

NEW YORK STATE
A S S E M B L Y

SHELDON SILVER, SPEAKER



committee on
Children and Families
William Scarborough, Chair



Annual Report 2010

THE ASSEMBLY
STATE OF NEW YORK
ALBANY



WILLIAM SCARBOROUGH
Assemblyman 29th District

CHAIRMAN
Committee on Children and Families

COMMITTEES
Banking, Corporations, Authorities and
Commissions, Corrections, Ways and
Means

Honorable Sheldon Silver
Speaker of the Assembly
State Capitol, Room 349
Albany, New York 12248

December 17, 2010

Dear Speaker Silver:

As Chair of the Assembly Standing Committee on Children and Families, it is my distinct pleasure to submit to you the 2010 Annual Report. This year, the Assembly has continued its commitment to improving outcomes for New York's children and families. The Committee put forward important policy initiatives this year including: helping counties maximize the use of alternative to detention programs, providing a notification period to families facing a loss of child care and helping adoptive families' access critical services.

In light of the \$9.2 Billion deficit facing the State, and the initial lack of Federal funding, the Executive proposed deep cuts, including the elimination of Temporary Assistance for Needy Families (TANF) funding for many essential programs. As a result of additional TANF dollars made available this year by the Federal government, the Legislature was able to restore much of this funding. Despite the budget shortfall, the Legislature also approved continued funding for many core programs including: child care, foster care, and adoption subsidies.

This year, the Committee put great focus on the need for reform in the State's juvenile justice system. The 2009 Department of Justice report found violations of youth rights in four facilities operated by the Office of Children and Family Services (OCFS). This year, a settlement agreement was reached between the Department of Justice and the State outlining corrective actions to be taken, including reducing restraints and improving mental health care for youth in placement. During this process, the Committee was actively engaged with OCFS regarding potential outcomes and a plan for implementation of the settlement agreement. In the 2011 session, the Committee will continue to examine solutions to problems pervasive throughout the State's juvenile justice system.

In closing, I would like to express my appreciation to you, the members of the Committee and the many hard-working advocates across the State for continuing to support these efforts.

Sincerely,

A handwritten signature in cursive script that reads 'William Scarborough'.

William Scarborough
Chair
Committee on Children and Families

TABLE OF CONTENTS

I. INTRODUCTION.....4

II. SUMMARY OF COMMITTEE ACTION

A. CHILD CARE.....6

1. Legislative Initiatives.....6

 a. Notification of Child Care Center Closures.....6

 b. Child Care Standards7

 c. Cardiopulmonary Resuscitation Training.....7

2. Budget Initiatives8

B. JUVENILE JUSTICE/YOUTH PROGRAMS8

1. Legislative Initiatives.....9

 a. Parent Notification.....9

 b. Maximizing the Use of Alternative to Detention/Placement Programs.....10

2. Budget Initiatives11

C. CHILD WELFARE12

1. Legislative Initiatives.....12

 a. Notification of Post-Adoption Services12

 b. Codification of Youth in Progress (YIP)13

 c. Foster Care Re-entry13

2. Budget Initiatives14

III. PUBLIC HEARINGS AND REPORTS.....16

A. COMMUNITY SERVICES BLOCK GRANT16

B. ADULT PROTECTIVE SERVICES.....16

C. PREVENTIVE SERVICES.....17

D. SENIOR CENTERS.....17

APPENDIX A19

APPENDIX B20

APPENDIX C21

**2010 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CHILDREN AND FAMILIES**

**William Scarborough
Chair**

Committee Members

Majority

Carmen E. Arroyo
Inez Barron
Karim Camara
Nelson Castro
Barbara M. Clark
Vanessa Gibson
Ellen Jafee
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Joseph A. Errigo (Ranker)
Tom Alfano
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Committee Staff

Robyn Montgomery - Chief of Staff
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Giovanni Warren – Assistant Secretary for Program and Counsel
Naomi Golden - Legislative Analyst
Karlton Jarrett - Legislative Counsel
Katie L. Birchenough – Committee Assistant

I. INTRODUCTION

The Assembly Standing Committee on Children and Families, established in 1975 as the Committee on Child Care, has jurisdiction over all legislation affecting: 1) child welfare, including foster care, preventive services, and adoption; 2) child care; 3) juvenile justice, including youth development and delinquency prevention programs, Persons in Need of Supervision (PINS), and the detention and placement of adjudicated youth; and 4) other services and programs for children and their families, including Family Court processes.

In New York State, there are 62 counties and 58 local social services districts. Each county represents a local district, with the exception of New York City which operates as one district for all five counties. The Office of Children and Family Services (OCFS) oversees local district provision and administration of child welfare, child care, youth programs, adult protective and other publicly funded services for children and families. In New York City, the Administration for Children's Services (ACS) is responsible for the provision and administration of child welfare services, juvenile justice services and child care assistance.

Each local social services district is required by law to provide child protective services, preventive services where a risk of foster care exists, and foster care services for children who are at imminent risk in their own homes. After a child protective investigation, a district will make a determination regarding the need for preventive services, as well as foster care. The district may provide preventive and foster care services directly, or through contract with a private not-for-profit agency. Preventive services may help the family avoid foster care, or help a child to return home from foster care. Such services may include counseling, drug treatment and home management skills.

