



Testimony of

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Before the
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Finance, General Welfare, Women's Issues and Juvenile Justice Committees

Regarding the
New York City
Fiscal Year 2018 Preliminary Budget

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Good afternoon. My name is Stephanie Gendell and I am the Associate Executive Director for Policy and Advocacy at Citizens' Committee for Children. CCC is a 73-year-old, privately supported, independent, multi-issue child advocacy organization dedicated to ensuring every New York child is healthy, housed, educated and safe. I would like to thank Chairs Ferreras-Copeland, Levin, Cumbo and Cabrera, as well as the members of the City Council Committees on Finance, General Welfare, Women's Issues and Juvenile Justice for holding today's hearing regarding the City's Preliminary Budget for Fiscal Year 2018.

CCC is incredibly grateful to the City Council for its long-standing commitment to the needs of the vulnerable families who interact with the Administration for Children's Services (ACS), Human Resources Administration (HRA) and Department of Homeless Services (DHS). Your relentless efforts to protect child care and preventive service capacity from cuts, pass a legislative package to strengthen the foster care system, invest in services to improve the lives of homeless New Yorkers, and increase funding so that children and families have access to healthy affordable food, have helped countless children and their families.

Similarly, we appreciate the efforts the de Blasio administration has made to improving the lives of the most vulnerable New Yorkers. The recent salary increase for early childhood staff is an important step towards eventually reaching salary parity, the investments in shelter security and capital needs have begun to make living conditions safer for homeless families, and last year's child welfare investments are beginning to better address the needs of children in foster care.

But there is much more work to be done. Many of the provider agencies working with ACS, HRA and DHS, be they preventive providers, shelter providers, foster care providers, child care providers, or Close to Home providers (or some combination) are struggling due to the long-standing underfunding of human service programs. CCC urges the administration to address the years of underfunding of human services contracts by increasing funding by 12% to raise salaries, support reasonable fringe benefits, and cover existing under-funding of OTPS. This increase will begin to address longstanding financial shortcomings and provide relief for staff and programs.

In addition to addressing the 12% increase to human service providers, we hope to see much-needed investments and restorations for the children and families served by ACS and DSS (DHS and HRA). We look forward to partnering with the City Council in this advocacy effort.

Administration for Children's Services (ACS)

CCC welcomes David Hansell as the new Commissioner of ACS. We commend the Mayor for this choice and we look forward to working with the new Commissioner in his efforts to ensure ACS "protects and promotes safety and well-being of New York City's children and families by providing child welfare, juvenile justice, and early care and education services."¹

We recognize that this is a difficult time for ACS between the media attention, the investigations, the newly appointed State Monitor, and now a new Commissioner. The hard-working staff at ACS typically do their jobs without recognition, but with constant fear of error and negative attention by the news media. We appreciate the enormity and gravity of the tasks at hand for the

¹ About ACS. <http://www1.nyc.gov/site/acs/about/about.page>. Accessed 3/20/17.

new Commissioner and we wish to lend our support in any way needed. In addition, we want to take this time to recognize the hard-working staff at ACS—please know that we at CCC appreciate the work you do keeping children safe, strengthening families, providing early care and education, and changing the life course for a young person in the juvenile justice system. Countless children are safer, and countless families strengthened, because of the work you do - work that is never reported publicly.

Ordinarily, we would be concerned that the Preliminary Budget failed to include any new resources or initiatives for ACS, in child welfare, juvenile justice or early education. Since the Preliminary Budget was released before Commissioner Hansell had begun serving as Commissioner, we are hopeful that this was done intentionally so that the Executive Budget would reflect the new needs identified by the new Commissioner.

As Commissioner Hansell, the Mayor’s Office, OMB and others at ACS work to identify these new needs and create an Executive Budget, CCC respectfully offers the following recommendations:

CHILD WELFARE

Child welfare is extremely complicated. As the first Commissioner of ACS, Nicholas Scoppetta, once said, “Our work is judged by our failures, not our successes.” It is so important that elected officials, advocates and the media remember this when looking at the City’s efforts to keep all of the City’s nearly 2 million children safe.

