Testimony of

Stephanie Gendell
Associate Executive Director
Policy and Government Relations

Before the
New York City Council
General Welfare, Women’s Issues and Juvenile Justice Committees

Regarding the
New York City
Fiscal Year 2019 Preliminary Budget

March 27, 2018
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 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 Levin, Rosenthal and King, as well as the members of the City Council Committees on General Welfare, Women’s Issues and Juvenile Justice for holding today’s hearing regarding the City’s Preliminary Budget for Fiscal Year 2019.

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, including his plan to build 90 new homeless shelters while phasing out cluster sites and hotels, improving training for protective and preventive staff, creating new preventive services capacity and expanding free pre-kindergarten to three-year olds.

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. In addition, many New Yorkers are struggling, with immigrants fearing ICE, over 27,000 children living in homeless shelters (many of whom are living in hotels and/or missing school), nearly 1,000 youth aging out of foster care without a family, and thousands of low-income families struggling to find safe, affordable child care.

**Administration for Children’s Services (ACS)**

The Preliminary Budget did not include any new initiatives or new funding for the Administration for Children’s Services. Given the precarious situation that ACS is facing at the state level, with proposed budget cuts of close to $200 million, we understand the need for the City to be prudent about ACS’s budget while this horrendous situation is being negotiated. CCC remains committed to advocating against these state budget cuts and urges our City Council colleagues to do the same.

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. We look forward to seeing new investments in the upcoming Executive Budget.
CHILD WELFARE

ACS has been making tremendous strides in the past year, in large part due to investments in prevention and protection. Foster care is at an all-time low, with less than 9,000 children in care and the use of preventive services continues to increase.

ACS has made a number of key investments this past year. This includes training for preventive services staff, increased preventive services capacity for families with open court cases, the opening of 3 family enrichment centers, the creation of a child well-being division, and created a heightened risk protocol for the highest risk child protection investigations.

The Mayor also signed into law Council Member Levin’s legislation to create an Interagency Foster Care Task Force, which CCC was pleased to be able to participate on. This Task Force made 16 recommendations, 2 of which ACS is working to implement immediately: expanding the use of kinship care and increasing the number of foster children participating in after-school programs.

CCC is concerned about the state budget proposal to cap and cut child welfare services to New York City, which would result in a $149-$161 million cut in FY19, that would theoretically grow every year if the City continues to make new investments to strengthen child protective and preventive funding. While we hope to convince the Governor and the State Legislature to reject this harmful proposal, we also urge the City to maintain ACS’s programming by adding resources in the Executive Budget to hold ACS harmless, if necessary.

CCC appreciates all of ACS’s efforts amidst the challenges ACS faces. We respectfully request that ACS include funding for the following additional investments in the Executive Budget so that it can further strengthen its ability to keep children safe and support families:

1) **Add $5 million in the Executive Budget to ensure all foster children in need of busing to school can have access.**

Two federal laws, the Fostering Connections to Success and Increasing Adoptions Act (2008) and the Every Student Succeeds Act (2015), require local school districts and child welfare agencies to collaborate on a plan to provide, arrange, and fund transportation so that students can remain in their school of origin when they enter foster care or change foster homes, if it is in their best interests to do so. For a number of foster children who are not placed near their school of origin, this requires busing.

For some children in foster care, New York City is fulfilling its obligation. Students in foster care who have special transportation recommended on their Individualized Education Programs (IEPs) typically get door-to-door busing between their foster placement and their school. For other students in foster care, the Department of Education (DOE) will only provide bus service if the student is in kindergarten through sixth grade and can easily be added to an existing bus route. We have been informed that the Office of Pupil Transportation only approves approximately 50% of the requests it receives for foster student transportation.

If no existing bus route is available, transportation is left up to the foster parent or foster care agency. Often, foster parents and foster care case planners are unable to transport children to and
from school every day. Transporting one child to and from a school located far away from the foster home (which may be far away from the foster care agency as well) could easily take a case planner four hours per day, transforming their job into one of a transportation chaperone and making it impossible to perform all of their other required tasks. Without bus service, many young children in foster care are forced to transfer schools even though such a transfer is not in their best interests. When students are removed from their homes and families, school is often the only source of stability in their lives. We urge the administration to meet the legal requirements and do what is best for these students by adding $5 million to ensure busing is available to every foster child in need of busing to and from school.