If a child is placed in foster care, such decision must be affirmed by a Family Court judge in an Article Ten proceeding. The court will also determine whether the local district has made reasonable efforts to reunite the child with his or her family, and set forward a permanency goal for the child. Foster children may reside in a variety of settings, including foster family homes, group homes and residential institutions. Foster parents receive subsidy payments, made up of Federal, State and local funds and issued by the local social services district. As of December 31, 2009 there were 24,605 children in foster care statewide. 63.6% of these children are in foster care in New York City.

Local social services districts also issue subsidy payments to child care providers on behalf of low-income families eligible for child care assistance. This assistance is made up of Federal, State and local funds and helps families maintain employment while their children are being cared for in a safe environment. Outside of New York City, child care providers are licensed and certified by OCFS, which also conducts inspections to ensure compliance with State regulations. In New York City, the New York City Department of Health and Mental Hygiene is the licensing agency for child care providers, while ACS contracts with and issues payments to providers. These payments may also come in the form of a voucher given directly to the eligible family. Statewide, child care is provided in a variety of settings such as child care centers, group

family day care home and family day care homes. Informal child care is also available statewide, for providers that serve no more than three children, or serve children for no more than three hours a day. These providers are not required to be licensed.

The juvenile justice system in New York State is comprised of State, local and privately operated programs for youth. OCFS operates secure, limited-secure and non-secure juvenile justice facilities, where adjudicated youth may be placed by the Family Court as juvenile delinquents or juvenile offenders. Currently, OCFS operates twenty-two such facilities statewide. The number of youth placed in OCFS operated facilities is trending downward. On June 30, 2008 there were 1,211 youth in care. One year later this number was 946. Most recently, as of October 12, 2010 there were 681 youth residing in OCFS operated facilities. Youth may also be placed by the Family Court in a private voluntary agency, contracting with either the local social services district or OCFS. As of June 30, 2010 there were approximately 1,500 youth placed in voluntary agencies as juvenile delinquents. OCFS also provides after-care services to youth leaving placement, based in thirteen Community Multi-Services Offices statewide. Each youth leaving placement in an OCFS operated facility receives after-care services to help with the transition back into the community.

Localities also operate and provide juvenile justice programs and services. Prior to adjudication or placement, youth often remain in their home county in a county operated detention facility for a limited period of time. Counties also operate or contract with providers for non-mandated services for youth involved, or at risk of involvement, in the juvenile justice system. These programs include alternatives to detention and residential care, where an at-risk youth may receive services such as supervision and counseling. While the State provides funding for alternative programs, the number and types of programs available vary statewide.

II. SUMMARY OF COMMITTEE ACTION

CHILD CARE

The availability of child care is tied to both the social and economic development of New York State. Quite often, the child care expenses for a family of four can exceed the cost of food, rent and other household expenses, resulting in the cost of quality child care becoming the single largest expense in the family's budget. The Committee on Children and Families has continued to stress the critical need for accessible, affordable, safe, and quality child care. Parents must have reliable child care in order to maintain their employment, and young children need quality settings for appropriate educational and social development. This year, the Assembly advanced significant legislation that will enhance the quality of child care, while also making it more accessible and safer for children of low-to moderate-income families.

Legislative Initiatives

Notification of child care center closures (A.3065-C, Benjamin; Chapter 462)

Many working parents depend on regulated child care to provide a stable, quality setting for their children. Such care is essential in allowing parents to maintain employment, and for providing a healthy environment for children to develop and learn. In recent years, many child care centers in New York City have been closed for economic reasons. Many of these centers were located in low-income neighborhoods, serving families receiving child care assistance. Families impacted by such closures often face uncertainty about their ability to find child care and maintain employment. Providers also face uncertainty about their ability to find new employment. The loss of child care may bring about a loss of workforce, a greater reliance on public benefits and more families in crisis.

This year, the Administration for Children's Services (ACS) announced the closure of fifteen additional child care centers. Parents and providers were concerned regarding the lack of notification for these closures. Fortunately, local funding for many of these centers was restored, and at the present time most of them remain open. Yet, as New York City continues to face a child care budget deficit, a formal notification process is vital to families who are impacted by reductions in child care services.

Acknowledging the turmoil such child care center closures create, a bill was signed into law this year which establishes a six month notification period before the Administration for Children's Services may close a child care center for which it has a contract. Important exceptions are made, such as if a center is to be closed for violations of regulations, health and safety issues, breach of contract, criminal behavior or revocation of a license. This law balances the needs of families and child care providers with child safety, while leaving flexibility for New York City to manage its child care programs.

