

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY



Ellen Jaffee  
Assembly 97<sup>th</sup> District

CHAIR  
Committee on Children and Families

COMMITTEES  
Education, Environmental Conservation,  
Health, Mental Health

Taskforce on Women's Issues

Legislative Women's Caucus

Honorable Carl Heastie  
Speaker of the Assembly  
932 Legislative Office Building  
Albany, New York 12248

December 15, 2017

Dear Speaker Heastie:

As Chair of the Assembly Standing Committee on Children and Families, it is my distinct pleasure to submit to you the 2017 Annual Report. This year, the Assembly has continued its commitment to improving outcomes for New York's children and families. The Committee put forward several policy initiatives this year that were enacted into law, such as requiring a study on the benefits of a tax credit for the adoption of children with special needs, and encouraging contact between siblings who are separated in the foster care system.

Importantly, a bill was signed into law this year to expand the categories of persons who may become a permanent guardian of a foster child under the Kinship Guardianship Assistance (KINGAP) program. The law will allow persons with significant connections to the child, as well as relatives of half-siblings to apply to become a subsidized guardian. The law also increases supports for kinship guardians by extending the subsidy until the child becomes 21 years of age regardless of his or her age at the time the agreement was made. The Committee also advanced legislation to establish a child care taskforce to evaluate the need for child care and its availability around the state. The taskforce would bring together parents, providers and members of the business community to examine child care cost and quality, as well as the impact on families and the workforce.

This year, the Committee was active in seeking input on important policies affecting communities around the state. The Committee sponsored a public hearing and three roundtables to discuss the access to quality child care. These forums provided an opportunity for stakeholders to provide feedback on how child care can be made more accessible and the need for further funding. The Committee also held a hearing to discuss supports for caregivers of foster children. These supports enable caregivers to create a safe and nurturing environment that promotes the well-being of children removed from the home.

This year's State's budget produced a notable achievement in increasing the age of criminal responsibility from 16 to 18. The Committee supported this reform which will allow 16-and 17-year-olds who have committed certain crimes to be processed through the Family Court, enabling them to access age-appropriate services and

opportunities for diversion. Despite the fiscal challenges in the budget, the Legislature was able to restore and increase funding to many crucial programs including Advantage Afterschool, Kinship and Youth Development.

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

Sincerely,

A handwritten signature in black ink that reads "Ellen C. Jaffee". The signature is written in a cursive style with a large, looped initial "E".

Ellen Jaffee  
Chair  
Committee on Children and Families

**2017 ANNUAL REPORT  
OF THE  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON CHILDREN AND FAMILIES**

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Chair**

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## **I. INTRODUCTION**

The Assembly Standing Committee on Children and Families, established in 1975 as the Committee on Child Care, has jurisdiction over 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; 4) adult protective services; 5) residential and non-residential domestic violence services; and 6) 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 addition, 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, that decision must be affirmed by a Family Court judge. 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, comprised of federal, state and local funds and issued by the local social services district.

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

The juvenile justice system in New York State is comprised of state, local and privately operated programs for youth. Youth may be placed by the Family Court in a private voluntary agency, contracting with either the local social services district or OCFS. OCFS operates secure and limited-secure juvenile justice facilities, where adjudicated youth may be placed as juvenile delinquents or by the Criminal Court as juvenile offenders. The “Close to Home” reform enacted in the SFY 2012-13 budget requires that adjudicated youth from NYC be placed with the Administration for Children’s Services (ACS) rather than OCFS. This reform lowered the number of youth placed with OCFS by transferring NYC youth in non-secure facilities to, and by placing all newly adjudicated youth with, ACS.

OCFS provides after-care services to youth leaving placement, based in statewide Community Multi-Services Offices. Each youth leaving placement in an OCFS-operated facility receives after-care services to help with the transition back into the community. Pursuant to the “Close to Home” plan submitted by ACS, the city provides after-care to youth transitioning out of placement in voluntary agencies.

Localities also operate and provide juvenile justice programs and services. Counties operate detention facilities where a youth may be held prior to adjudication or placement. 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 that are available vary statewide.

Local social services districts are also responsible for providing adult protective services for adults who, because of mental or physical impairments, are unable to manage their own resources, carry out activities of daily living, or protect themselves from physical, sexual or emotional abuse, and have no one willing or able to assist them. Districts are mandated to accept and investigate reports of persons alleged to be in need of protective services and provide such services without regard to income. These services may include arranging for medical and mental health services, assisting in relocating the adult to a safe location, drug treatment and assuming guardianship of the adult.

