office and the DA, and there will be no compromising or working together.

What if anything has been done to correct the shortcomings which are described in the Child Fatality Report? So far this year, there have been almost 1000 reports of child abuse or neglect, and some children in Sullivan County are obviously living in the same situation that Akasha suffered. Only half of the reports were unfounded. There are approximately 106 children from our county now living in foster care.