Child protective workers have perhaps the most challenging job in New York City: They are called upon to investigate families through paper histories, home visits, and interviews with family members and collateral contacts, and then make a decision about whether or not a child will be safe. They do this 24 hours a day, 7 days a week. ACS’s child protective staff investigate 55,000-60,000 of these cases each year.

Identifying which children are safe at home and which children are in grave danger is a challenging job- often taking place at late hours inside families’ homes and in some of the neighborhoods that experience higher levels of violence. Incorrect decisions can mean a child who would be safe in his/her home suffers the trauma of being removed from his/her family and placed into foster care or that a child is tragically injured. When a case has a bad outcome and a child is either severely injured or dies, it is often easy to look back and see where different decisions could have potentially led to a better outcome. Unfortunately, that is not as easy to do in real time when the outcome is unknown- predicting the future is more difficult than looking back.

As has historically been the case after highly publicized child welfare tragedies, ACS is facing a confluence of factors that are negatively impacting one another:

- There has been an increase in child abuse and neglect reports, as well as an increase in the number of children entering foster care.²
- The increase in reports has led to caseload increases for child protective staff.³
- Child protective staff morale has been negatively impacted by the increased caseloads, at a time when the agency and the staff are receiving negative attention from the press and some politicians.
- Advocates are fearful that ACS child protective staff will be removing more children due to the fear of negative reprisal for failing to remove a child who might turn out to be in danger. This adds to the negative attention and negative morale.
- Staff attrition has increased, further compounding the staff morale issues and the increasing caseloads.
- ACS needs more foster homes and preventive service slots, but there are issues impacting the availability of both, leaving children sleeping at the Children's Center and families waiting for services.

ACS has faced this onslaught and cycle before, after the death of Nixzmary Brown, and the agency was able to turn itself around. We are confident that Commissioner Hansell has recognized the factors above and will take steps to address needs. We understand that the Commissioner is currently conducting a review of the agency and we look forward to the results. We encourage ACS to create a strategic plan that is publicly available.

We respectfully make the following recommendations:

Child Protection:

- Increase the ACS headcount for child protective staff, supervisors and managers.
- Always be prepared for the future unknown by having low caseloads and more staff trained and onboard should there be increases like this in the future.
- Create incentives for Child Protective staff to work at ACS and stay at ACS. In the past, this included an MSW tuition program where the City paid the tuition (this was cut.) Another idea is one being implemented at the University of Chicago where the children of teachers are able to attend the University for free; perhaps, a program like this could be implemented for the children of child welfare staff at New York state schools.⁴
- While not popular, after the death of Nixzmary Brown, ACS staff working in other areas who had prior child protective experience were redeployed back to child protective field offices to assist with the burgeoning caseloads temporarily.

² In the ACS Flash for February 2017, we can see that reports have been higher since the summer, but particularly since October 2016. For example, there were nearly 1,000 more reports this past January than January 2016 (in January 2016, there were 5,620 reports and in January 2017 there were 6,579.) In the most recent numbers reported, 331 children entered foster care in December 2016 compared to 285 in December 2015.

<http://www1.nyc.gov/assets/acs/pdf/data-analysis/2017/FlashIndicators.pdf>

³ Id.

⁴ <https://www.wbez.org/shows/wbez-news/university-of-chicago-offers-free-tuition-to-children-of-cps-teachers/d39baea5-2b25-41d1-9b22-d735505a3ac1?3pm>

- Bring back ChildStat so that high-level ACS staff are hearing directly from frontline staff about the issues they are facing, so they can work together to address issues identified.
- Invest in initiatives that address morale including opportunities for staff to meet with professionals to address the secondary trauma they experience, as well as other stressors of the job. This type of psychological counseling should be mandatory and easily available for staff who have experienced a tragedy, as is the case for members of the NYPD and FDNY.