2) **Ensure all children and youth have been discharged from foster care through KinGAP (Kinship Guardianship Assistance Program) receive subsidy until age 21 when they meet statutory requirements**

Last year, CCC along with many of our child welfare colleagues, advocated for a state law to strengthen and expand KinGAP. This law passed in June and became effective on March 12, 2018.

KinGAP is a permanency arrangement whereby children and youth in foster care can live permanently with a relative who obtains legal guardianship and still receives a subsidy, like adoptive parents and foster parents do. This is a beneficial arrangement for families where reunification and adoption are not options. Relatives and youth sometimes prefer guardianship to adoption because it does not require termination of parental rights.

The law passed last year expanded the definition of kin to include close family friends and neighbors—people who are like kin but are not related by blood, marriage or adoption. In addition, the law now enables the subsidy be provided until the child turns 21, regardless of the age at which the guardianship proceeding was concluded. Under the prior law, those whose KinGAP agreement was finalized before age 16 only received the subsidy until age 18.

CCC understands that the current financing arrangement results in the state not providing the city with any support for KinGAP because the subsidy payments come out of the foster care block grant. We have spent many years advocating for a separate funding line, with state support, for KinGAP. We will continue to do this.

While the state law only requires the subsidy to continue until age 21 for all youth after the effective date of March 12, 2018, the statute regulations give localities the discretion to amend the agreements to continue the subsidy until age 21 for those who entered an agreement under age 16 before the new law went into effect. While we would of course appreciate state support, we urge New York City to take this option and provide KinGAP until age 21 for all eligible youth.

3) **Implement Additional Recommendations of the Foster Care Task Force**

CCC is grateful to the City Council, ACS, and all of the members of the Interagency Foster Care Task Force, especially the youth and parents, who worked collaboratively to develop critical and important recommendations to improve the well-being of children in foster care. CCC stands ready to help at the City level and advocate at the State level to ensure all 16 recommendations
are implemented. This will include continuing to advocate for statutory enhancements to the child welfare housing subsidy bill, for ACS and DHS to collaboratively finds ways for foster children to visit their parents living in homeless shelters, and to expand foster youth and former foster youth access to behavioral health services.

**JUVENILE JUSTICE**

CCC appreciates the City’s leadership in helping to advocate for the passage of legislation to Raise the Age of criminal responsibility and in implementing the effective Close to Home program. We understand that the State budget is currently threatening to cut all funding for Close to Home ($41.4 million) while also failing to provide the City with any new resources to implement Raise the Age despite an estimated cost of $200 million to implement (not all costs would be borne by ACS). As with the proposed child welfare cut, CCC is advocating as strongly as possible that the City receive state support for its juvenile justice system, which will shortly include 16 and 17-year olds.

We know that the de Blasio administration and ACS have been working very hard and collaborating with many partners, including CCC, on the implementation of this very comprehensive law. We are grateful to the City for all of this effort. That said, we are deeply concerned with the City’s plan is to use both ACS and Department of Corrections (DOC) staff to supervise 16 and 17 year olds in ACS detention facilities for approximately two years.

While CCC appreciates that ACS will have case-planning responsibilities and that ACS and DOC are jointly creating a vision for the operation of the facility with the intent of a youth-centered model, these measures cannot mitigate the risks of using DOC staff to oversee 16 and 17 year olds. CCC is concerned that even if ACS transitions to primary staffing after 24 months, the negative culture that dominates at Rikers will be replicated in the new facilities, a damage that will be extremely difficult to undo and which risks contaminating the culture at ACS and the youth they serve, including the younger children.

The mistreatment of adolescents in DOCs is well documented and has not changed. As recently as October 2017, the independent court-appointed monitor for *Nunez vs. City of New York* documented continued appalling conditions for youth at the hands of DOC staff, including the observation that “serious and problematic issues involving Staff use of force continue in an unabated fashion.”\(^1\) The monitor report notes that “[t]he cultural dynamic that permeates so many encounters between Staff and inmates in DOC is quite simply a consequence of Staff actions and behaviors that too often engender, nurture, and encourage confrontation.”\(^2\) Such encounters involved leadership noting a “disturbing” number of captains who were involved “frequently” and “repeatedly” in concerning use of force incidents.\(^3\)

---

2. Id.
3. Id.
One of the core purposes of Raise the Age was to give youth the benefit of a juvenile experience instead of the Rikers experience. All of the great work ACS has done in its detention facilities, is exactly why it is so concerning to bring DOC staff to ACS detention facilities. Removing youth from Rikers Island but failing to remove youth from the direct control of Rikers Island staff would be a terrible misstep. In short, we do not want to simply move Rikers to Horizons.

