



COMMITTEE ON
Children & Families

2019 ANNUAL REPORT

NEW YORK STATE ASSEMBLY



CARL E. HEASTIE, *Speaker*

ELLEN C. JAFFEE, *Chair*

THE ASSEMBLY
STATE OF NEW YORK
ALBANY



Ellen Jaffee
Assembly 97th 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, 2019

Dear Speaker Heastie:

As Chair of the Assembly Standing Committee on Children and Families, it is my distinct pleasure to submit to you the 2019 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 authorizing local social services districts to delay the filing of a petition to terminate parental rights if a parent was or is involved in immigration proceedings, and creating protections regarding the evaluation and treatment of youth adjudicated as juvenile delinquents who may be determined as incapacitated.

This year, the Committee was active in seeking input on important policies affecting communities around the state. The Committee sponsored two public hearings to examine family involvement in the child welfare and family court systems, and the Court's role in custody, visitation and child support cases in New York. The Committee also hosted two roundtables; the first of which discussed the potential implementation and fiscal challenges to New York's child welfare system due to the recent enactment of the federal Family First Preventive Services Act of 2018, and the second, which discussed adverse childhood experiences (ACEs) and ways the State could implement more effective policies and procedures to prevent and support those affected by ACEs. These forums provided an opportunity for stakeholders to provide feedback on each topic.

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 and is contained within a thin black rectangular border.

Ellen Jaffee
Chair
Committee on Children and Families

**2019 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CHILDREN AND FAMILIES**

**Ellen Jaffee
Chair**

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Jennifer Sacco – Assistant Secretary for Program and Policy
Meg Antz – Principal Legislative Analyst
Janice Nieves – Associate Counsel

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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. In 2014, the federal government re-authorized the Child Care Development Block Grant Act (CCDBG), which is a block grant to state, territory, and tribal governments that provides support for children and their families with paying for child care. The

key goals of the 2014 CCDBG re-authorization are to protect the health and safety of children in care through more consistent standards and monitoring of standards; improve the quality of care, including through increased supports for child care providers; and enable families to more easily access child care assistance that supports stable and continuous care and that can be coordinated with other programs.

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.

In 2017, the enacted budget included language to increase the age of juvenile jurisdiction, 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.

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. In an effort to come into compliance with the 2014 re-authorization of the Child Care Development Block Grant, the committee has advanced legislation relating to expanded child care provider background checks and budget initiatives to provide more families with quality and affordable child care.

1. Legislative Initiatives

a. Cost Estimation Model for Child Care (A.580 Jaffee/S.245A Kennedy; Veto 197 of 2019)

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. Sleep Subsidy for Eligible Parents (A.413A, Jaffee/S.3420A, Savino; Chapter 344 of 2019)

Parents who work nights often need child care so that they can sleep during the day if their children are young and not in school. Regulations currently permit, but do not require, social services districts to provide a child care subsidy to financially eligible parents and caretakers who work non-traditional hours and need child care for their young children in order to sleep.

Most social services districts do exercise this option and provide subsidized daytime child care for parents who need to sleep. For those living in the social services districts that do not provide this

option, life can be very difficult as sleep-deprived parents juggle their need to sleep with caring for a young child.

This bill would require that otherwise eligible families with a child under the age of 6 who is not in school for a full day to receive a subsidy, for up to eight hours, in order to sleep if they work non-traditional hours. This would ensure that low income parents with young children who work the night shift and need child care to get adequate sleep will be able to do so regardless of where they live.

c. Adverse Childhood Experience Training (A.2766A Hevesi/S.4990A Biaggi; Chapter 675 of 2019)

According to the Centers for Disease Control and Prevention (CDC), childhood experiences, both positive and negative, have a tremendous impact on future violence, victimization and perpetration, and lifelong health and opportunity. Adverse childhood experiences (ACE) have been linked to risky health behaviors, chronic health conditions, low life potential, and early death. A CDC-Kaiser ACEs prevalence study found that almost two-thirds of study participants reported at least one ACE, and more than one in five reported three or more ACEs. This bill would add adverse childhood experiences (ACE) to the list of required training topics for certain child care providers.

