

Fran Lanigan
Commissioner of Social Services
Sept. 24, 2008

There are a few details in Erin's 2006 case that I can share with you today:

DSS records show that its investigation began within 24 hours of receiving an anonymous report from the State's central registry in March 2006. DSS cannot receive child abuse reports at its local Mexico office. DSS must receive all its child abuse referrals from the statewide central registry, located in Albany. People can report suspected abuse to the registry anonymously, or they may use their name. Unfortunately, when we receive an anonymous report, as we did in Erin's case, we are unable to interview the potential witness who may be able to provide further important information.

Following DSS and State protocol, Erin's safety and risk were assessed. An investigation was conducted, including initial and follow-up conversations with Erin. Erin was deemed to be *safe... at the time the case was closed in May 2006*. More than two years have passed, with no further child abuse or neglect reports that would lead DSS back to Erin's house. As I have stated previously, there were no facts in any prior reports with the Maxwell family that could have predicted a homicide.

The death of a child is a tragedy that deeply affects all of the community. We understand that the public wants more information about how DSS was involved and what actions were taken. I assure you that information will be provided to Legislature Chairman Leemann and will be made public according to the process specified in Section 422-a of the NYS Social Services Law.

It is important to keep in mind that there are now two investigations underway: a DSS child fatality investigation, and the NYS Police and the District Attorney's Office's homicide

investigation. We are dedicated toward helping bring the law enforcement investigation to a successful conclusion. For this reason, as difficult as the lack of information may be at times, we ask for the community's and the news media's patience until more details in Erin's case can be responsibly released.

Phil Church
County Administrator
Sept. 24, 2008

I would like to take this opportunity to speak to the committee about the tragic death of Erin Maxwell. The death of a child is traumatic for everyone, and the Department of Social Services and all of County government share in the community's concern and heartbreak over this tragedy. We understand the public's frustration with the status of the current investigation, the circumstances surrounding Erin's death, and the limited information DSS has been able to release so far.

I want the public to know that the County has taken three specific actions that will soon lead to the release of more information about Erin's case, as well as a full independent review of DSS's involvement with Erin.

First, I want to emphasize that Department of Social Services child protective investigation records are confidential from public disclosure. However, Social Services Law 422-a, known as Elisa's Law of the Child Protective Services Reform Act of 1996, provides guidelines on the information that DSS can share in the event of a child's death.

Under Elisa's Law, DSS is preparing a written report of the agency's actions for the chief elected official of Oswego County, Legislature Chairman Legislature Barry Leemann. The report will be completed by mid-week, next week. It will contain further information of the Maxwell family's involvement with DSS prior to the current investigation. Specifically, the report will address the anonymous complaint that was made in March 2006 to the statewide central registry. DSS's report will be made public after Legislature Chairman Leemann has received it.

Second, DSS Commissioner Fran Lanigan asked the NYS Office of Children and Family Services to review all records relating to previous investigations involving Erin Maxwell. DSS

was not required to ask for this review, but the Commissioner took this action in order to initiate an objective review of the steps DSS took in Erin's case. The State Office of Children and Family Services always reviews cases where there has been a child's death, however, it is done after the completion of the investigation. By the Commissioner's request this process was put ahead of schedule. The State's written report and recommendations will also be given to Legislature Chairman Barry Leemann, and will be a public document.

Third, the Commissioner has requested Cornell University staff to review and evaluate all DSS Child Protective Services processes, to make sure that cases are handled consistently according to New York State regulations and guidelines, and to identify strengths as well as opportunities for improvement.