Prevention:

- The General Preventive program is critical, but severely underfunded. There has been no rate increase since 2008. This has negatively impacted the program and translated into nearly 10 years of no salary increase for staff. As a result, preventive programs are extremely short-staffed and unable to take on new cases—not because of a lack of slot capacity but because of a lack of staff. This is a very large problem that needs to be rectified immediately by increasing the rate for providers and salaries for staff. We cannot expect staff to remain in these highly stressful and difficult positions if they do not receive salary increases over time.
- While we support the use of evidence-based programs, we believe that ACS needs to do a needs assessment to ensure all communities have access to the needed types of preventive services, including both evidence-based programs and General Preventive.
- We urge ACS to consider creating a more robust system of after-care for the evidence-based models, as well as GP and FTR, which could be less intensive.
- Currently, many preventive staff start working with families before having any training in providing preventive services and/or finding and accessing other services in the community. We urge ACS to work with its providers to develop and fund a training program for preventive staff.

Foster care:

- ACS and its providers need to conduct another foster parent recruitment campaign to be able to better meet the needs of children coming into foster care.
- ACS should continue to implement its plan to restructure foster parenting/foster homes so that foster homes would have sibling groups, but not multiple children from multiple families. While this will be difficult to achieve given where the system currently is, we believe that this will be extremely beneficial to the families.
- ACS needs to do more to implement the reasonable and prudent parent standard/normalcy requirements.
- ACS will soon be issuing its first educational stability report, pursuant to recent City Council legislation. Depending on the data, we urge ACS to implement initiatives to tackle this issue by doing a better job of ensuring the child's initial placement is near the school of origin (unless there is a safety concern), arranging for transportation when necessary, and educating foster parents on the benefits of educational continuity/stability.
- Ensure funds are available to implement the findings of the new Foster Youth Task Force and the foster youth survey.

Impact of Federal Government on Child Welfare:

Finally, it is worth mentioning that CCC is deeply concerned about the impact both the repeal and replace of the Affordable Care Act the federal crackdown on immigration could have on the child welfare system.

With regard to health care, foster children are now presumptively eligible for Medicaid. Any federal effort to cut, block grant and/or alter Medicaid could have a profound negative impact on children in foster care.

Furthermore, we are very concerned that the immigration rules and/or the fear of deportation, will deter families from seeking the services they need—be these child care, shelter, preventive services, health care, etc. The result of this fear may be that children are placed at risk or do not get the services they need. This could increase maltreatment and neglect and impact child welfare.

In addition, if parents are deported but their children remain in the United States, the children may come into foster care and/or be placed with kin outside the foster care system. In both scenarios, the families may need services to deal with the trauma of separation, as well as resources to meet the day to day needs of the children.

We respectfully urge the City to ensure that ACS will be prepared with the resources it needs to meet any of these increased needs for ACS, ACS's providers, and the families.

JUVENILE JUSTICE

CCC appreciates the attention ACS and the administration have paid to strengthening the juvenile justice system, including the elimination of punitive segregation for the youth ages 16-17 years old on Rikers Island and the implementation of Limited Secure Placements as part of Close to Home. We also remain cautiously optimistic that the State will raise the age of criminal responsibility this session.

We are, however, deeply concerned by some of the treatment of adolescents on Rikers, including the pepper spraying of youth in class (while their teachers wear gas masks) and the shackling of youth to desks. We urge the Administration to take steps to eliminate these problems.

In addition, we thank the City Council for its longstanding commitment to raising the age of criminal responsibility. If Raise the Age becomes law (which we will know the answer to any day now), we urge the administration to ensure that ACS and Probation will have the resources it needs to implement raise the age effectively. At a minimum, this will include increases in juvenile probation and services and juvenile detention and placement.

EARLY CHILDHOOD EDUCATION

CCC is pleased with the steps that have been taken to stabilize and strengthen the early childhood system. After many years without a contract or salary increase, the administration, the

Day Care Council and 1707 recently came to an agreement is bringing much-needed salary increases to the sector. Furthermore, we are also pleased with the implementation of Trauma Smart, which is training the field in trauma informed care, and with the Thrive initiative to screen children in EarlyLearn programs for trauma and then refer them to treatment programs specifically designed to work with children in EarlyLearn programs. In addition, ACS, along with DCAS, have been effectively addressing the lease issues at the direct lease sites with leases that have come due, in a manner that has ensured the programs have remained open. These initiatives, along with the expansion of full-day prekindergarten programs for four year olds, are important improvements for the early childhood system.