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. A total of \$832 million in child care subsidies were appropriated in the final budget which represents a \$26 million increase over last year's appropriation. Such increase is allocated to cover the cost of the new market rate survey of the cost of child care released this year outside of New York City. Additionally, increased federal funding was provided over a two year period, starting in SFY 2018-2019, totaling \$193 million, to be allocated for the continuation of the State's efforts to comply with the 2014 re-authorization of the Child Care Development Block Grant (CCDBG). The Assembly successfully allocated at least \$10 million each fiscal year of such appropriation to supplement local funding for subsidized child care slots. Additionally, up to \$80 million each fiscal year of such funds were appropriated to comply with certain CCDBG re-authorization requirements to be broken down as follows: \$17 million for background checks; \$15 million for infant care and quality efforts; \$31 million for inspections; \$12 million for training programs; and \$2 million for staffing system changes.

Included in the final budget and in order to comply with the 2014 re-authorization of the Child Care Development Block Grant Act (CCDBG), the State is required to implement new health and safety requirements. Such health and safety requirements include expanding the type of background clearances required for licensed and registered child care providers; requiring certain enrolled legally-exempt providers to receive the expanded list of background clearances; requiring all child care providers to be inspected at least once a year; extending the effectiveness of initial licenses or registrations for child care providers; and updating the training requirements for child care providers.

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 Legislature was able to restore funding for these programs to last year's levels. The Legislature took further action to ensure that essential child care programs are preserved by restoring funding for child care centers at SUNY and CUNY with \$1.1 million and \$902,000, respectively.

The Legislature was also able to secure funding for the Advantage After-School Program in the amount of \$5 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. Job and Vocational Training (A.838 Hyndman/S.1191 Comrie; Chapter 193 of 2019)

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 make certain changes to Chapter 397 of the Laws of 2018. Rather than requiring the Department of Labor (DOL), in conjunction with OCFS, to establish job and vocational skills training pilot program for adjudicated youth as required in Chapter 397, this bill would require OCFS to provide job and vocational skills training to juvenile delinquents (JDs) and juvenile offenders (JOs) residing in facilities operated by OCFS. The program would provide the training necessary to reach higher levels of education and higher wage jobs in growing occupational fields for such youth.

b. LGBT Training in Runaway and Homeless Youth Programs (A.3619A Ortiz/S.1418A Hoylman; Chapter 361 of 2019)

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. Adjustment of Juvenile Delinquency Cases (A.7939 Jaffee/S.6475 Bailey; Chapter 310 of the Laws of 2019)

According to Governor Cuomo's 2015 Final Report of the Governor's Commission on Youth, Public Safety and Justice, over one-third (38 percent) of the delinquency cases received by local probation departments at intake statewide are successfully adjusted. Excluding those cases that are ineligible or unsuitable for adjustment and those cases in which the victim refuses to consent to adjustment, an average of 81 percent of the cases are successfully adjusted statewide. Data has also shown that the rate of adjustments vary substantially among counties making it essential that barriers to adjustment are addressed.

This legislation would address such barriers by making various changes to the adjustment process for juvenile delinquents by:

- removing the authority for the victim to have the absolute right to veto the possibility of adjustment and allow the probation department to balance the views of the victim and the suitability of adjustment;
- extending the time frame in which the probation department has to adjust a case from two to three months; and
- authorizing the family court to refer a case for adjustment at any time throughout the proceeding rather than just at the initial appearance.

d. Permanency Planning (A.7940 Jaffee/S.6535 Montgomery; Veto 202 of 2019)

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.

e. Foster Care Re-entry (A.7941 Jaffee/S.6472 Persaud; Veto 203 of 2019)

Currently, certain youth are afforded the opportunity to petition the family court requesting to re-enter foster care under certain circumstances. The opportunity for such youth to re-enter foster care has provided essential safety net protections for some of the most vulnerable and at-risk youth. This bill would expand the categories of foster youth who may petition to re-enter foster care at the age of 18 to juvenile delinquents, persons in need of supervision (PINS) and children who were voluntarily placed. Also, this bill would allow that any foster youth who is discharged from care on or after the age of 16 and is at risk of becoming homeless may petition to re-enter care.

