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No One Saved Sylena

Child-welfare agency again under fire

By Joshua Robin
STAFF WRITER

Once roundly praised for a dramatic turnaround, the city's child-welfare agency was being faulted yesterday for a continuing lack of communication with its contractors, a problem critics say may have led to the death of Sylena Herrnkind on Monday.

A steady stream of caseworkers from the Administration for Children's Services, physical therapists, nurses and home-care aides visited Matthew and Julie Herrnkind's troubled Staten Island home in the past four years.

They all failed to save 3-year-old Sylena from being tortured and beaten to death, allegedly by her parents. Two other Herrnkind children, Diane, 4, and Jose, 14 months, were also abused, while two others, Missy, 5, and Alexya, 2, did not show signs of injury. Diane had burns and bruises below the waist, and Jose had broken ribs.

Matthew Herrnkind, 27, and Julie, 24, are being held without bail on murder, assault and child-endangerment charges.

Critics said yesterday that better training and communication between the city-contracted so-called "preventive" aides who helped the Herrnkinds with parenting and the welfare officers who observed the family might have averted abuse of the children.

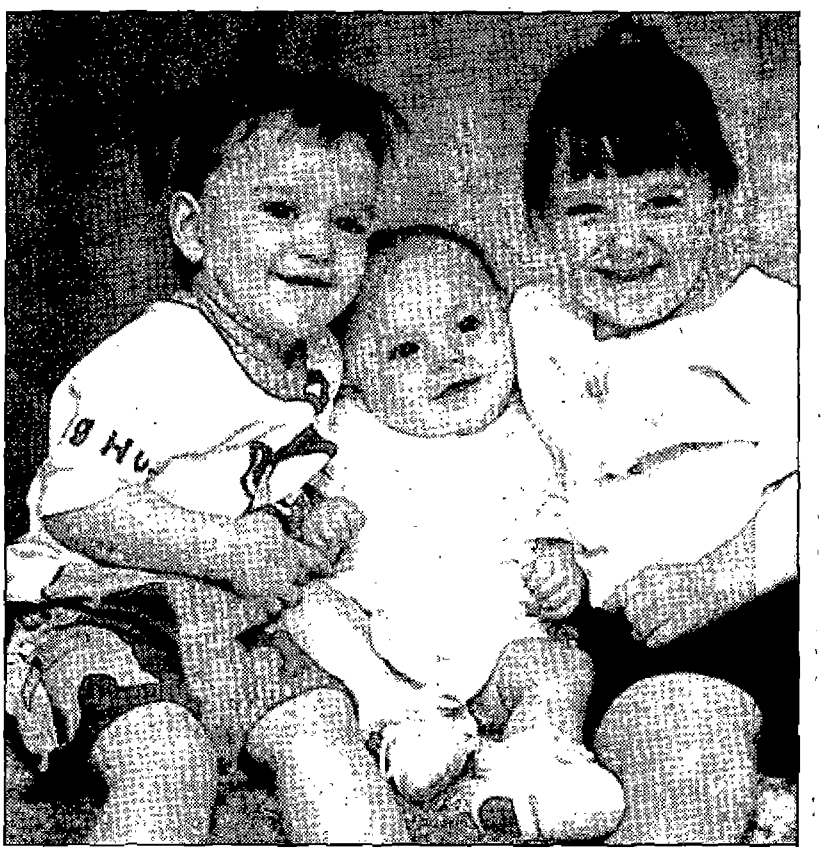
That lack of coordination has been long-standing, according to three reports over the past several years by a panel of child-welfare experts created by a settlement from a federal class-action lawsuit.

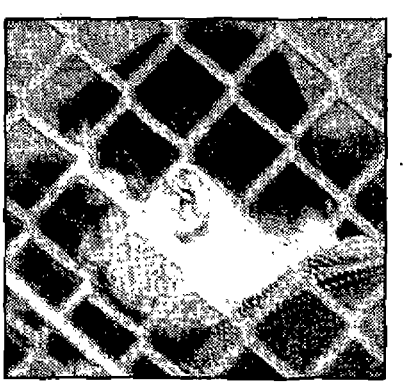
Nicholas Scoppetta, the ACS commissioner for the past six years, promised yesterday to investigate Sylena's death "from top to bottom."

"We'll ask all of the questions that are on our minds," Scoppetta said.

Marcia Robinson Lowry, director of Children's Rights Inc. who sued ACS in 1995 after Elisa Izquierdo was beaten to death in the Bronx, said the problems she believes led to Sylena's death have been known for years. The case was settled in 1999.

"It is important for children to be able to stay in their biological parent homes," Lowry said yesterday. "It is also important to make sure that we know what's going on in this family."







Photos by Ray Huminski

Sylena Herrnkind, above center in 1999 photo with her sisters Diane, left, and Missy, died Monday; her parents, Matthew and Julie, have been charged.

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Lowry cautioned that the facts in Sylena Herrnkind's case are not all known. Still, she speculated the little girl's death might have been averted had aides who cared for the children and helped tend the Herrnkinds' home had better training and closer contact with investigators from ACS, who first investigated the couple in January 1997.

"There is a widespread problem of failure of communication," Lowry said. Of the aides, Lowry added: "The question is, 'Is that person simply making sure that there are no dishes in the sink or assessing how the family is actually functioning?' "

The panel of experts set up after the lawsuit also has criticized ACS.

"Unlike in virtually every other jurisdiction we know of, there has been no continuing protective services involvement in New York City when high-risk cases receive preventive services from a contract agency," the October 1999 report stated.

An assistant regularly visited the couple's home, and Matthew and Julie Herrnkind took anger-management and parenting classes. The children also were routinely seen by therapists at home. Child-welfare officials visited the Herrnkinds six times since 1997.

Jennifer Falk, an ACS spokeswoman, dismissed Lowry's claims. "This is not a case of lack of coordination," Falk said.

Scoppetta, credited for turning around the agency, said in September that he will retire at the end of Mayor Rudolph Giuliani's term. Tuesday, voters made ACS an independent agency, which Scoppetta said was a necessary step to its continued improvement.

Last year, there were 22 deaths of children whose parents had been investigated by ACS; in 1999, it was 23, and in 1998, it was 36.

While ACS will investigate what it could have done differently in the Sylena case, one child advocate involved in the case said other organizations also should come under scrutiny.

Gerard McCaffery, president of the Seamen's Society for Children and Families, said the Herrnkinds took classes through his agency, which also arranged for foster care for Sylena and her two sisters.

Although the children were returned to their parents over his agency's objections, McCaffery said many shared the blame: neighbors, relatives, ACS, Family Court.

"It's just very complicated," McCaffery said. "The ball got dropped."

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