Child Care Standards (A.8827-A, Scarborough; Chapter 117)

In May 2007, Governor Spitzer signed Executive order twelve, permitting the unionization of home-based child care providers in New York State. The United Federation of Teachers (UFT) became the union for home-based providers in New York City, while the Civil Services Employee Association (CSEA) organized providers throughout the rest of the state. Since these actions took place, child care representatives have been negotiating with the Office of Children and Family Services (OCFS) for child care policies which better meet their needs as providers. The result was a bill, signed into law this year, which seeks to provide access to quality child care while ensuring that providers are held accountable for meeting appropriate safety standards.

This law will provide greater access to child care by permitting group family day care homes to provide care to more children. The number of slots is increased from ten to twelve. The provider is now permitted to care for four, rather than two, additional children if those children are school-aged. The provider may also care for nine children, rather than seven, without an assistant present. Safety is not compromised, as the law maintains the requirement that one caregiver be present for every two children under the age of two. This requirement is also added to family day care home settings.

Provisions of the law remove certain administrative requirements. For providers who stay in substantial compliance with regulations, initial licenses will now be valid for two years, and subsequent licenses will be valid for a period of four years, rather than two. Providers who do not care for infants will also be excused from the requirement to partake in training on shaken-baby syndrome.

While the law makes changes to non-safety related requirements, it also increases standards related to vital health and safety issues. The law removes the ability of a provider to escape a penalty for a very serious violation through corrective action. Categories of serious violations are expanded to include injuring a child in care, failing to obtain necessary medical attention, using corporal punishment, failing to report suspected child abuse or maltreatment and forging a document. Further safety measures include forbidding a new license where one was revoked in the previous two years, and permitting OCFS to suspend the eligibility of an informal unlicensed child care provider to receive child care assistance, where the provider is the subject of a report of child abuse or maltreatment.

Cardiopulmonary Resuscitation (CPR) Training for Child Care Providers (A.7923, Scarborough; Chapter 334)

Many parents depend on professional child care to safely care for their children while they cannot. Despite the safety measures required for licensure or certification, incidents may occur which require immediate action to protect the health of a child. CPR may be necessary in such emergency situations. Under State regulation, only providers who are authorized to administer medication must be trained in CPR. Regulations do not require however, that someone be trained in each child care program.

This bill would require that at least one employee at a family day care home, group family day care home, school age child care program, or child care center be trained and certified in CPR. Such training enhances the safety of child care centers and homes, and does not impose an overwhelming burden on providers or the State to fund a large amount of additional training.

Budget Initiatives

Child care subsidies provide low-income families with access to quality child care. The Assembly has found that child care assistance is most successful when a dedicated, stable funding source is provided from year to year. Therefore, each year the Assembly works to ensure that an appropriation is carved out of existing flexible funding to support child care subsidies. This year, the amount of Temporary Assistance for Needy Families (TANF) funding dedicated to child care subsidies was held constant at \$393 million.

The Executive budget proposed eliminating certain vital child care programs important to families struggling to maintain self-sufficiency. Child care demonstration projects, located throughout New York City, the Capital Region and Monroe County, serve families up to 275% of the poverty level and make enrollment in child care easier and more efficient. The Assembly was able to restore funding to these programs in the amount of \$5.26 million.

The Legislature took further action to ensure that essential child care programs are preserved by restoring partial funding for SUNY and CUNY Child Care. The Executive proposed to eliminate funding for these programs, which provide child care to low-income college students so that they are able to obtain an education. Additionally, \$5 million was added to support the United Federation of Teachers (UFT) and Civil Services Employees Association (CSEA) to assist home-based providers in meeting training requirements and improving the quality of care. The Legislature also approved Article VII language proposed by the Executive to authorize child care unions to deduct fair share payments from non-member providers for services rendered.

JUVENILE JUSTICE/YOUTH PROGRAMS

The Committee has jurisdiction over issues facing families and youth at every stage in the juvenile justice process. Policies concerning preventive services, alternatives to detention and placement programs, treatment of youth in care and after-care supervision all fall under the Committee's purview. The Committee has continually emphasized the need for an integrated, community-based approach in order to prevent youth from being placed in State run facilities. For those who must be placed, the Committee traditionally supports a rehabilitative approach to treatment while in care, and intensive after-care services so that youth can effectively and safely integrate back into their communities.

This year brought about great discussion on the need for reform in the State's juvenile justice system, most notably the treatment of youth in placement with the Office of Children and Family Services (OCFS). In August of 2009, the U.S. Department of Justice (DOJ), Civil Rights Division released a report outlining findings of violations of youth rights in four OCFS facilities; Louis Gossett (now called Finger Lakes Residential Center), Lansing Residential Center, Tryon Girls Residential Center and Tryon Boys Residential Center. These included use of excessive

force, inappropriate use of restraints and inadequate mental health treatment for youth in care. Federal law requires that the State cooperate with the Department in order to reach an agreement on corrective actions, otherwise a lawsuit may be filed against the State. Negotiations to reach an agreement were ongoing between OCFS and the DOJ throughout the 2010 legislative session. In July of 2010, a settlement agreement was reached outlining certain reforms to take place within the four facilities under investigation. These include: limiting instances when restraints may be used, better procedures for investigating staff misconduct and enhanced mental health care training for staff. Two Federal monitors, chosen by OCFS and DOJ, will monitor and assess progress and compliance with the terms of the settlement.