f. Juvenile Delinquent Capacity Determination (A.8092 Jaffee/S.5516B Montgomery; Chapter 602 of 2019)

Under current criminal procedure law, protections exist regarding evaluation and treatment of an adult who may be determined as incapacitated. The purpose of this legislation would be to extend similar protections to youth adjudicated as a juvenile delinquent who may be determined as incapacitated. Such protections would allow an examination to determine capacity to be conducted in the place where the respondent is being held in custody, and for either the commissioner of Office of Mental Health (OMH) or Office of People with Developmental Disabilities (OPWDD), whomever has custody of such youth, to determine that treatment on an outpatient basis would be more suitable for the youth without having to petition the court when there is probable cause the youth committed a misdemeanor or felony.

2. Budget Initiatives

Included as part of the State Fiscal Year 2019-2020 final budget were provisions to reform procedures for PINS or persons in need of supervision. According to Article seven of the Family Court Act a “person in need of supervision” is defined as someone less than 18 years of age who is truant from school or incorrigible, ungovernable or habitually disobedient and beyond lawful control of a parent or person legally responsible for the child’s care. In keeping with the spirit of Raise the Age and the acknowledgment that PINS are not involved with the court system because they are being charged with a particular crime, this budget initiative limited, as of January 1, 2020, the detention and placement of PINS by only allowing pre-dispositional and post-dispositional placement to occur in foster care settings, in limited circumstances, and for a shorter period of time than what is authorized under current law. The Legislature was also successful in restoring state reimbursement to local social services districts for preventative services available to PINS.

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 is \$44 million, up \$4 million from last year's appropriation. 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.2106A Kim/S.5024A Parker; Chapter 125 of 2019)

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, therefore indicating it would be 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. Therefore, this bill would ensure local social services districts are afforded such flexibility, so all efforts can be made to keep families together when appropriate.

b. Securing Furniture (A.29A Rosenthal/S.3563A Serrano; Chapter 162 of 2019)

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.

c. Training in Adverse Childhood Experiences (A.4268 Hevesi/S.2659 Savino; Chapter 391 of 2019)

Similar to other legislation signed into law this session, this legislation recognizes the importance of human services workers being trained in recognizing adverse childhood experiences. Therefore, this legislation would require the Office of Temporary and Disability Assistance (OTDA) and the Office of Children and Family Services (OCFS) to develop a training program for direct-care employees to identify individuals who have experienced ACEs and effective strategies for assisting and interacting with such individuals, and locate programs and services to which such individuals with ACEs may be referred to help build an individual's resilience. The bill would require all direct-care employees to participate in the training at no cost to them.

d. Notification Requirements for Kinship Caregivers (A.569 Jaffee/S.2714 Savino; Chapter 399 of 2019)

According to the Kinship Navigator in New York State, there's approximately 179,000 grandparents, other relatives, and family friends who provide full-time care for children who are not biologically their own. Commonly called kinship care, these caregivers are a critical resource for the well-being of vulnerable children.

This bill would strengthen certain notification requirements to kinship caregivers by requiring a local social services district to provide written information about available services to relative and non-relative caregivers or suitable persons, when they approach such individuals about becoming a kinship caregiver. Such information shall be made available through the websites of the local social service district and the Office of Children and Family Services.

e. Rent Subsidies for Individuals with Roommates (A.4258 Hevesi/S.4339 Salazar; Chapter 624 of 2019)

This bill would allow eligible individuals receiving a housing subsidy to be able to utilize such subsidy even if they were living with a roommate. Individuals and families are eligible to receive a monthly housing subsidy when a youth is aging out of foster care and entering independent living, to reunite a foster care child with his/her family, and as a service for the family to prevent a youth from entering foster care.

f. Eligibility Requirements to Become a Foster Parent (A.8059 Jaffee/S.6405 Montgomery; Chapter 434 of 2019)

Among many of the initiatives advocates of the kinship community have sought, allowing kinship caregivers to become foster parents has been a top priority. