

Recommendations for the Next Decade of Child Welfare in New York City

Executive Summary
New York City’s Child Welfare system has undergone significant reforms, and achieved much progress and success since the creation of the Administration for Children’s Services (ACS) as a stand-alone agency in 1996. There is much that the next Administration can do to build upon this progress, by maintaining much of what is in place and implementing some systemic changes. This document outlines the key components of the current system that a diverse group of child welfare stakeholders believe should be maintained, strengthened and developed to ensure the safety, permanency and well-being of New York City’s children and their families.

New York City’s child welfare system now regularly employs family team conferences, is expanding its uses of evidence-based practices, has reduced child protective caseloads and preventive caseloads, has expanded permanency options to include subsidized kinship guardianship, has significantly reduced the system’s reliance on residential care (congregate care), and is in the process of implementing a new federal Title IV-E waiver, aimed at improving the foster care system by reducing length of stay and better addressing child well-being. Most notably, in 1996 there were just over 40,000 children in foster care; today, foster care placements are at an all-time low with just under 12,000 children in foster care. In addition to the foster care census being at an all-time low, the preventive service system continues to serve more children and families.

At the same time, much remains to be done to improve the system: foster children need more educational stability; foster care caseloads are too high; preventive service utilization rates need to increase; time to permanency is still much too long; there are very limited post-permanency services available; and too many young people age out of the system without a family or stable living situation.

This document includes a series of recommendations about programs, policies and initiatives that we are suggesting should be maintained, strengthened, expanded, changed, and/or developed. The recommendations are organized by program area (protective, preventive, foster care, and older youth), and includes sections on system structure, the system over-all, and work we encourage the administration to take with the state and federal levels of government.

The recommendations in all areas center on the following themes:

- Recognize and elevate the Administration for Children’s Services (ACS) as the City’s emergency responder for children in allocating resources (and if necessary during PEG programs).
- Maintain the City and ACS’s commitment to preventive services.
- Continue efforts to decrease children’s lengths of stay in foster care.
- Enhance the City’s focus (primarily ACS and DOE) on educational outcomes and educational continuity for children and youth in foster care and receiving preventive services. Hold both ACS and DOE accountable for educational outcomes for foster children and youth.
- Strengthen cross-system coordination for the child welfare system, including on issues related to housing, education, older youth in foster care, youth aging out of foster care, children with developmental disabilities, mental illness, etc.
- Enhance the use of data to better target where services and which types of services (for both preventive and foster care) are available.
- Maintain and/or expand policies, initiatives and programs that have been successful during the prior administration including: Manageable (and low) child protective caseloads; ChildStat;
Family Team Conferences; Parent advocates (at ACS conferences and in preventive and foster care programs); delegation of case management to contract agencies; and implementing the LBGTQ policy, mental health principles and visiting principles.

- Maintain and/or expand new initiatives and evaluate their outcomes to ensure effectiveness including: Evidence-based programs in preventive and foster care; ChildSuccess NYC; and Child Safety conferences

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New York City’s Child Welfare system has undergone significant reforms, and achieved much progress and success since the creation of the Administration for Children’s Services (ACS) as a stand-alone agency in 1996. There is much that the next Administration can do to build upon this progress, by maintaining much of what is in place and implementing some systemic changes. These recommendations, developed by a diverse group of child welfare stakeholders, outline the programs, policies and initiatives that we believe should be maintained, expanded and/or created to continue enhancing the progress the Administration for Children’s Services (ACS) has made to keep New York City’s children safe, while strengthening and supporting families.

**Child Welfare System Structure**

- Maintain the Administration for Children’s Services (ACS) as its own agency reporting to the Deputy Mayor for Health and Human Services.
- Maintain and strengthen the position of Family Service Coordinator, to ensure there is better coordination of services and supports among agencies that impact families and children.
- Create an inter-agency task-force with teeth to address issues such as: the needs of older youth and youth aging out of foster care; educational issues for foster children; preventing fatalities; and interfacing with Family Court.

**Child Welfare System Over-all**

- Recognize ACS as the emergency responder for children so that any necessary budget cuts/PEG targets be implemented in a manner that best protects the needs of children. Thus, like the Police, Fire, Sanitation, Corrections Departments and Department of Education, ACS should be given lower PEG targets than other City agencies.
- Infuse parent voice and youth/child voice throughout the system (protective, preventive and foster care) in decision-making, planning and implementing system reforms. Fund parent advocates for preventive and foster care programs. When developmentally appropriate, engage children and youth as partners in the case planning process.
- Use available data to inform decision-making about child welfare programming; matching community needs to services; and assessing and addressing program successes/challenges.
- Ensure information about what services are available through ACS and its providers is widely available so that families know where they can go for services and service providers know where to refer families.
- **Evaluate and maintain evidence-based and evidence-informed** child welfare programs and **expand** programs found to be effective (in preventive, PINS, foster care and juvenile justice). Continue to encourage the development and testing of **promising practices** that have also been shown to be effective, even if not yet evidence-based.