CCC appreciates the need for urgency in planning for the implementation of Raise the Age and we understand the enormous challenge of hiring and training sufficient staff to handle expanded capacity in youth facilities. **CCC urges the City nonetheless in the strongest terms to reconsider its decision to have DOC staff in juvenile detention facilities.**

CCC believes that if the City truly wants to ensure that ACS has juvenile justice counselors employed by ACS by the October deadline, hiring this staff is entirely possible if it is a priority. The City was able to find and train staff in an expedited manner for its prekindergarten classes. In this instance, the City could either put out an emergency test and list or contract out the services to a juvenile justice provider with this type of experience.  

**CCC urges the City Council to strongly oppose the City moving DOC staff from Rikers to ACS detention facilities and to take steps to prevent the administration from proceeding in this manner.**

### EARLY CHILDHOOD EDUCATION

Access to high-quality early childhood education is critical for all parents, and especially for low-income families so that parents can work and young children can receive the developmentally stimulating well-known success that has been a proven return on investment. CCC appreciates the commitment from the de Blasio administration to ensure every four-year old has access to full day Pre-K and to begin to expand this to three-year olds.

The Preliminary Budget proposes to expand 3-K for All by increasing the number of new districts opening this fall and next, from two to four in both years, which creates 3,166 new seats in the next two years. The Preliminary Budget includes significant increases, starting with $38.3 million in FY20 for this. In addition, the Preliminary Budget includes a capital investment to create 432 new Pre-K for All seats in Corona and the Upper East Side. CCC supports these investments.

CCC also recognizes that the early childhood system in New York City is in the process of undergoing a large transition, with the EarlyLearn contracted subsidized child care system, serving approximately 33,000 children ages 0-4 in center-based and family-based care. That said, we believe it is critical that addressing the needs of the early childhood system not be delayed pending the transition.

---

4 Westchester County contracts out secure detention to Leake and Watts (and soon Children’s Village.)
1) Establish Salary Parity for Early Educators and Ensure a Smooth and Positive Transition of EarlyLearn from ACS to DOE
Perhaps the biggest challenge still facing the early childhood education system is the lack of salary parity between teachers in early Community-Based Organizations (CBO) and DOE teachers. CBO early childhood teachers earn significantly less than DOE teachers with the same level of education, with first-year BA-certified CBO teachers earning approximately $14,000 less and MA-certified CBO teachers earning approximately $15,000 less compared to DOE teachers. This salary disparity widens over time. For example, a certified teacher with a BA and eight years of experience would earn $74,207 at the DOE, but the same teacher would earn $44,065 in a community-based program.  

Notably, the job is the same except that the teachers in CBOs also work from 3-6 PM and during the summer months, meaning that the CBO staff earn less money while working more hours. This has caused challenges for CBOs as their experienced staff continue to leave for jobs in DOE schools. As the administration creates new Pre-K and 3K classrooms in schools (which we in theory want to see), there are more opportunities for CBO staff to work for the DOE, further compounding the problem. It is in the best interest of system stability, the workforce, the children, and communities served to achieve salary parity.

CCC urges the Administration to address income inequality in the early childhood system and by creating salary parity for early childhood professionals.

2) Increase capacity to serve more infants and toddlers and ensure DOE is prepared to serve children 0-3
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.  

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 and toddlers.

3) Make all homeless young children living in shelters categorically eligible for child care.
There is no question that homeless children under 5, living in shelters could benefit from participating in an early childhood education program. While ACS has given eligible homeless children priority for child care, the parents still need to be working or otherwise eligible. Given the instability in the lives of homeless parents and their children, we believe that these children should be categorically eligible by virtue of living in a shelter, which is allowed under federal and state law.