Domestic violence services are also provided by each local social services district, as required by the New York State Domestic Violence Prevention Act of 1987. OCFS issues regulations establishing standards for such services, which include both non-residential and residential domestic violence programs. The residential programs are licensed by OCFS and include shelters with ten beds or more, safe dwellings for victims and their children and safe home networks providing emergency services coordinated by a not-for-profit organization. OCFS also sets the per diem rate for residential domestic violence programs.

## II. SUMMARY OF COMMITTEE ACTION

### A. 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 fought to ensure that the State budget would preserve funding for quality child care, while also making quality child care more accessible and safer for children of low to moderate-income families.

#### 1. Legislative Initiatives

##### **a. Cost Estimation Model for Child Care** (A.290, Jaffee/S.1455, Avella; Passed Assembly)

Every two years the Office of Children and Family Services (OCFS) conducts a market rate survey among licensed, registered and legally exempt child care providers. The survey collects data on what child care providers are charging for child care. The data collected is then used to set a payment rate to providers for subsidized care. While useful in setting rates, the market rate survey does not necessarily reflect the actual costs of providing child care. Child care providers have many fixed costs such as maintaining adequate staff, complying with building codes as well as regulatory and licensing requirements; yet they can only charge what the market is willing to pay. When corresponding subsidy rates are not high enough, the quality of child care sometimes suffers as providers struggle to make ends meet.

This bill would require that a cost estimation model be utilized for each category of care for which a market rate is determined. A cost estimation model can provide valuable data on the actual cost of providing child care, not just what price is charged to parents. Such information can then be used to determine the adequacy of the rate paid to providers, as well as inform policy decisions to ensure child care providers remain stable. Therefore, this legislation is one step forward in creating a more robust and better quality child care system.

##### **b. Online Listing of After-School and Child Care Programs** (A.2183, Mayer/S.683, Kennedy; Chapter 424)

Currently, there is no statewide database through which parents and caregivers can search to identify after-school, extended learning, and summer programs for their school-age children. The bill would require the Council on Children and Families to develop and make available through its website a listing and map of all recipients of grants awarded or administered by the state for the purpose of providing after-school or summer programs, extended learning time, or community schools, and all registered school-age providers registered by the Office of Children and Family Services (OCFS). The listing would include each grant recipient or provider's name, the address at which the program is offered, and the name and phone number of an individual who is authorized

to answer questions regarding the program. The listing and map would be updated no less than once every 90 days to reflect changes. The listing and map would also be updated within 90 days of any contract with a grant recipient expiring or being signed. The council would be able to include locations and information for additional relevant programs as it sees fit.

**c. Child Care Taskforce (A.7726A, Jaffee/S.5929A, Avella; Chapter 493)**

Access to quality child care is critical for healthy child development, as well as for working families to maintain employment and self-sufficiency. The availability of child care, including child care assistance, varies throughout the State. Currently, there is not sufficient information available to evaluate the need for child care regionally statewide.

This bill would establish a child care taskforce to examine the need for child care, barriers to accessing child care, cost of child care, availability of non-traditional hours, impact of child care access on the workforce, and on economic development. This information will help guide decisions to better meet the needs of working families across the State.

2. 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. This year, the Assembly successfully restored federal Title XX funding that would have resulted in a loss of child care slots. This funding will help counties meet the unmet needs of families struggling to maintain employment and provide safe and affordable day care for their children.

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, Oneida, Onondaga and Monroe Counties, 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 \$9.98 million to these programs. The Legislature took further action to ensure that essential child care programs are preserved by restoring and increasing funding for SUNY and CUNY Child Care, to \$4.04 million.

The Legislature was also able to secure funding for the Advantage After-School Program in the amount of \$19.8 million. This program provides structured after-school activities in order to reduce negative behaviors and offer a safe environment for children.

**B. 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-operated 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.

### 1. Legislative Initiatives

#### **a. Pilot Program for Job and Vocational Training** (A.2449, Hyndman/S.2084, Comrie; Passed Assembly)

Most adjudicated youth placed with the Office of Children and Family Services (OCFS) will leave placement to re-enter their communities. Part of a successful transition home includes equipping youth with the tools they will need to achieve self-sufficiency. Education, job and vocational training provides youth with valuable knowledge and skills that can lead to sustainable employment and decrease the chances of recidivism.