Throughout the negotiation process, the Committee was active and engaged with OCFS regarding potential outcomes. The Committee has met continuously with stakeholders in the field, including non-profits, advocacy organizations and representatives of the Family Court to come up with solutions to problems pervasive throughout the juvenile justice system. Of great interest is that meaningful reform take place, not only in the four facilities involved in the DOJ investigation, but for youth in placement in all OCFS facilities.

In September of 2008, the Governor's Taskforce on Juvenile Justice was formed. The Taskforce consists of experts in the field of juvenile justice, who were tasked with identifying problems in the system and solutions for reform. The Taskforce released a report in December of 2009 with recommendations for an effective juvenile justice system. Some of these include: downsizing or closing underutilized facilities, expanding alternatives to detention and establish an independent oversight body. With these recommendations in mind, the Assembly passed legislation this year to establish an independent Office of the Child Advocate to oversee and monitor publicly funded juvenile justice programs. The Child Advocate would identify systemic problems in the juvenile justice system and make recommendations for reform. This legislation passed both houses, and was vetoed by the Governor who cited fiscal and technical issues with the bill.

Other legislative priorities and budgetary actions taken in the 2010 session reflect the desire to improve the circumstances of youth in the juvenile justice system. These stem from the findings of the DOJ investigation, the recommendations of the Taskforce and the Committee's own work on juvenile justice issues.

Legislative Initiatives

Parental Notification (A.4616-A, Perry; Passed Assembly)

Teenagers often depend on their parents or caregivers for financial, emotional and moral support. Parents can help a youth navigate the difficulties of becoming an adult, including avoiding behaviors that may lead them into the juvenile or criminal justice systems. In order for a parent or caregiver to provide such guidance, he or she must be aware of the challenges the youth is experiencing. If that challenge includes an arrest, it can be vital that a parent step in to help the youth prevent future involvement with the law.

Under current law, law enforcement is required to notify parents of a youth's arrest and whereabouts only if that youth is a juvenile offender. Statute defines juvenile offenders as youth ages thirteen through fifteen who have committed certain serious crimes. If a youth does not fit this definition, his or her parent or caregiver may never know of the arrest and may never have an opportunity to help. Older teenagers who do not fit this definition often rely on parental support just as much as younger youth.

This bill would require that law enforcement provide parental notification for the arrest of youth ages sixteen, seventeen or eighteen years old. The officer would also notify the youth's parent or caregiver if the youth is issued an appearance ticket. The bill carves out an important exception to the notification requirement. If notification would endanger the health and safety of the youth, and the youth is not also a juvenile offender, then the officer would not need to provide such notification. This provision protects youth while still maintaining the notification requirement for juvenile offenders, who are younger and have committed serious crimes.

**Maximizing the use of alternative to detention/placement programs (A.11137-A
Scarborough; Passed Assembly)**

A variety of alternative to detention and alternative to placement programs exist throughout the State. Many of these program models have been shown to be successful at reducing the number of youth placed in State run facilities. By providing supervision and behavior management skills, these programs provide youth with the tools they need to avoid at-risk behavior while living in their home communities.

Many groups have advocated for more alternative programs. The Taskforce on Juvenile Justice recommended that the use of such programs be increased. In difficult fiscal times, it is vital that innovative approaches to maximizing resources be considered. Currently, the State consists of a patchwork of alternative to detention and placement programs. Some regions, such as New York City, have a higher number of programs, whereas many more rural areas of the State do not. It is possible that a youth may require a specific type of program non-existent in his or her home county; however a neighboring county may have an appropriate program with an existing slot. Information sharing and collaboration of resources between counties would promote the maximization of existing resources.

This bill would require the Office of Children and Family Services to promote the maximum utilization of existing alternative programs within a county. The Office would also be required to provide technical assistance to counties to identify programs which could be shared, and to work together to implement sharing.

Budget Initiatives

Several important measures dealing with juvenile justice were included in the SFY 2010-2011 budget. Through Article VII legislation, improvements were made to a law known as the "Safe Harbor Act." This law was chaptered in 2008 as a result of several years of discussion surrounding the treatment of sexually exploited youth in the State's juvenile justice system. These youth, often as young as eleven, are manipulated into prostitution by older youth and men

for profit. These children frequently have histories of abuse and neglect at home, and have runaway or are in foster care. Under previous law, these children were adjudicated delinquent and often sent to placement in a State run facility. These facilities often lack the specialized services required for children suffering from sexual abuse.

After many meetings with advocacy organizations and sexually exploited youth, it became known that this punitive response was not appropriate or helpful. The Safe Harbor Act changed this by allowing Family Court judges to process these youth as Persons in Need of Supervision (PINS) rather than juvenile delinquents. The law also set up services such as short and long-term housing and community based crisis intervention. As PINS, these youth could be directed to these services. They could also access them independently or through referrals by other organizations.