- Work **collaboratively with the child welfare community** to assess system’s needs, challenges, and successes. Maintain the Commissioner’s Advisory Panel. Engage child welfare community in reform efforts and development of new initiatives.

- Ensure child welfare **data** on performance outcomes is **publicly available**.

- Continue the use of **Family Team Conferences**.

- Assess the **racial disparities** in the child welfare system, which get more profound in each level of the system, and take steps that address the reasons for the disparities.

- Ensure the needs of Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) youth, parents and foster parents remain a key focus of ACS and the new administration.

- Ensure families involved with the child welfare system have access to **early childhood education**.

- Families involved in the child welfare system are often-times families struggling with **poverty, unemployment, housing insecurity, and food insecurity**. The future of child welfare, preventive services and NYC’s goals of addressing poverty need to focus on ensuring ACS’s families have access to the interventions that will stabilize their lives including education, vocational training, employment, and housing assistance.

**Mayoral Support at the State and Federal Level**

The Mayor can play a big role in helping to advance much-needed changes, reforms and resources at the state and federal level.

- Use the Mayor’s role as **bully pulpit** to advocate for **Family Court Judges** and Family Court resources.

- Ensure the Mayor’s Office is **vocal on state and federal child welfare issues**, including State **Medicaid Redesign** (the move to Medicaid Managed Care) and **federal child welfare financing reform**. Support and advocate for the recommendations in **Raising the Bar for Health and Mental Health Services for Children in Foster Care**, which were developed through a workgroup process spear-headed by COFCCA and CCC.

- Work with the Governor to develop a **City/State child welfare task force** to address inter-agency barriers. The Task Force should include all of the agencies interfacing with the child welfare system (such as the Department of Corrections, OMH, OCFS, OTDA, OPWDD, State Education/DOE, etc.)
Preventive Service System
Maintain a commitment to preventive services so that more children can remain safely in their homes with their families.

- Ensure all families in need of preventive services are accessing preventive services. While the number of abuse/neglect reports and the indication rate have remained relatively constant, the number of families receiving ACS services (foster care or preventive) has decreased. On the other hand, the number of children in homeless shelters has substantially increased and is at an all-time high of over 22,000.

- Use data to be more targeted/proactive about where to put preventive services. Specifically, the new administration should:
  o Look at whether there are certain buildings, homeless shelters, schools, etc. with high rates of child abuse/neglect reports and target the services to those families proactively before there is the need for a child abuse report.
  o Look at which communities have certain models of preventive services (including evidence-based models) and complete a needs-assessment with regard to what communities are in need of certain models. (General preventive slots were converted to evidence-based models based on the discretion of agencies rather than the needs of communities. There now needs to be a process to match needs to services in communities by looking at data such as program types available, abuse/neglect reports, foster care entry, homelessness, etc.)
  o Develop preventive services specifically targeted to families in homeless shelters, in a manner that ensures that families do not need to enter the homeless shelter system to access services.

- Separate family support needs from preventive services and ensure families in need are able to obtain family support services outside the child welfare preventive service system.

- Assess the implementation issues within the new RFP, including the 12-month average length of service incentive structure and the rate for providers, and make needed adjustments to ensure preventive cases are not closed before risk has been sufficiently addressed. Assess the process agencies use to determine when/whether to close preventive service cases, aside from length of service. Consider implementing a risk-assessment protocol that takes into account risk factors such as the birth of a new child, introduction of a new adult to the family, relapse, etc. Ensure that an ACS investigation is not the only gateway for families to access preventive services.

- Fund trial discharge and after-care for children leaving foster care through the preventive service funding stream.

- Reassess the financial penalty to programs (10% of rate) for not enrolling 25% of their total capacity every quarter. Currently, ACS is not making enough referrals for many programs to be able to meet this requirement and thus the programs are being financially penalized. This rule was implemented at a time when the system was operating at 100% utilization, but now that there is available capacity, this financial structure is not needed to ensure families have access and is negatively impacting the ability of programs to provide high quality services.
**Child Protective System**

Ensure the child protective system has the resources and training needed to keep New York City’s children safe and reduce repeat maltreatment.

- **Maintain low and manageable caseloads for child protective workers and supervisors.**

- **Take efforts to make removals (particularly emergency removals) less traumatic for children.**
  This could be informed by a study on the impact removals and whether removals are conducted in a trauma informed manner.

- **Evaluate the Family Assessment Response (FAR) pilot in Queens, and expand it citywide if it is effective at keeping children safe and providing needed services to families.** FAR is New York State’s differential response model, which allows child protective agencies to put some cases on an alternative track that focuses on strengths-based service provision and does not culminate in a child abuse or neglect determination.

- **Enhance opportunities for protective services to collaborate with preventive agencies and foster care agencies,** including joint home visits and times of case closing/opening.

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**Foster Care/Permanency**

Additional measures needed to be taken to reduce the length of time New York City children spend in foster care. New York is currently ranked 50th out of 52 ranked states (plus DC and Puerto Rico) in the federal review of time to permanency.

- **Continue implementation of Child Success NYC** (the federal Title IV-E waiver) system-wide and assess its effectiveness. The assessment should include a survey of a wide range of stakeholders including parents, parents’ attorneys, youth and children’s attorneys.

- **Look at the initial foster care placement process** and make modifications as necessary to ensure children are placed in families/settings that best meet their needs for safety, permanency and well-being. Items to consider include whether siblings are able to be placed together; how to have more aggressive family-finding at intake; whether non-family foster placements are good matches for children; whether children are placed near their schools; whether placement by Community District is the correct location measure to use, etc.

- **Create an Education Stability Task Force** of stakeholders inside and outside of government, including ACS, DOE, foster care agencies, attorneys for children, foster parents, and advocates to create a plan whereby more foster children would be able to stay in their school of origin when they enter foster care and remain in their school when their foster care placement changes.

- **Ensure provider agencies are funded** to not only provide for safety and permanency, but for child well-being as well. This includes ensuring access to health/mental health services, educational/vocational services, tutoring, and also normative childhood activities and items such as school trips, prom dresses, art, music, dance and sports activities, driver’s education/licenses, etc.

- **Focus more on permanency for youth** so that youth in foster care leave the system to families and do not age out of foster care.
• Fund **trial discharge** to help maintain the stability of reunifications. Currently, these children are in the legal custody of the Commissioner while in the physical custody of their parents and foster care agencies are responsible for providing services and supervising the families, but the foster care agencies are not paid for these families—this needs to change.

• Decrease barriers and lengths of stay for children with a **goal of adoption**. Focus more attention on child-centered recruitment.

• Increase **funding for post-permanency services**, including post-reunification, post-adoption, and post Kin-GAP (subsidized guardianship).

• Focus more on **foster parents**, including recruitment, retention and training.

• Renew the focus on the **Family to Family model**, where there is a team approach to providing foster care and efforts are made to create a relationship between the birth parents and foster parents.

• Increase services and funding for **high-needs foster children**, including developmentally disabled children, autistic children, and children with severe mental health needs. Provide reasonable rate increases for therapeutic foster boarding homes and residential care. Enhance collaboration with State agencies that also serve these children including OMH and OPWDD.

• Reinstute **discharge grants** for parents reunifying with their children and youth aging out of foster care.

• Use **data** to align residential care capacity and foster home capacity with needs.

• Develop **electronic health records** for children in foster care. Ensure that foster care provider agencies have adequate supports, including IT and billing, to transition successfully into Medicaid managed care.

**Child Welfare and Adolescents/Youth**

Make a new and renewed commitment of the child welfare system to young people. Pay particular attention to the needs of youth.

• **Delink youth development services for foster children 16 and older from being in foster care** to eliminate the disincentives that exist for youth to leave foster care (e.g. any educational, housing, employment or other financial incentive). Provide these critical services to all youth 16 and over who have been in foster care.

• **Make permanency, youth development and housing needs** for foster youth must be front and center for the work of ACS. Focus on additional issues including education, vocational training; employment assistance; and the needs of pregnant and parenting youth.

• Consider bringing **successful models** (such as FEGER and the Children’s Aid Society Next Generation Center) to all boroughs and fund them.
• Create additional programs, services and supports for commercially sexually exploited youth (girls and boys).

**Child Welfare and the Family Court System**
The collaboration and partnership between the Mayor’s Office, ACS and the Family Court system is critical to ensuring the systems are coordinating well and to decrease foster care lengths of stay.

• Use the influence of the Mayor’s office to join the Coalition advocating for additional Family Court Judges and Family Court resources.

• Support the Judiciary’s budget request to keep courtrooms open until 5:00 PM, especially in cases were ACS is seeking foster care placements.

• Collaborate with the Family Court system on ways to decrease court delay and expedite permanency for foster children.

• Continue and expand the ability for foster care agency caseworkers to tele-conference into court when they are not due to be testifying.

• Ensure foster care agency court reports are submitted to parties timely.

• Adequately fund institutional representation for parents in child welfare cases.

• Ensure vacancies to the Family Court bench are filled timely.

• Ensure that protocols for emergency removals are followed and that hearings are held prior to removal whenever possible.

**Conclusion:**
The child welfare system is poised to continue to make tremendous progress under the leadership of Mayor de Blasio, Deputy Mayor Barrios-Paoli and ACS Commissioner Gladys Carrion. Many of the child welfare stakeholders have had a long history of working with you on these issues. We look forward to working together to create and even stronger child welfare system that ensures the safety, permanency and well-being of New York City’s children.
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Bronx Defenders, Family Defense Project
Brooklyn Defender Services, Family Defense Project
Center for Family Representation
Center for Family Life, a program of SCO Family of Services
Child Welfare Organizing Project
The Children’s Aid Society
The Children’s Village
Citizens’ Committee for Children
Council of Family and Child Caring Agencies
Federation of Protestant Welfare Agencies
Good Shepherd Services
Graham Windham
Lawyers for Children
Leake and Watts
New York Council on Adoptable Children
The New York Foundling
Trudy Festinger, Professor, New York University School of Social Work
SCO Family of Services
You Gotta Believe!