As the new Commissioner considers the needs of the early childhood system, we urge him to consider the following:

- ACS should increase capacity for children 0-3 years old. According to a recent report by the Campaign for Children, using data provided by ACS and analyzed by CCC, ACS only serves 14% of income eligible infants and toddlers and thousands of three-year olds need care.⁵ We appreciate efforts to age down Head Start seats to Early Head Start and encourage the administration to continue to build more seats for infants, toddlers and three-year olds.
- ACS should take additional efforts to reach true salary parity for staff in CBOs with staff in DOE.
- It is well-known and well-documented⁶ that the EarlyLearn rate is not sufficient to cover the costs of high-quality programming nor adequately pay for programs' facility and maintenance costs. Furthermore, to ensure a high quality classroom experience, the City needs to ensure the EarlyLearn rate is sufficient to enable agencies to invest in necessary classroom materials and technology.
- Ensure ACS has the funding it needs to implement a system-wide coaching program for family child care providers.

ACS CITY COUNCIL FUNDED INITIATIVES

We also urge the administration to restore and baseline the following City Council-funded initiatives related to ACS and its providers:

Child Welfare

⁵ Campaign for Children. *New York City's Early Childhood Education System Meets Only a Fraction of the Need*. September 2015. http://www.campaignforchildrennyc.com/wp-content/uploads/2015/09/Child-Care-Need-2015_final.pdf

⁶ Campaign for Children. *EarlyLearn Rate is too Low to Sustain Quality Early Childhood Education in New York City*. January 2015. <http://www.campaignforchildrennyc.com/wp-content/uploads/2012/03/EarlyLearn-Report-FINAL.pdf>

- \$1.95 million for Supportive Alternatives to Violent Encounters (SAVE), which includes \$600,000 for Project CONNECT
- \$5.23 million total for the New York Immigrant Family Unity Project
- \$500,000 for the Unaccompanied Minors and Families Initiative
- \$1.35 million for an Initiative to Combat Sexual Assault for child victims of physical and sexual abuse, which includes child advocacy centers

Criminal Justice Services/Juvenile Justice

- \$5.632 million total for Alternatives to Incarceration Programs
- \$1.4 million for a Bail Fund
- \$500,000 for the Center for Court Innovation
- \$750,000 for Support for Victims of Human Trafficking

Early Childhood Education/Child Care:

- \$9.35 million for 11 child care programs
- \$2.792 million total for the City's First Readers Initiative

Family Homelessness (DSS/HRA/DHS)

Today's Preliminary Budget hearing comes at a time when homelessness is at crisis levels in New York City. According to DHS's Daily Report, as of March 20, 2017 there were over 12,379 families with nearly 23,000 children sleeping in DHS homeless shelters.⁷ Homeless families with children comprise 70% of all of the homeless in New York City.

CCC supports the Preliminary Budget proposals that work to address the current homelessness crisis. These include the following:

- \$1 billion dollars over 10 years for capital investments in NYCHA public housing
- \$3.87 million for Shelter Intake staffing
- \$20.0 million dollars to maintain shelter security at current levels
- \$3.2 million for an NYPD Management Team to oversee management of security at homeless shelters
- \$2.49 million for new recruit and in-service training to all peace officer in the Department of Homeless Services (NYPD)

CCC also appreciates the administration's new commitment to increasing purpose-built shelters (including the creation of 90 additional shelters) and moving to a borough-based placement system. CCC looks forward to seeing the funding for these plans in the upcoming Executive Budget.

While shelter is intended to be temporary, families with children had an average length of stay of 431 days in FY16⁸, well over a year. This length of stay makes it even more imperative that the systems address issues related to family and child well-being.

⁷ Department of Homeless Services Daily Report. March 20, 2017

<http://www1.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf>

⁸ <http://www1.nyc.gov/assets/operations/downloads/pdf/mmr2016/dhs.pdf>

Insufficient capacity of purpose-built shelters in the DHS system (referred to as Tier II family shelters) has significantly contributed to the negative impacts on families' well-being, with 40% of families being placed in commercial hotels and cluster sites. This dearth of purpose-built shelter capacity also results in families being placed far from their communities, schools, jobs, social service providers, friends, families and support systems, even when it is safe and in their best interests to remain in their communities. For school-aged children this removal from their communities of origin has translated into school transfers and/or long commutes, with high rates of absenteeism. For parents this situation means long and complicated morning and evening commutes to access their children's schools, child care, jobs, public assistance appointments and medical appointments. As a result, families experience disruptions in social service supports, as well as the supports from friends and families in their communities.

In the Department of Homeless Service shelter system, there are currently about 13,000 homeless families—but only approximately 6,800 Tier II family shelter units to serve them—meaning only about half of all homeless families with children are in shelters built for that purpose. The remaining half of homeless families with children are living in cluster sites and hotels.

Hotel rooms are often far from transportation, far from communities of origin, and lacking in services provided by Tier II shelters. Hotel rooms typically lack kitchens, and some hotels lack cooking facilities completely, meaning only microwavable meals are provided. Hotel sites often lack laundry facilities for family use, play areas for children, and communal space for visitors. Due to the hotels' attempt to prevent homeless families from claiming tenancy rights, families are forced to move rooms in the hotel every 29 days—removing any potential stability a family in crisis could try to create. Furthermore, hotels have not been designed or funded to have appropriate shelter staff, such as housing specialists, educational specialists, recreational specialists, etc.

The administration has committed to eliminating the cluster sites by 2021 and the hotels by 2023, but these deadlines are years from now. In the meantime, children are growing up in shelters that are not appropriate places for them to live. The trauma and stress of homelessness, coupled with educational instability and/or long commutes to school, has also been proven to negatively impact educational outcomes.

A 2016 report by the Independent Budget Office (IBO) documented that students in homeless shelters had the highest rates of absenteeism. In the year they analyzed, 31.9% of students in shelters were chronically absent (absent 10-20% of the school year) and an additional 33.9% were severely chronically absent (absent more than 20% of the school year).⁹ Only 34.3% of homeless children had good attendance, as compared to 73.5% of the students not in temporary housing. It is important to note that this data is from a school year when approximately 65.4% of

⁹ Independent Budget Office, *Not Reaching the Front Door: Homeless Students Face Many Hurdles on the Way to School*. October 2016. Available at <http://www.ibo.nyc.ny.us/iboreports/not-reaching-the-door-homeless-students-face-many-hurdles-on-the-way-to-school.pdf>.

families were placed in the borough where the youngest child attended school,¹⁰ as compared to more recent data from Fiscal Year 2016 when only 55% of families with children were placed in the borough where the youngest child attended school.¹¹ This means that many homeless students are either changing schools or traveling long distances to commute to and from school. To begin to better address the needs of homeless students and homeless families living in hotels and cluster sites, CCC makes the following suggestions:

- Restore and baseline the \$10.3 million one time addition for guidance counselors and social workers at schools with high numbers of homeless students, and then add an additional \$7.3 million to the Executive Budget to fund a total of 100 DOE social workers (add 67) at schools with high numbers of homeless students.
- Reorient the system to be more proactive about helping homeless families with school-aged children, rather than being responsive to parents only after there is a problem identified.
- Better staff PATH so that every parent with school-aged children can meet with an expert in education, educational stability, McKinney Vento, and transportation while at PATH.
- Create a better system to arrange busing/transportation than the current process whereby busing cannot begin to be arranged until after the family is found eligible for shelter. This 10-day eligibility process can take substantially longer for families who are not initially found eligible, and thus leads to a tremendous delay in arranging busing.
- Provide monthly MetroCards (rather than weekly) for families awaiting transportation arrangements.
- Increase the number of DOE staff troubleshooting education issues for school-aged children in temporary housing from the current 8 staff. Increase the number of family assistants who aid at shelters to better accommodate families placed in hotels.
- Improve the conditions for families in hotels by:
 - Eliminating the practice of requiring families in hotels to move rooms every 29 days.
 - Ensure families in hotels have access to laundry.
 - Ensure families in hotels have access to high quality, palatable food that meets the needs of clients with special dietary restrictions.
 - Create space in the hotels for children to play and for families to have visitors during specified hours.
 - Provide shuttle service and/or car service reimbursement for homeless hotel residents located further than a 10- minute walk from a subway and those with disabilities who cannot walk to the subway.
 - Ensure all hotels have regular access to social service staff who are trained in trauma-informed care and to assist with housing, benefits, education, early childhood education, early intervention, accessing health, behavioral health, and child welfare preventive services, and employment training and assistance.