While the Safe Harbor Act was widely considered an achievement, certain aspects of the law needed improvement. The Article VII legislation enacted in the budget this year improved upon the law in several ways. The enacted legislation ensures that youth who had previously been adjudicated as a PINS will be treated the same as other sexually exploited youth. As a PINS petition is not an indicator of criminal behavior on the part of a child, but rather an opportunity to receive services, it is inappropriate to view a past PINS adjudication as a reason to treat the youth as delinquent. By removing this provision, more youth will have the opportunity to receive services. Other amendments provide parental notification procedures, authorize certain existing programs to operate as long-term safe houses and remove any unfunded mandates by providing that services be put forward only to the extent funds are appropriated.

Other significant budget actions were taken to improve the juvenile justice system. Related to the Department of Justice Investigation, and the need for reform, the Legislature approved \$18.2 million for the hiring of 169 new staff members in the four OCFS operated facilities involved in the investigation. The appropriation will be used to hire psychiatrists and other mental health workers, social workers and nurse practitioners.

Acknowledging the \$9 billion dollar deficit, the Legislature approved other budget gap closing actions proposed by the Executive in the area of juvenile justice. Some actions did not require legislative approval, and were undertaken as administrative actions by the Executive. This included the further right-sizing of the juvenile justice system, as recommended by the Taskforce on Juvenile Justice. In order to align the capacity of State-run facilities with actual population, Annsville Residential Center will be closed and merged with Taberg Limited Secure Center, Tryon Boys Residential Center will be closed and Lansing Girls Residential Center will be downsized. These actions will not be taken until January 2011, abiding by the twelve month statutory notice requirement. Also enacted through Article VII language is time-limited authority for OCFS to intercept overdue youth facility payments from local social services districts.

In an extremely difficult fiscal climate, the Legislature restored funding to vital programs aimed to keep youth out of the juvenile justice system. Alternative to detention and residential placement programs serve one of the core missions of the Committee in the area of juvenile justice; to keep youth in their home communities and out of placement when public safety is not

jeopardized. The Governor had proposed a 10% General Fund reduction and a total elimination in Temporary Assistance for Needy Family (TANF) funding. The Legislature ensured a substantial restoration of \$6 million in TANF funding and \$2.2 million General Fund, for a total of \$8.2 million this fiscal year.

The Legislature also prioritized restoration of funds for programs proven successful at promoting positive youth development. Summer Youth Employment provides low-income youth with employment during the summer months, and has been shown to provide lasting skill sets and lower at-risk behaviors. The Governor proposed a full elimination of this program in the amount of \$35 million in TANF funding. The Legislature was able to restore \$15.5 million to keep the program going. The Executive also proposed to cut total funding for the Advantage After-School program, which provides after-school care for at-risk youth, from \$28.4 million to \$17.26 million. The Legislature was able to restore \$22.6 million for the Advantage program.

CHILD WELFARE

Child abuse and neglect continue to be a reality in the lives of many children in New York State. Victims of abuse and neglect can suffer long-term adverse social and psychological consequences. Therefore, it is imperative that children in these situations are protected and that families are able to receive appropriate services in order to prevent further trauma, thereby lessening the after-effects of abuse.

The foster care system provides temporary placement, care, and services to children and families in crisis while promoting the goal of family reunification. As of December 31, 2009 there were 24,605 children in foster care. In an effort to achieve family reunification and stability, federal and state laws have driven the development of preventive, protective, and rehabilitative programs to provide needed services. Adequate care for these children and their families is critical, and it is imperative that we provide a wide array of services to support the reunification of stable and healthy families.

For many children who cannot be reunified with their families, adoption may be the final step in obtaining a permanent family environment. Such permanency is crucial to a child's development and greatly enhances successful outcomes into adulthood. The Committee has continuously stressed the need for effective and timely permanency planning, incentives for adoption and continued post-adoption support for families in need.

Legislative Initiatives

Notification of Post-Adoption Services (A.11175 Clark; Passed Assembly)

Adoption is intended to be a permanent option for children and parents. And while the majority of adoptions are highly successful, some children may have emotional, behavioral, or medical circumstances resulting from prior abuse and neglect that may create a hardship on the family unit as a whole. Many of these conditions are not obvious at the time of adoption, but become apparent years after the adoption is finalized.

Post-adoption services are intended for families who adopt children privately, internationally or through a foster care agency. Services vary throughout the state and are dependent on a combination of federal, state and local funding. Because of the variation of services throughout the state, many parents are unaware of the availability of services in their area.

Acknowledging the severe need for post-adoptive services, but constrained by fiscal concerns, this legislation was drafted to notify parents of the availability of services in their local area at or before the final adoption proceeding. This ensures that parents who adopt are aware that services are available to them in their specific area. This notification, compiled by the local social services district, would include a list and contact information of any respite, hotline, counseling center, crisis intervention, etc that may be applicable to the needs of families who adopt.

Codification of Youth in Progress (YIP) (A.6362 Scarborough/ S.5714 Montgomery)

Unlike many other states that have a formal mechanism to solicit input from foster care youth about policy affecting their care, New York State has no such mechanism. For sixteen years, foster youth from across the State have voiced their opinions and concerns at Office of Children and Families Services (OCFS) regional events know as "speak outs." The speak-outs became highly successful and were seen as crucial to the improvement of the foster care system in New York State. Recognizing the need to strengthen and enhance the dialog with foster care youth OCFS created a statewide foster care youth leadership advisory team initiative named, "Youth in Progress" (YIP).

Since its formation in 2003, YIP has made many accomplishments and contributions that include presentations at the local, regional, state and national levels on the problems affecting youth in foster care and identifying possible solutions. More importantly, many of the youth who participate on this leadership team, become a part of a valuable focus group on foster care issues and serve as foster care experts in various settings across New York State.

Due to YIP's successful history, OCFS, advocates, and youth sought to place YIP in New York State statute to ensure the sustainability of this program. This bill would accomplish this by replicating the current structure, roles and duties of the YIP organization in the law.

Foster Care Re-entry (A.8504; Scarborough, Chapter 342)

In December of 2007, the Assembly Committee on Children and Families held a public hearing to address the needs of youth who age out of foster care. These youth are not reunified with their families or adopted, and must therefore achieve independence without the support of a family network. Many organizations testified to the range of challenges facing such youth. These include lack of education, inability to obtain proper identification, lack of access to health and mental health care services and lack of housing. According to the Department of Homeless Services in New York City, many youth entering homeless shelters each year had aged out of foster care; although the exact number is unknown. Although the law permits youth to consent to continued foster care until age 21, many choose to leave care once they reach age eighteen, even when they desperately need it.

As a result of the mounting evidence regarding the challenges facing youth aging out of foster care, legislation was introduced allowing such youth to come back into care under specified circumstances. The bill was submitted by the Office of Court Administration (OCA), and introduced in the Assembly and Senate in 2008. The bill passed the Assembly in 2008 and 2009, but did not pass both houses until this year when it was subsequently signed into law.

According to the new law, former foster youth eligible to come back into foster care must be between the ages of eighteen and twenty-one, have been discharged from foster care within the past 24 months and have no reasonable alternative. The youth would apply to Family Court for permission to return voluntarily to foster care, and may only do so twice. The youth must also consent to enroll in a vocational or educational program, unless the court finds a compelling reason why such participation is inappropriate or unnecessary. Additionally, this bill would allow trial discharges to be extended for six month intervals after a youth leaves foster care. These measures would not only provide youth with a means of obtaining assistance in joining the adult community, but would also provide an essential homelessness-prevention.

Budget Initiatives

Despite a very difficult fiscal climate, positive policy measures were adopted in the SFY 2010-11 Budget dealing with child welfare issues. Of major importance is the establishment of the kinship guardianship assistance program. Effective April 1, 2011, this program will allow kinship foster parents to become subsidized guardians for the child or children for whom they care for. Currently, no financial assistance exists specifically to support kinship foster parents who wished to become guardians. Evidence demonstrates that the lack of assistance is often a barrier to relatives wishing to become permanent caregivers. In 2008, the Federal Fostering Connections to Success Act was signed into law, authorizing states to draw down 50% Federal funding to assist eligible relative guardians in caring for former foster youth. By providing enacting language in the budget, New York State becomes one of a handful of States to utilize the Federal law and help children in foster care exit the system to live permanently with relatives. The law provides safeguards so that only those foster children who would truly benefit from a kinship guardianship relationship would be eligible for the program. The court must rule out adoption as a possible permanency goal and ensure that kinship guardianship is truly in the best interest of the child.

Other adopted Article VII legislation creates the authority to issue payments to foster and adoptive parents by direct deposit or debit card. Prior to this authorization, counties had been issuing paper checks to foster and adoptive parents. These checks were time consuming and expensive. By switching to an electronic system of payments, localities will save money and foster and adoptive parents will be provided subsidies in a quick and secure manner.

The Executive proposed extensive cuts in the area of child welfare. Fortunately, core funding streams avoided reductions. The Foster Care Block Grant and the Adoption Assistance program stayed at a flat level of funding. Open-ended child welfare services funding was preserved, although the State share for the SFY 2010-11 budget was reduced from 63.7% to 62%. The Legislature was able to restore funding to some important programs. The Home Visiting program has been proven effective at keeping families together and creating better outcomes for

children. The Executive proposed a full elimination of TANF funding for the program, and a 10% General Fund reduction. However, the Legislature was able to restore \$23.3 million funding for the Home Visiting program. This restoration is of utmost importance, as Federal funding is slated to become available to States who maintain a certain level of funding for home visiting programs. The Legislature also restored funding to post-adoption services, so that adoptive families have a better chance of success and fewer children re-enter foster care post-adoption. The Executive had proposed an elimination of \$2.6 million for post-adoption services. The Legislature restored \$830,140 in TANF funding.

III. PUBLIC HEARINGS/ROUNDTABLES

A. Community Services Block Grant

The Assembly Committee on Children and Families, in conjunction with the Assembly Committee on Social Services, the Assembly Committee on Ways and Means, the Assembly Committee on Governmental Operations, the Senate Committee on Children and Families, the Senate Committee on Social Services and the Senate Committee on Finance held a public hearing on June 16, 2010 to examine the impact of the Community Services Block Grant (CSBG) program. The CSBG is a Federal funding stream allocated to states to combat poverty. In FFY 2009-10, New York State received a total allocation of \$54 million. These funds are administered and monitored by the Department of State (DOS), and are distributed to a network of Community Action Agencies and Community Action Programs that provide a broad array of services on a regional basis.