---

CITY COUNCIL FUNDED INITIATIVES RELATED TO ACS

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

Child Welfare and Domestic Violence
- $7.805 million for Domestic Violence and Empowerment (DoVE) Initiative
- $1.95 million for Supportive Alternatives to Violent Encounters (SAVE)

Criminal Justice Services/Juvenile Justice
- $6.407 for Alternatives to Incarceration programs
- $1.4 million for a Bail Fund
- $1.71 for the Center for Court Innovation
- $1.35 million for the Initiative to Combat Sexual Assault, which includes child advocacy centers
- $1.0 million for Support for Victims of Human Trafficking
- $600,000 for video visitation for incarcerated persons’ families in public libraries

Early Childhood Education/Child Care:
- $9.855 million for Discretionary child care programs
- $4.242 million for the City’s First Readers Initiative (DYCD)

Department of Social Services (DSS, HRA and DHS)

Today’s Preliminary Budget hearing comes at a time when homelessness remains at crisis levels in New York City. According to DHS’s Daily Report, on March 21, 2018 there were 12,708 families with 22,627 children sleeping in DHS homeless shelters.7 Homeless families with children comprise 70% of all of the homeless in New York City.

The only Preliminary Budget proposal to attempt to address homelessness is $2.16 million for a Basement Apartment conversation program. In addition, the Preliminary Budget includes another shelter re-estimate adding $150 million for single and family shelters. While we certainly want to ensure that all homeless New Yorkers have shelter, we are concerned that the only significant investment in the Preliminary Budget to address homelessness is more money for shelter.

While we appreciate the administration’s commitment to increasing purpose-built shelters (including the creation of 90 additional shelters) and moving to a borough-based placement system, to date only 10 of the 90 new shelters have opened, leaving the City behind schedule.8 At the same time, the City has begun to remove cluster site apartments from the DHS shelter system. Thus, with fewer cluster sites and insufficient new capacity in purpose-built shelters, the use of hotels has increased. In response to Council questioning, the City revealed it is spending

---

7 Department of Homeless Services Daily Report. March 21, 2018

$364 million annually on hotel rooms for the homeless. This is up from $102 million in 2016. While we do not know how many homeless families with children are living in hotels, we know the number is growing. This is all the more concerning because families with children had an average length of stay of 414 days in FY17, well over a year.

The dearth of purpose-built shelter capacity 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.

A recent report by the New York City Comptroller’s Office documented that students in homeless shelters had the highest rates of absenteeism. Fifty-eight percent of the DOE’s homeless students – 19,000 students – were chronically absent. These students were absent an average of 41.6 days of the 178-day school year. The DOE is required to contact parents on the first day of each separate absence occasion, but the audit found that the DOE did not attempt to contact the family on the first day for 92% of these students’ absences, and the DOE never made an attempt to contact the family in 75% of these absences.

A recent report by CCC and Advocates for Children (AFC) provided additional findings and recommendations for homeless students. As we reported, for students living in shelters, 53% missed more than a month of school in unscheduled absences. The educational outcomes for these students are extremely low, with 3rd through 8th grade proficiency rates at 15% for ELA and 12% in math. Additionally, 10% of middle and high school students living in shelters were suspended from school.

---

13 Id.
14 Id.
15 Id.
17 Id.
18 Id.
In short, this frightening data demands that the administration take additional measures in the upcoming Executive Budget to better prevent homelessness, promote the well-being of children in the shelter system and better support families after they leave the shelter system.

CCC is co-convener of the Family Homelessness Coalition, which has submitted a number of recommendations to the administration which we hope to see funded in the Executive Budget. These include:

- Prevent homelessness for domestic violence survivors who are homeless or at risk of homelessness by implementing an alternative to shelter model that assists survivors to remain safely in place by providing supports such as financial assistance and safety planning.

- Develop Service-Enriched Affordable Housing Models Targeted to Homeless Families

- Create a 15-year project-based rental voucher for homeless families with children, with the possibility of renewal at the end of the 15 year-term.

- Invest in trauma-informed care and training for all staff at homeless shelters and intake sites.

- Intentionally connect homeless children to Early Intervention, Early Childhood Education, and After-school and summer programs.
  - Children in homeless shelters would benefit from participation in these programs, but often face numerous barriers to enrollment. The administration has been intentional about reaching out to 4-year-olds to enroll them in pre-kindergarten and should follow the same model for all early childhood and after-school programs. In addition, ACS and DYCD recently entered into an MOU to intentionally connect foster children to after-school programs. CCC applauds this and urges the administration to replicate this for school-age homeless children.