This bill would require the Department of Labor (DOL), in conjunction with OCFS, to establish job and vocational skills training to adjudicated youth. The program would be conducted in three residential facilities chosen by OCFS and provide youth with training necessary to reach higher levels of education and higher wage jobs in growing occupational fields.

#### **b. LGBT training in Runaway and Homeless Youth Programs** (A.2662, Ortiz/S.277 Hoylman; Passed Assembly)

Lesbian, Gay, Bisexual and Transgender (LGBT) youth are more likely to experience increased problems, including alcohol abuse, suicide attempts and physical and mental abuse, than their non-LGBT peers. They are also more likely to drop out of schools due to discrimination and harassment and to leave home due to rejection by their families. Runaway and Homeless Youth programs interface with many such LGBT youth who have nowhere else to go. It is therefore critical that such program staff is equipped with the tools necessary to address the challenges they face.

This bill would ensure that all employees of approved Runaway and Homeless Youth programs providing care to homeless youth in New York State receive adequate and comprehensive training to allow them to be more sensitive to issues specifically affecting lesbian, gay, bisexual, and transgender runaway and/or homeless youth.

#### **c. OCFS Staffing Study** (A.6903-A, Brindisi/S.4574-A, Marchione; Vetoed Memo 211)

Appropriate staff to youth ratios in Office of Children and Family Services (OCFS) facilities is critical to the well-being and safety of both staff and youth. There is a need for more information in order to determine the adequacy of current staffing levels. An annual report would give the Legislature valuable insight into the critical staffing levels of OCFS and would also provide useful data about incidents involving residents.

This bill would require the Office of Children and Family Services to create an annual report regarding staffing and issues with residents in facilities operated by OCFS. This report would be provided to the Legislature by January of each year.

**d. Sealing of Records** (A.7552, Jaffee/S.4766, Avella; Passed Assembly)

Youth are adjudicated a Person in Need of Supervision (PINS) due to unmanageable behaviors such as being chronically truant or running away. Such adjudication is non-criminal and the youth and his or her family often benefit from services and other supports. Despite the non-criminal nature, records in a PIN case are not automatically sealed despite the fact that this due process protection is afforded in juvenile delinquency cases; cases which involve acts that would be a crime if committed by an adult. This disparity creates unnecessary obstacles to former PINS youth when they seek higher education, private employment and other endeavors necessary for self-sufficiency.

This bill would remedy the inequity in PINS and juvenile delinquency cases by creating a requirement to automatically seal records related to a PINS proceeding when the petition is diverted, not filed or a proceeding is terminated in favor of the respondent. Notice would be provided to all agencies in possession of records directing them to seal such records. The attorney for the child would also be notified of the fact that notification was sent to seal and which agencies received it.

**e. Permanency Planning** (A.7556, Jaffee/S.5713, Avella; Passed Assembly)

Currently, the Family Court has the responsibility to conduct permanency hearings, monitor permanency planning and issue fact-specific permanency orders in JD and PINS proceedings, but it is not given the information or authority to discharge that responsibility.

This bill would add permanency planning to juvenile delinquency and PINS proceedings consistent with requirements for child abuse and neglect proceedings. This includes an additional requirement to hold permanency proceedings for youth placed in limited-secure facilities, review of steps taken to ensure immediate enrollment in school, notification of parents of proceedings and continuation of attorney representation. These additions are analogous to requirements for foster children. As these youth are similarly in and out of home placement, it follows that such requirements should also apply to them as they transition back home or into the community.

Under this bill, it would be required that dispositional orders of placement and orders extending placement include a description, to be given to the parent or the person legally responsible, of the visitation plan, a service plan if available, and a direction that the parent or person legally responsible be notified of the planning conferences. The bill would also authorize the court to order services to further the needs and best interest of the respondent and his or her family. The measure further requires the agencies to notify the school districts in which the youth will be attending school upon release not less than 14 days in advance of their release, to promptly transfer records to the school districts and to try to coordinate release dates with school terms so as to minimize disruption to the youths' educational programs.

## 2. Budget Initiatives

The Assembly has long supported increasing the age of criminal responsibility. Adolescents are more likely to reoffend and suffer detrimental long-term effects when processed through the adult criminal court system. The Family Court system is not only more appropriate for youth but also more effective in reducing youth crime and assisting in rehabilitation. Yet, until now New York State has been only one of two states to treat 15-year-olds the same as adults charged with a crime.