Witnesses at the hearing talked about the hopelessness, disparity, and violence that stem from poverty, and stressed the importance of federal, state, and local governments working collaboratively to address the root causes of poverty. Witnesses also talked about the link between poverty and child welfare, citing poverty as the most common factor in child protective cases. Many low-income families and PA recipients testified to the challenges they have in overcoming poverty, particularly in New York, where the cost of living is much higher than their wages can afford. Most of the families that testified work either full or part time, and nearly all of them talked about the frustration of not being able to make ends meet no matter how much or how hard they work.

B. Adult Protective Services (APS)

The Assembly Committee on Children and Families, along with the Assembly Committee on Oversight, Analysis, and Investigation held a public hearing on October 1, 2010 to discuss statewide Adult Protective Services and their effectiveness in responding to the needs of vulnerable adults. More specifically, the intent of the hearing was to examine the procedures of adult protective services in Erie County, and to determine whether local practices reflect a need for broader statewide reform.

Each local social services district is required by State law to receive and investigate reports of abuse or neglect of adults who, due to physical or mental impairment, cannot protect themselves. The district is responsible for arranging for any services required to safeguard and improve the circumstances of such adults, including assistance in moving to a safe setting. Districts have the authority to seek a court order, or the assistance of law enforcement, in order to gain access to an adult believed to be in need of protection.

Witnesses at the hearing spoke in detail about how state and local policies impact vulnerable adults living in the community. These policies differ from child protective services, due to the

presumption that adults have the ability to make their own decisions, whereas children do not. Therefore workers in the Adult Protective Services must balance an adult's decision to exercise self-determination, while encouraging them to make well balanced choices.

Both attending Assembly members and witnesses stressed concerns regarding caseloads of adult protective service workers in comparison to those working in the area of child welfare. Strained local and state resources were said to be an obstacle to reducing caseloads. Witnesses also testified that there have been steady increases in adult protective referrals. Staff qualifications and training were also a highlight of discussion, in addition to local and state practices in grading or evaluating workers.

In addition, members received input from those who testified on current law, and suggestions for future legislative initiatives including, removing barriers between CPS and APS units, enhancing guidelines and training for staff, and increasing penalties to individuals who interfere with caseworker contact with the victim.

C. Preventive Services

The Assembly Committee on Children and Families held a public hearing to examine the provision of preventive services for families on November 12, 2010. The purpose of the hearing was to understand the funding, benefits, challenges to quality preventive services and innovative approaches to maximizing resources to help support at-risk families.

Witnesses spoke to the need for continued funding for preventive services. Preventive services have been shown to reduce the need for foster care placement. Trends have demonstrated fewer children in foster care as preventive services have increased. Given the funding reductions in the SFY 2010-11 budget, counties and voluntary agencies have struggled to serve all families in need. Suggestions were given for reducing funds in areas other than preventive services. Comments also reflected the relationship between preventive services, child protective and foster care, as program improvements were recommended for all areas of child welfare.

Additionally, recent events in New York City were discussed including the Administration for Children's Services (ACS) actions to reduce the number of preventive slots. While funding for slots were restored by the City Council this year, it is anticipated that in July of 2011, there will be a loss of 2,900 slots without additional funding. Other areas of discussion included oversight of preventive contracts with private agencies, and close-down procedures and transfer of cases upon program and case closures.

D. Senior Centers

The Assembly Committee on Aging held a joint hearing with the Assembly Committee on Children and Families on November 16, 2010 to discuss the impact of actions in the SFY 2010-11 budgets on senior centers around the State. Witnesses testified about the need for additional funding to support the efforts of senior centers in meeting the needs of the elderly. Senior Centers began primarily as a place where elderly persons could receive meals. Today, many senior centers offer additional services such as recreation and counseling. Senior centers

help the elderly to avoid isolation and depression. Witnesses testified about the need to broaden the role of senior centers even further to treat a wider range of needs.

In the SFY 2010-11 budget, the Legislature rejected the Executive's proposal to require that Title XX funding be used for specified services. New York City specifically uses Title XX funding for senior centers, and relies on the flexibility of the funding to do so. Despite the Legislature's actions, witnesses testified that New York City has cut contracts with some senior centers.

APPENDIX A

2010 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS REFERRED TO THE COMMITTEE ON

CHILDREN AND FAMILIES

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE (FAVORABLE)	0	0	0
TO WAYS AND MEANS	8	0	8
TO CODES	8	0	8
TO RULES	0	0	0
TO JUDICIARY	0	0	0
TOTAL	16	0	16
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO <u>Corrections</u>	1	0	1
TO _____			
TO _____			
TO _____			
TOTAL	1	0	1
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		0	0
RECALLED		0	0
TOTAL		0	0
BILLS DEFEATED IN COMMITTEE	0	0	0
BILLS HELD FOR CONSIDERATION WITH A ROLL- CALL VOTE	11	0	11
BILLS NEVER REPORTED, DIED IN COMMITTEE	97	2	99
BILLS HAVING ENACTING CLAUSES STRICKEN	0	0	0
MOTIONS TO DISCHARGE LOST	0	0	0
TOTAL BILLS IN COMMITTEE	125	2	127
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	6		

APPENDIX B

2010 BILLS SIGNED INTO LAW

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter#</u>
A.3065-E	Benjamin	Requires a six month notification period to families and child care providers before the Administration for Children's Services may close a child care center for which it has a contract.	462
A.7923	Scarborough	Requires at least one employee at a child care facility or family day care home to be certified in cardio pulmonary resuscitation.	334
A.8504	Scarborough	Provides a mechanism for former foster children to re-enter foster care when no reasonable alternative exists.	342
A.8827-A	Scarborough	Changes standards relating to child day care safety.	117

APPENDIX C

OUTLOOK FOR 2011

A. Child Care

In difficult economic times, many working families struggle to maintain adequate child care. This year, many of these families, as well as child care providers, met with the Committee to discuss their concerns regarding the lack of child care. Despite widespread reductions in agency funding, the level of funding in the Child Care Block Grant was maintained. The Block Grant provides direct funding to counties for child care programming, and is the primary source of funding for child care subsidies. In the upcoming year, the Assembly will work to ensure that this funding is not jeopardized.

The Committee will also examine ways to make child care more affordable for all families. It is important that families are aware of programs aimed at lowering child care costs, such as child care assistance and tax incentives. The Committee will look at ways to educate families on existing programs, including eligibility criteria and how to apply.

In 2011, the Committee will monitor the use of stimulus funds provided to New York State for the purposes of enhancing the quality of child care programs. Additionally, the Quality Stars NY initiative will be further explored. This initiative ranks child care programs on various standards, so that families are better able to make informed decisions regarding the best program for their children. OCFS is currently conducting a pilot in thirteen regions around the state to understand how the program may be implemented statewide. Prior to implementation, it is important to understand how such a rating system would work, and its impact on providers and families.

B. Juvenile Justice

The treatment of youth placed in the juvenile justice system will continue to be a major issue for the Committee in the upcoming year. The Department of Justice (DOJ) report shed light on the violation of the rights of youth who are placed in four Office of Children and Family Services (OCFS) facilities. The Committee will actively engage with OCFS to gather information regarding this reform process. The Committee will work with OCFS, as well as other agencies and advocacy organizations, to promote reform efforts throughout the juvenile justice system.

Transitioning back into the community can also be challenging for youth leaving placement. This year the Committee will continue to examine initiatives to ensure these youth are receiving appropriate aftercare. Education, health care, and housing are vital components of reintegration, and the Committee will work with all stakeholders to ensure that youth have necessary supports in place to succeed in the community. The recommendations of the Governor's Taskforce on Transforming Juvenile Justice regarding aftercare and other critical issues facing adjudicated youth will continue to help to guide the Committee's focus in 2011 on improving the State's juvenile justice system

As with all issue areas, it is vital that in the current economic downturn, scarce funding be used in the most efficient way. Alternatives to detention and residential placement programs are of

vital importance to keeping youth out of placement. This year, funding was restored so that these programs can continue to operate. Currently, these funds are appropriated so that localities receive allocations from the State with no matching requirement. The Committee will continue to examine this funding process, as well as alternative approaches. It is important that any change in distribution of funding be fully understood so that existing programs are not adversely impacted. Many localities have made great efforts to build up a framework of effective alternative programs. The Committee will continue to meet with county representatives, providers and families to determine the best approach to maximizing the use of these programs.

C. Child Welfare

The Committee on Children and Families is committed to ensuring the well-being of children throughout the State. The Committee recognizes that children have the best chance of success when they can be cared for safely in their own homes, with their own families. With this principle in mind, the Committee will focus on the provision of quality preventive services, aimed at keeping families together. In these tough economic times, it is vital that the State and localities implement innovative methods of serving at-risk families. In the upcoming year, the committee will closely examine what localities are doing to target and assist these families. The Committee will also monitor the availability of Federal funding for preventive programs. It is important that wherever possible, New York State comply with federal eligibility criteria in order to draw down additional funding. During the budget process, the Assembly worked to ensure that the Home Visiting program maintained adequate funding necessary to draw down Federal dollars that will become available to states in September, 2010. This program provides early intervention services to at-risk families which have been proven effective at promoting positive outcomes for youth.

Recognizing that relatives are often the best caregivers of children who cannot be cared for safely at home, the Assembly worked to set forward the enacting language for the Kinship Guardianship Assistance program. This year, discussions will continue regarding the State share of funding for the program. The Committee will engage with stakeholders to ensure that an informed decision is made regarding any budgetary action on the program, which becomes effective April 1, 2011. The Kinship Guardianship Assistance program has been shown to promote the well-being of children while providing long-term savings for states around the country.