



Testimony of

Stephanie Gendell
Associate Executive Director,
Policy and Advocacy

Before the
New York City Council
General Welfare Committee

*Child Welfare Bills:
Int. Nos. 1590, 1598, 1601, 1607 and 1609
Reso 1462 in support of Home Stability Support*

June 14, 2017

Good afternoon. My name is Stephanie Gendell and I am the Associate Executive Director for Policy and Advocacy at Citizens' Committee for Children of New York, Inc. (CCC). CCC is a 73-year-old, independent, multi-issue child advocacy organization dedicated to ensuring every New York child is healthy, housed, educated and safe.

I would like to thank City Council General Welfare Chair Stephen Levin, as well as the members of the City Council General Welfare Committee for holding today's oversight hearing on five bills related to child welfare. I would also like to take this time to thank the City Council for its ongoing commitment to and partnership in strengthening the child welfare system. Finally, I would like to thank the sponsors of Intros. 1590, 1598, 1601,1607 and 1609, Council Members Cabrera, Levin, Rose and Salamanca, for introducing legislation aimed at keeping children safe, ensuring families receive high quality services, and better supporting the child welfare workforce.

CCC would also like to thank the Administration for Children's Services (ACS) and its relatively new Commissioner, Commissioner Hansell, for the commitment to examining its system and strengthening services where appropriate. The recently adopted budget is a testament to these efforts, with new investments in training for preventive service caseworkers, slots for preventive services, additional, child protective staff, and engaging in a model contracting process with preventive providers to address the system's underfunding. CCC also applauds Commissioner Hansell for reinstating ChildStat, a child safety oriented oversight mechanism developed by former Commissioner Mattingly.

CCC generally supports the goals and intent of all five pieces of legislation. We appreciate the need to legislate policies and procedures so that a change in administration does not result in the end of a good practice. In general, however, we urge the City Council to work with the administration to ensure final versions of these bills are not overly prescriptive to ACS, an agency that needs to be able to adapt its policies and procedures to changes over time. In addition, we suggest that the Council work with ACS to ensure there is an appropriate balance between the need for information and the time and cost of producing numerous reports and survey results. We now address each piece of legislation individually:

1) Int. No. 1590: A local law to amend the administrative code of the City of New York, in relation to training for preventive service employees:

This bill would require preventive service caseworkers to attend training provided by ACS on, at a minimum, identifying and reporting suspected physical abuse and neglect. The bill goes on to say, "ACS shall also require all such [preventive service caseworkers] to attend trainings, the content of which shall be determined by ACS, at least twice per year."

CCC has long-supported the need for preventive service caseworkers to have training, that there be training required prior to a caseworker beginning to work with any family, and that there be ongoing training for the preventive service workforce.

While we therefore, support the intent of this legislation, we are concerned that it is both overly prescriptive and too broad:

- We agree that preventive service caseworkers should receive training in identifying and reporting physical abuse and neglect. We believe this training should encompass all types of abuse, including sexual abuse.
- While ACS is one potential provider of this training, we urge the City Council not to limit the provision of this training to ACS, as the state OCFS or other organizations might also be able to provide this training. We suggest not prescribing who would deliver the training.
- We believe that preventive service caseworkers need training beyond how to identify abuse or neglect before they begin their jobs. This training should also include components such as engaging families, assessing safety and risk, referring families to services, and working with those who have experienced trauma. As the elements of a comprehensive pre-service training are likely to change over time, we suggest that the legislation not be specific in this regard.
- The legislation also requires ongoing training at least twice per year, as determined by ACS. We suggest that the legislation just require ongoing training, as two times per year is both broad and overly prescriptive.

ACS's recent budget testimony described the training that they are envisioning for preventive staff and it included both pre-service training and ongoing training, and it reimbursed providers for the time staff is in the training. We therefore believe that ACS is moving in the right direction and that at this time it would be best for this legislation to merely require preventive service workers to receive training both before they begin working with families and then in an ongoing manner.

2) Int. No. 1598, a local law to amend the administrative code of the city of New York, in relation to preventive services surveys

This legislation would require ACS to administer annual surveys to all families receiving preventive services during the preceding calendar year. The questions would be with regard to the following: interactions with caseworkers, the type and quality of services, and suggestions for how services may be improved. There would also need to be a space for families to provide ACS with any additional information they wish to share.

CCC appreciates the intent of this legislation. We understand that it is important for ACS to know how the consumers of preventive services feel about the programs and services in which they are participating.

That said we have some concerns about the legislation:

- Parents who are participating in preventive services are often fearful of ACS and may be uncomfortable and nervous about completing a survey.
- Similarly, parents who are concerned about their immigration status or the immigration status of their children may also be fearful of a government survey.
- The bill would require the survey be administered to every family that had a case in the preceding calendar year, even if their case has been closed. These families may not appreciate having ACS following up with them after the case is closed.
- The development, administration, and analysis of a survey of this nature would be very expensive for the City.

We believe that there may be some alternatives to address the intent of this legislation to a) enable parents receiving preventive services a mechanism to provide anonymous feedback to ACS and b) ensure ACS has information from the families about the quality of the services they are receiving. These ideas include:

- Surveying a sample of parents at all of the preventive programs.
- Creating a publicized mailbox (physical and online) for parents to submit comments, concerns and positive feedback to ACS about their preventive program (and then require ACS to provide the City Council with a report on these comments.

3) Int. 1601, a local law to amend the administrative code of the city of New York, in relation to Childstat meetings.

This law would require the ACS Commissioner to coordinate weekly meetings (at a minimum) that includes a comprehensive review of practices in one zone. The legislation is specific about who must attend the meetings (Commissioner, at least one Deputy Commissioner, the borough commissioner for the borough where the zone under review is located, and the director or deputy director of operations for the zone under review. The meeting would be required to look at data indicators and one randomly selected open case. The Commissioner would then need to submit a report to the Council indicating data trends and any agency practices created, reformed or ended as a result of the meetings.

CCC strongly supports the intent of this legislation and we are very pleased that the new Commissioner has returned the ChildStat model to be much more similar to the original model.

That said, we are concerned that the legislation is very prescriptive and does not give ACS latitude to change its staffing pattern, nor the opportunity to for example review closed cases if the agency believed this to be warranted. In addition, while we strongly believe that the Commissioner should attend these meetings, the Commissioner could have an emergency and/or obligation scheduled making attending every week impossible. We would appreciate having legislation that mandates ChildStat, but is a little less prescriptive with regard to who must attend and what must be addressed at the meetings.

4) Int. No. 1607, a local law to amend the administrative code of the city of New York, in relation to requiring the administration for children's service to report more information regarding the caseloads of its front line workers and child safety conferences.

This legislation amends an existing reporting bill (Local law 44 of 2013) to expand the child protective caseload data report to:

- Include caseworkers in the emergency children's services unit, child advocacy centers, and office of special investigation.
- Provide more detailed information about the experience level of caseworkers by breaking down the 1-3 years of experience component in the current law to be "less than 1 year", "up to 1 year," and "over 1 year-up to 3 years."
- Provide median caseloads in addition to average caseloads.
- Include active cases, as well as cases post investigation where the caseworker is still assigned and/or appearing in court.

- Provide the number of caseworkers whose caseloads are over 12 active investigations, rather than the current requirement of 15. In addition, include those who have a caseload of 12 or more active investigations and one or more post-investigation case.
- Include the number of workers in the family services unit providing court ordered supervision, as well as their mean and median caseload sizes.
- Provide the number of case conferences held disaggregated by the type of case, whether there was an emergency removal, and if there was a removal whether the removal took place before or after the child safety conference.

It is critical for the City Council, advocates and New Yorkers to know caseloads for ACS staff, and that they be reported in a manner that shows not only caseload but workload. CCC supports this legislation with the caveat that the Council work with ACS to develop a methodology that accomplishes the goals of the legislation without being overly burdensome.

5) Int. No. 1609, a local law to amend the administrative code of the city of New York, in relation to requiring the administration for children's services to report annually on the aggregate findings and recommendations of its accountability review panel.

This legislation requires ACS to issue an annual report of the accountability review panel findings within 45 days after the end of each calendar year.

Again, CCC support the intent of this legislation. New Yorkers, the City Council and advocates need the opportunity to review the findings and recommendations of the reviews of fatalities of children known to ACS.

We have several concerns with the legislation as drafted:

- The timeline in the proposed legislation will not be manageable for ACS. Forty five days after each calendar year is too soon for ACS to be able to publish a report from the prior year. ACS needs to be able to wait for the findings of the Medical Examiner before completing its intensive review into a child fatality and this often takes longer than 45 days. Similarly, ACS needs some time after receiving the ME report to conduct the work of the panel and then create the findings and recommendations.
- We need to make sure that legislation requiring these types of findings and recommendations be made public does not stymie ACS staff from being inclusive of all findings and recommendations.

CCC suggests that the City Council amend this legislation to require ACS file annual reports (from a timeframe that works for ACS) that includes factors about fatalities, but does not intrude on the accountability review process. For example, the Council could require a report that includes: number of fatalities of children known to ACS; cause of death; age/gender/race/ethnicity of children; and a summary of case practice findings and systemic changes made in response to the cases for the year.

Reso 1462-2017

CCC supports the City Council Resolution 1462-2017, which is in support of the state legislature passing and the Governor enacting Assembly member Hevesi's Home Stability Support program (HSS). HSS would go a long way towards addressing the homelessness crisis by creating a statewide rental assistance program. CCC appreciates the City Council's support, urges the Council to pass the resolution, and we look forward to collaborating in our advocacy efforts to make HSS the law.

Local Law 1374-2016

Finally, CCC also urges the City Council to pass Int. 1374-2016, which would provide details about preventive services utilization by program type. A hearing was previously held on this piece of legislation, which would complement the preventive services legislation being discussed at today's hearing

Conclusion

CCC looks forward to working with the City Council, ACS and the Administration to pass legislation that ACS continues on the course of maintaining and implementing best practices, such as ChildStat and training for preventive service caseworkers, and provides more data to the public about child protective caseloads, preventive service quality, and child fatalities.

Thank you to the City Council for introducing this legislation and for the opportunity to testify.