This year, the enacted budget included language to increase the age at which a youth would be processed in Family Court from 15 to 17, thereby ensuring that more youth will receive necessary services and diversion rather than becoming more deeply entrenched in the criminal justice system. Under the new law, youths age 16 or 17 charged with a misdemeanor offense would have their cases heard in Family Court. For youths age 16 and 17 charged with a felony, their cases would originate in a separate Youth Part in Criminal Court with a family court judge presiding, where non-violent felonies would be subject to removal to Family Court.

The enacted budget also included legislation to expand runaway and homeless youth services while easing burdens on providers and ensuring there are no unfunded mandates. Providers will now have the option to serve homeless youth until the age of 24, up from 20; to serve homeless youth in residential programs for 24 months, up from 18 months; and to serve runaway youth for 120 days without parental consent, up from 60. This flexibility will enable more youth to receive necessary shelter and care.

The Legislature was able to continue funding for critical youth programs, including an additional \$1.5 million in funding for Youth Development Programs (YDP). YDP are those programs formerly known as Youth Development and Delinquency Prevention (YDDP) and Special Delinquency Prevention Programs (SDPP). This restoration is in addition to a base amount of \$14.12 million. The Legislature also approved additional funding for the Summer Youth Employment Program (SYEP). The final funding level was \$36 million from \$31 million last year. This funding will ensure that the program, with the minimum wage increase, continues to provide paid employment to youth during the summer months.

### **C. 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. 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 a wide array of services is provided 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.

### 1. Legislative Initiatives

#### **a. New York State Reuniting Families Act** (A.339, Kim/S.2201, Parker; Passed Assembly)

When a child has been in foster care for 15 of the most recent 22 months, the local social services district is required to file a petition to terminate parental rights unless certain exceptions exist. These exceptions are designed to recognize circumstances preventing a parent from reunification that may be outside his or her control, such as incarceration and participation in a drug rehabilitation program.

Likewise, a parent involved in an immigration proceeding may be unable to resume custody despite efforts to do so. Upon conclusion of the proceeding, the parent may be fully able to care for his or her child with it being in the best interest of the child to return home. To terminate parental rights, in the midst of such proceeding, would prematurely and permanently separate the parent and child, resulting in trauma and hardship to the family. In such situations, the local social services district should have the flexibility to consider the circumstances and delay the filing of a petition to terminate parental rights.

#### **b. Mandated Reporters for Training and Coursework** (A.2310, Peoples-Stokes/S.1818, Kennedy; Passed Assembly)

Mandated reporters are required by law to report suspected child abuse and neglect to the Statewide Central Register of Child Abuse and Maltreatment (SCR). Mandated reporters include professionals who, through their official capacity, are likely to observe signs of abuse and neglect in children.

Currently, mandated reporters are required to complete 2 hours of training regarding the identification and reporting of child abuse and maltreatment. This training is required only once. Despite changing laws and regulations surrounding child abuse, no further training is required regardless of how long such professionals continue in their careers. Concerns have been raised regarding whether the current requirement is sufficient to keep mandated reporters refreshed and up-to-date on their responsibilities.

This bill would rectify this concern by requiring mandated reporters to complete 2 hours of training every 3 years. Such ongoing training would help mandated reporters to take appropriate action, improve the quality of calls to the SCR and keep children safe.

**c. Reports of Abuse of Children in Foster Care** (A.2965, Paulin/S.4172, Gallivan; Chapter 281)

A child who is removed from the home may be placed in a foster care setting outside of the local social services district where he or she lives. While the child is still in the care and custody of the home district, any report of abuse or neglect in the foster home is transmitted to the district in which the home is located. There is no requirement that the home or “placing” district receive or be made aware of such report or of the findings of the investigation. This loophole inhibits the ability of the county with custody to monitor the well-being of the child and to make appropriate decisions regarding his or her care. It also limits information about the foster home with which the district is contracting, potentially risking the safety of future children who may be placed in such home. Further, there is no requirement that an authorized agency be made aware of a report of abuse involving a foster parent licensed by the agency.

This law will require that a child protective caseworker investigating a report of abuse or neglect ascertain whether any child in the home is a foster child. If the child is in the care and custody of another local social services district, the report must be forwarded to such district. The report must also be forwarded to any authorized agency overseeing the foster care placement. The placing district must be made aware of whether the report was indicated or unfounded.