CCC also hopes to see the following investments in the Executive Budget:

¹⁰ Fiscal Year 2014 Mayor's Management Report, Department of Homeless Services. Available at http://www1.nyc.gov/assets/operations/downloads/pdf/mmr2014/2014_mmr.pdf.

¹¹ Id.

- Additional preventive programs and affordable and supportive housing options so that the City’s plan to reduce homelessness by 2,500 over the next 5 years can be more ambitious and reduce homelessness more significantly.
- Trauma-informed care training for DHS and provider staff.
- Restore and baseline City Council Initiatives including:
 - \$1.0 million for Children and Families in the NYC Homeless System
 - \$820,000 total for the Citywide Homeless Prevention Fund
 - \$5.65 million for Anti-Eviction and Housing Court Resources, which includes \$650,000 for Housing Court Answers and \$5 million for anti-eviction legal services
 - \$3.65 million for Community Housing Preservation Strategies
 - \$450,000 for Financial Empowerment for NYC’s Renters
 - \$2.0 million total for Stabilizing NYC, a citywide coalition to prevent the loss of affordable housing

Food and Economic Security (HRA/DSS)

Far too many hard-working New Yorkers are living in poverty. According to the most recent U.S. Census data, New York City’s overall poverty rate is 20%, which means that one in every five New Yorkers lives in poverty.¹² Even more sobering, the child poverty rate in New York City is 28.6%, meaning over 508,000 NYC children lived in poverty in 2015.

CCC supports the Preliminary Budget proposals to invest in job training programs that convert WEP positions into paid transitional jobs at DCAS (\$1.37 million) and the NYPD (\$1.64 million). CCC also supports the investment of \$13.84 million for outreach efforts including for health insurance coverage and the rent freeze programs.

While we appreciate the investments and reforms that have been made by the Administration, we urge the City to go further in the Executive Budget to better meet the needs of struggling New Yorkers:

- The administration should fund the Emergency Food Assistance Program (EFAP) at \$22 million. This includes restoring and baselining the one-year addition of \$4.9 million from FY1 and adding \$8.9 million. While SNAP benefits are a critical component of ensuring the food security of New Yorkers, there are many hungry New Yorkers who are not eligible, eligible New Yorkers who are not enrolled, and the federal government has cut SNAP benefits. Thus, unfortunately, many New Yorkers need to turn to emergency food programs (EFPs), such as food pantries and soup kitchens. In addition, federal cutbacks and fears related to immigration will likely increase the need for emergency food programs.
- We also urge the administration to restore and baseline the following City Council Initiatives:
 - \$2.8 million for the Anti-Poverty Initiative

¹² U.S. Census Bureau, American Community Survey 1-Year Estimates, 2015.

- \$930,000 for Access to Healthy Food and Nutritional Education, which includes funding for EBTs in Farmers' Markets and expanding Farmers' Markets.
- \$725,000 for Food Access and Benefits, which includes \$250,000 for the EITC Assistance Program and \$475,000 for Food Pantries and Technical Assistance.
- \$4.0 million for food pantries
- \$2.248 million for Worker Cooperative and Business Development Initiative.

Conclusion

In conclusion, while the de Blasio administration has taken some critical steps towards addressing income inequality and the needs of vulnerable children and families, there is much more work to be done. This is especially so given the threats at the federal level. We remain hopeful that the Executive Budget will include many of the restorations and priorities that are raised in this testimony. We hope that the City Council will also support these priorities.

Thank you for the opportunity to testify.