Testimony of

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Oversight Hearing: Administration for Children’s Services

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Good afternoon. My name is Meryleen Mena and I am the Policy and Budget Analyst at Citizens’ Committee for Children of New York, Inc. (CCC). CCC is a 75-year-old independent, multi-issue child advocacy organization dedicated to ensuring that every New York child is healthy, housed, educated, and safe.

Thank you Chair Stephen Levin and all the members of the General Welfare Committee for holding today’s oversight hearing on the Administration for Children’s Services (ACS). The bills reviewed today take critical steps towards ensuring child safety and permanency. In this hearing, I will highlight what CCC views as three priorities: first, prioritizing child safety, second, strengthening families and keeping them together when possible, and last system accountability and reporting to better meet the needs of children and families.

We are here today as advocates and stakeholders first and foremost to protect the well-being of children that come into contact with the child welfare system. Last year, ACS investigated nearly 60,000 cases of child abuse and neglect and served over 25,000 children and families, through community-based preventive services programs. It’s important to note that Black and Latinx children are over-represented in the foster care system, making upwards of 84.5% of the population despite being 51% of the total population in New York City. In addition, Black and Latinx make up nearly 80% of investigated cases of child abuse and neglect. Moreover, over 70% of cases under ACS’s purview are cases linked to economic insecurity, resulting in neglect due to unmet medical, food, shelter, education, and other basic needs.

CCC’s research suggests that the most effective child welfare system is one that prevents abuse or neglect from occurring in the first place. An effective child welfare system also prevents the need for foster care when there is risk by providing services that support families. Supporting families during a time of vulnerability prevents the trauma of removal while also strengthening a family’s ability to provide a safe home for their child. To that end, CCC’s advocacy has focused

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on ensuring that child welfare financing supports preventive services. However, when a child is in danger, there must be a proper system in place to protect them. When CPS investigations are necessary, we must ensure that the system can respond in a manner that minimizes further trauma and harm to the child or children.

Allegations of abuse and neglect are serious and child safety is the agency’s first responsibility. At the same time, parents’ rights are critical and must be protected as an additional measure for child and family stability and well-being. Child protective services investigations can have long-term consequences for a parent or caregiver and their child or children. For these reasons CCC supports parents’ rights to legal representation. Without question, it is imperative for families to know their rights, and in particular, the right to counsel; it is a right that families of greater means would undoubtedly exercise, and yet, we know that families who come into contact most frequently with ACS do not equitably exercise this right due to limited means.

As it relates to Int. 1728, CCC has significant concerns about the logistical feasibilities and challenges to implementation despite the positive intent of the bill. Several partners and ACS have raised concerns regarding the potential of this bill to dramatically change the nature of ACS involvement by making the investigation process more adversarial and potentially resulting in greater numbers of removals and compromised safety as well as permanency goals.

And yet, research examining the combined use of peer advocates, social workers and attorneys in interdisciplinary teams to represent parents has demonstrated positive outcomes in child welfare cases. Recent studies suggest that in child welfare cases, a parents’ access to high-quality interdisciplinary teams, including legal counsel, significantly reduced the amount of time children spent in foster care, and was a strong predictor in the likelihood of families staying together, without compromising child safety. Perhaps best practices can be replicated in these efforts with greater examination. Moreover, it is our understanding that this model of family/parent representation during an investigation has been tried in New York City between 2004 and 2005 and demonstrated promising results. Recently, City Council has funded a pilot that also supports early access to legal representation. CCC urges careful review of findings and outcomes from early and current models to inform how the bill might be strengthened. Unfortunately, the bill as written has numerous challenges that must first be clarified.

As it relates to Int. 1728, we humbly ask the Committee to consider the following:

- When and by whom would counsel be assigned?
- What would be the duration of the representation?

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• What protections and assurances will be put in place to ensure timely fact finding?
• Who holds these contracts? CCC strongly believes that the responsibility of counsel should sit with an independent entity outside of ACS.
• Who gets to bid for these contracts? It is imperative that there be a standard of expertise required in both child welfare and family court policy for contracts to be awarded.

Similarly, regarding Int. 1715, while CCC supports the right to representation at fair hearings, the bill as currently written is vague and would benefit from further clarification in definitions related to “brief legal assistance”. Moreover, as is the case with Int. 1728, CCC strongly recommends that any counsel services be delivered by an independent entity outside of ACS to avoid any conflict of interest.

CCC has a long history in fact-based advocacy and data-driven methods. We support policy that is grounded on data and support the use of publicly available data to inform policy. To this end, we support bills (Int. 1716, Int. 1717, and Int. 1727) that build on greater systems of accountability and reporting.

Additionally, we strongly support policy that promotes the dissemination of information to parents and caregivers, including ensuring that all verbal and written communications are accessible and address language barriers (Int. 1718, Int. 1729, Int. 1736, and Resolution 736). CCC also support efforts to inform children of their rights in language that is age-appropriate and accessible to them.

Additionally, we support Resolutions: 1057 and 1066, which focus on the expunging of records from the State Central Register (SCR) for cases that were dismissed in family court, and to reduce the length of time parents and caregivers remain on the SCR list, respectively. SCR reform is good for families and communities. New York currently has the lowest standard to substantiate an allegation of child abuse and maltreatment: only “some credible evidence.”

CCC looks forward to continued partnering with the Council to improve outcomes for families and children in the child welfare system.

Thank you for the opportunity to testify.

Respectfully,

Meryleen Mena, Ph.D.