**d. Workload Standards for Child Protective Service Employees** (A.4049, Lupardo/S.3146, Golden; Vetoed Memo 220)

Manageable child protective caseloads are critical to the safety and well-being of vulnerable children. A 2006 OCFS study determined that lower caseloads allow greater time to be spent with children and families, and lessen the likelihood of abuse and the need for foster care. While some local social services districts have made great strides in lowering their child protective caseloads, others still have unsafe caseload levels.

This bill would require OCFS to promulgate regulations requiring that local social services districts maintain a child protective services caseload ratio of no more than 15 active cases per worker per month.

**e. Securing Furniture** (A.5284-B, Rosenthal/S.3667-B, Serrano; Passed Assembly)

According to the United States Consumer Product Safety Commission, every 24 minutes a child goes to the emergency room with an injury resulting from a television or piece of furniture tipping over. From 2000 to 2013, 84 percent of the 430 deaths from furniture tipping over involved children younger than the age of 10. Securing furniture and electronic equipment can prevent these tragedies. Therefore, this bill would require child day care centers, foster boarding homes and any other public institution caring for children to secure any large furniture or electronics capable of being tipped over. The Office of Children and Family Services would be authorized to take enforcement action if any violation is not corrected after written notice is given.

**f. Tax Deduction Study for Adoption of Children With Special Needs** (A.6800, Joyner/S.4492, Golden; Signed Chapter 382)

While adoption is a commendable act, there are significant expenses families have to be willing to incur. These expenses may deter families from adopting and providing a safe, loving and permanent home to a child in need. Children with special needs are considered hard to place, in part because of the higher costs of the services required to meet their needs. It is important to reduce the barriers to adoption so more children can have safe, loving and permanent homes.

This bill would require the Office of Children and Family Services, in conjunction with the Department of Taxation and Finance, to complete a report on the impact of a tax deduction for expenses associated with the adoption of a special needs child. This report would help the legislature better understand the effectiveness of such tax deduction in encouraging special needs adoptions.

**g. Sibling Contact** (A.7553, Buchwald/S.4835, Avella; Signed Chapter 359)

For youth already suffering the trauma of child abuse or neglect and separation from their homes, maintenance of their relationships with their siblings may be a vital lifeline, a protective shield against further trauma, an aid in coping with loss and grief, and essential to development of normal attachments and self-esteem. Chapter 242 of the Laws of 2016 required that siblings separated by foster care or adoption be afforded the right for contact unless such contact is not in the child or sibling's best interest. If child is not placed with his or her sibling or afforded regular contact, the child may make a motion for placement or contact. This law covered many court proceedings involving removal from the home, placement in foster care and termination of parental rights. It did not however cover other court proceedings involving identically situated children. These include proceedings for destitute children, permanency proceedings and voluntary placement and surrenders. This law will apply the rights for placement and visitation enacted in last year's law to cover these remaining proceedings, thereby ensuring that all siblings in foster care have the opportunity to maintain a relationship.

**h. Kinship Guardianship** (A.7554-A, Hevesi/S.4833-A, Avella; Signed Chapter 384)

The Kinship Guardianship Assistance Program (KinGAP) provides an important permanency option for children in foster care whereby such child's relative foster parent can become a permanent guardian and receive a subsidy on behalf of the child. Previously, prospective kinship guardians were limited to relatives related by blood, marriage or adoption to the child; a much more narrow definition than that used for foster care. This limited definition prevented other loving relatives from seeking guardianship including those related to half-siblings. This law expands the definition of prospective relative guardian to include those related to a half-sibling who are also the prospective or current relative guardian of the half-sibling. This provision will help to keep siblings together in a guardianship arrangement. The law also includes persons with positive relationships to the child; thereby expanding potential guardians to the widest pool of appropriate foster parents.

This law would also require the subsidies to extend until the child reaches 21 years of age. This provision removes the requirement that a subsidy be discontinued upon the child's 18<sup>th</sup> birthday if the relative entered the KinGap agreement prior to the child reaching the age of 16. This provision enhances support for KinGap families and therefore promotes their stability and well-being.

**i. Truancy Allegations** (A.7557, Davila/S.5714, Avella; Passed Assembly)

Educational neglect, when a child is chronically absent from school, is a complex issue that can have numerous causes. A child's absence may be due to abuse at home, behavioral issues, learning disabilities or bullying. In order to identify and address the barriers to school attendance, both the school and local social services district must take a cooperative approach both before and after a court petition is filed.

This bill would require the designated lead PINS diversion agencies to review and document efforts by school districts to resolve truancy or school misbehavior alleged in PINS petitions. The lead agency would be required to notify the school district of conferences to enable the school district to participate. If such efforts are unsuccessful, then the school district may be joined as a necessary party and provide assistance if the court determines it helpful in reaching a resolution. Additionally, the bill would allow for diversion to take place at any point in the proceeding.

Similar provisions would be required for Article 10 proceedings. The definition of educational neglect would be amended to require efforts by the school district and child protective agency to ameliorate the failure to provide educational services alleged in the petition. These efforts would be documented in the petition along with the reasons why the educational problems could not be resolved absent filing a petition. The school district would be notified of the proceeding, and as in PINS cases, may be joined as a necessary party if the court deems it appropriate.

**j. Post Adoption Information** (A.7616, Jaffee/S.1772, Carlucci; Passed Assembly)

Challenges among adoptive families may not emerge until sometime after the adoption is completed, when the family no longer interacts with the state adoption service. It is therefore important that foster parents receive information on available or expiring services prior to the completion of the adoption proceeding. Such information would prevent disruption in access to essential services for foster children and their families.

This bill would require the Office of Children and Family Services (OCFS) to promulgate regulations requiring authorized agencies to provide foster parents who are interested in adoption, a list of publicly funded benefits or services that are available to foster children, but expire upon adoption. If a service should expire, further information would be provided on whether that service is available within the community or can be accessed from a private source. OCFS would be required to make the list available on its website.

**k. Society for the Prevention of Cruelty to Children Extension** (A.8064, Zebrowski/S.6447, Gallivan; Signed Chapter 97)

Society for the Prevention of Cruelty to Children is a private entity that performs child protective services statewide. In order to balance and limit these private entities from performing government

functions, the Legislature disbanded all Society for the Prevention of Cruelty to Children (SPCC) organizations in the state except two chapters in Rockland County and Erie County.

This bill extends the governing statutory authority for Erie County SPCC up until December 31, 2017, allowing Erie County Department of Social Services sufficient time to make the adjustments necessary to provide those services previously carried out by the SPCC. This bill also provides a two-year extension to Rockland County SPCC so that it can continue assisting local police departments to prevent underage alcohol and tobacco sales.

## 2. Budget Initiatives

Despite a difficult economic climate, the Legislature worked to preserve vital programs in the area of child welfare. Through the support of the Legislature, many of these programs received continued funding during the SFY 2016-2017, such as Child Advocacy Centers, Safe Harbour, Runaway and Homeless Youth programs and programs for kinship caregivers.

The Legislature was able to appropriate \$3 million in funding for the Safe Harbour program created under the Safe Harbour for Exploited Children Act in 2008. Under this groundbreaking law, the Legislature established that commercially sexually exploited children are crime victims, not criminals, and recognized that these children must be provided with critical services, including short-term emergency shelter to keep them off the streets, food, clothing, medical care, counseling and crisis intervention services, and long-term housing with specialized services such as case management, legal, mental health and substance and alcohol abuse services. The Safe Harbour program also contemplates the utilization of funding to train law enforcement to better identify sexually exploited children and obtain appropriate services for them.

The Legislature also provided \$2.2 million, for a total of \$7.43 million, for Child Advocacy Centers which provide a comfortable setting for abused children to receive care and treatment. These centers are important places where multi-disciplinary teams of professionals, including doctors, mental health providers and law enforcement, can gather information about a case. The child benefits because multiple interviews, which can be a source of additional trauma, are avoided.

The Legislature also continued funding for the Runaway and Homeless Youth program in the amount of \$4.5 million in the SFY 2017-18 Budget, improving the chances of stability and permanency options for these youth. Kinship care programs, which provide vital resources and services to grandparents and other family members caring for children, received \$2.2 million in funding.

## **D. ADULT PROTECTIVE SERVICES**

### **a. Adult Protective Hotline** (A.8160, Lupardo/S.2154-A, Serino; Vetoed Memo 184)

Local social services districts are responsible for investigating and arranging for the protection of adults who may be in need of protective services. These are adults who, because of mental or physical impairment, are unable to manage their own resources, carry out activities of daily living or are unable to protect themselves from abuse. Currently, reports of suspected abuse can be received through a hybrid of offices including local and state hotlines and offices. On the state level, Adult Protective Services receives complaints through a hotline established through the Office of Children and Family Services. This bill would codify the hotline and expand its operation to 24 hours. The report would be immediately transmitted to the appropriate local social services district for investigation. If the report constitutes a crime or an immediate threat, the report would be referred to the appropriate law enforcement of State agency, or local social services district.

## **III. PUBLIC HEARINGS & ROUNDTABLES**

### **A. Access to Quality Child Care**

On May 23, the Committee held a public hearing along with the Assembly Taskforce on Women's Issues and in conjunction with the Senate Committee on Children and Families to examine the need for increased access to child care across the state. The hearing sought input on how the availability of child care impacts children, families, the labor force and the economy.

Stakeholders testified on the need for additional funding to increase the number of child care slots for low-income families. Many local social services districts are not able to meet the demand for slots, negatively impacting the ability of families to maintain employment and self-sufficiency. Stakeholders also provided feedback on the relationship between quality child care and healthy child development. Research suggests that children have better social, emotional and academic outcomes if they are enrolled in steady, quality child care programs. Information gathered at this hearing helps assist the Committee in working on legislative and budget initiatives that promote access to a high-quality child care system.

### **B. Ensuring Adequate Funding and Support for Child Care**

The Committee, in conjunction with the Assembly Taskforce on Women's Issues and the Assembly Child Care Workgroup, held a series of roundtables to examine ways to ensure adequate funding and support for child care. These roundtables were held in Albany, NYC and Buffalo. Stakeholders were invited to speak on the implications of the lack of available financial resources for child care subsidies on children, families and providers. Other topics included the demand for and availability of quality, affordable child care.

Stakeholders spoke on a range of issues related to improving the child care system. These include: increasing funding for subsidies, streamlining child care and pre-kindergarten programming,

increasing access to special education services and preparing for the implementation of federal requirements related to the reauthorization of the Child Care and Development Block Grant. Assemblymembers and participants also discussed ways to support child care providers, such as increasing the market rate and creating higher education opportunities to promote child care as a career and reduce turnover.

### **C. Support for Caregivers**

The Committee held a hearing on December 14 to examine ways to ensure that caregivers of foster children are adequately supported. Caregivers of children removed from the home may be foster parents or non-foster parents, and relatives or non-relatives. Regardless of the situation it is critical that such caregivers have adequate support to ensure the safety and well-being of the children they are caring for. This support comes in many forms including foster care subsidies, kinship programs and services such as counseling, respite and legal assistance.

## 2017 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>
<b>BILLS REPORTED WITH OR WITHOUT AMENDMENT</b>			
TO FLOOR; NOT RETURNING TO COMMITTEE (FAVORABLE)	6	0	6
TO WAYS AND MEANS	8	0	8
TO CODES	13	0	13
TO RULES	2	0	2
TO JUDICIARY	0	0	0
TOTAL	29	0	29
<b>BILLS HAVING COMMITTEE REFERENCE CHANGED</b>			
TO	0	0	0
TO	0	0	0
TO _____	0	0	0
TO _____	0	0	0
TOTAL	0	0	0
<b>SENATE BILLS SUBSTITUTED OR RECALLED</b>			
SUBSTITUTED		5	5
RECALLED		0	0
TOTAL		5	5
<b>BILLS DEFEATED IN COMMITTEE</b>	0	0	0
<b>BILLS HELD FOR CONSIDERATION WITH A ROLL- CALL VOTE</b>	1	0	1
<b>BILLS NEVER REPORTED, HELD IN COMMITTEE</b>	90	18	108
<b>BILLS HAVING ENACTING CLAUSES STRICKEN</b>	3	0	3
<b>MOTIONS TO DISCHARGE LOST</b>	0	0	0
<b>TOTAL BILLS IN COMMITTEE</b>	123	23	146
<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>	6		