- Take a multi-pronged approach to improve outcomes for homeless students. CCC and Advocates for Children estimate that the cost of the following five priorities would be $30.3 million – a $10.3 million restoration and an additional $20 million.
  - Restore and baseline the $10.3 million for Bridging the Gap support services for homeless students, which includes 43 social workers in schools with high rates of homeless students. In response to the media inquiries from the Comptroller report and the AFC/CCC report, the administration has tried to explain efforts in place to support homeless students, in large part by explaining the value of the 43 social workers in the schools with high rates of homelessness. It is therefore baffling that the administration has not baselined this funding and has made it subject to the budget dance over the past two years. In addition to the lack of logic in funding this initiative for the past three years one year at a time, it is destabilizing to the social workers themselves to not know whether they will have a job after June and to the homeless students developing relationships with
the social workers to not know if they will be back in the fall. The Bridging the Gap initiative must not be subjected to the budget dance.

- **Expand the Bridging the Gap social worker program from 43 to 100 social workers at schools with high rates of students living in homeless settings.**

- **Create a Deputy Chancellor’s Office for Highly Mobile Students.** Currently there is no high-level leadership within the DOE to focus on highly mobile students, such as foster children and homeless children, who need both additional supports and coordination. Creating a Deputy Chancellor level office will help provide the focused attention of DOE leadership to be the champion for this vulnerable population of students.

- **DOE should hire Field Support Center Directors for Highly Mobile Students.**

- **DOE should hire 50 social workers to provide intensive support at shelters to address education-related issues.** Students who live in shelters would greatly benefit from DOE social workers within the shelter environment. These social workers can help address many of the barriers to student success unique to the shelter environment, including addressing barriers to transportation, absenteeism, communication with student and family, and academic support. There are currently approximately 117 DOE Family Assistants who work in shelters, but these Family Assistants are not social workers and cannot provide the type social-emotional support and advocacy that is needed. At a minimum, the DOE should transition the Family Assistant role to social workers as staffing replacements are needed and as new shelters open.

- **In addition, CCC believes that the City could save money by providing parents of homeless elementary school students and pre-kindergarten students with monthly MetroCards rather than weekly MetroCards.** Currently, while transportation is being arranged for homeless elementary school students to attend their home schools, their parents can receive weekly MetroCards. Homeless pre-kindergarten students are entitled to transportation by law, which is currently addressed via MetroCard only (no busing). In both instances, parents must go to a DOE office or find a Family Assistant at the shelter or hotel to provide them with a new MetroCard every week. Four weekly MetroCards is more expensive than 1 monthly MetroCard. We therefore strongly urge the City to alleviate some of the transportation challenges (while saving money) by providing monthly MetroCards to the parents.
• While we seek to reduce the use of hotels, we must address conditions in them to make them more humane while children and families continue to reside there by:
  o Eliminating the practice of requiring families in hotels to move rooms every 29 days.
  o Ensure families in hotels have access to laundry.
  o Ensure families in hotels have access to high quality, palatable food that meets the needs of clients with special dietary restrictions. Note that homeless families in hotels do not have kitchens and are unable to store food in their hotel rooms. Creative ways to bring food to families in hotels, such as vans, must be explored.
  o Create space in the hotels for children to play and for families to have visitors during specified hours.

• Restore and where appropriate baseline City Council Initiatives including:
  o $1.0 million for Children and Families in the NYC Homeless System Initiative
  o $820,000 total for the Citywide Homeless Prevention Fund
  o $3.65 million for Community Housing Preservation Strategies
  o $450,000 for Financial Empowerment for NYC’s Renters
  o $1.0 million for the Mortgage Foreclosure Prevention Program
  o $2.5 million for Stabilizing NYC, a citywide coalition to prevent the loss of affordable housing

Food and Economic Security (HRA/DSS)
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.

CCC was extremely disappointed that the Preliminary Budget did not maintain the $7.23 million for the emergency food assistance program (EFAP) that the administration added to last year’s adopted budget. This leaves the EFAP budget at a mere $8.2 million baselined. CCC renews our call to fund EFAP at $22 million, which would include a $7.23 million restoration and an additional $6.57 million. We urge the administration to include this funding in the Executive Budget.

We also urge the Administration to restore and where appropriate baseline the following City Council initiatives:
• $930,000 for Access to Healthy Food and Nutritional Education, which includes restorations for EBTs in Farmers’ Markets
• $725,000 for the Food Access and Benefits Initiative
• $4.0 million for food pantries
• $2.8 million for the Anti-Poverty Initiative
• $3.048 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 state and federal levels. 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.