**APPENDIX B**

**2017 BILLS SIGNED INTO LAW**

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>	<b>Chapter #</b>
A.367/S.972	Lupardo/Avella	Relates to the early childhood advisory council	14
A.2183/S.683	Mayer/Kennedy	Directs the Council on Children and Families to establish an online listing and map of publicly funded or registered afterschool and school age child care programs	424
A.2965/S.4172	Paulin/Gallivan	Relates to sharing reports of child abuse with agency charged with care	281
A.6800/S.4492	Joyner/Golden	Relates to a report on the impact of a tax deduction for expenses of the adoption of a special needs child	382
A.7553/S.4835	Buchwald/Avella	Relates to contact by siblings in foster care, surrender, destitute child and permanency proceedings	359
A.7554A/S.4833A	Hevesi/Avella	Clarifies the definition of "prospective relative guardian" for purposes of subsidized kinship guardianship assistance	384
A.7726A/S5929A	Jaffee/Avella	Establishes a child care availability taskforce to evaluate the need for and availability of child care throughout the state	493
A.8064/S.6447	Zebrowski/Gallivan	Extends provisions of law relating to removing special powers granted to the society for the prevention of cruelty to children	97

**2017 BILLS PASSED**

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>	<b>Last Action</b>
A.290/S.1455	Jaffee/Avella	Implements a cost estimation model for child care	Referred to Senate Rules

A.339/S.2201	Kim/Parker	Enacts the New York State Reuniting Families Act	Referred to Senate Children and Families
A.2310/S.1818	Peoples-Stokes/Kennedy	Relates to requiring mandated reporters to receive coursework or training regarding the identification and reporting of child abuse and maltreatment	Referred to Senate Higher Education
A.2449/S.2084	Hyndman/Comrie	Establishes a pilot program to provide job and vocational skills training to youth	Referred to Senate Children and Families
A.2662/S.277	Ortiz/Hoylman	Expands the duties of the Office of Children and Family Services concerning lesbian, gay, bisexual, and transgender runaway and homeless youth	Referred to Senate Rules
A.5284B/S.3667B	Rosenthal/Serrano	Requires the anchoring of furniture and electronics in child day care centers, public institutions for children and certain other facilities	Referred to Senate Rules
A.7552/S.4766	Jaffee/Avella	Relates to the sealing and expungement of records in persons in need of supervision cases in family court	Referred to Senate Rules
A.7556/S.5713	Jaffee/Avella	Relates to permanency planning in juvenile delinquency and persons in need of supervision proceedings in family court	Referred to Senate Rules
A.7557/S.5714	Davila/Avella	Relates to truancy allegations in persons in need of supervision and child protective proceedings in family court	Referred to Senate Rules
A.7616/S.1772	Jaffee/Carlucci	Requires agencies to provide potential adoptive parents with information concerning state-funded benefits or services available once the foster child is adopted as well as those that expire upon adoption	Referred to Senate Rules

**2017 BILLS REPORTED**

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>	<b>Last Action</b>
A.318/ S.3977A	Jaffee/Savino	Provides that parents and caretakers who are otherwise eligible for a child care subsidy shall receive a subsidy when care is necessary to enable them to sleep	Reported to Ways and Means
A.320/ S.6519	Rosenthal/Golden	Establishes "Brendan's law"; requires cordless window coverings in child day care centers, public institutions for children and certain other facilities	Reported to rules
A.5836/ S.6286	Walker/Avella	Requires social services districts to maintain a waiting list of families who have applied for child care assistance and data regarding the income of such families	3 <sup>rd</sup> Reading
A.6645A/ S.2873A	Jean-Pierre/Parker	Establishes the independent office of the child advocate	Reported to Codes
A.6974/ S.5448	Jaffee/Avella	Relates to reimbursement for child care absences	3 <sup>rd</sup> Reading
A.7555/ S.5472	Jaffee/Avella	Relates to the reentry of certain foster children after they have left foster care	3 <sup>rd</sup> Reading
A.7558/ S.4763	Richardson/Avella	Relates to indicated reports of child maltreatment; repealer	3 <sup>rd</sup> Reading
A.7690/ S.4764	Harris/Avella	Relates to requiring the video recording of interrogations of juveniles in juvenile delinquency proceedings in family court	3 <sup>rd</sup> Reading

**2017 BILLS VETOED**

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>	<b>Memo #</b>
A.6903A/S.4574A	Brindisi/Marchione	Creation of a study by the commissioner of the Office of Children and Family Services regarding staffing levels	211
A.4049/S.3146	Lupardo/Golden	Directs the Office of Children and Family Services to promulgate regulations establishing workload standards for child protective service employees	220

A.8160A/S.2154SA	Lupardo/Serino	Establishes a hotline for the Office of Children and Family Services to receive reports of adults in need of protection	184
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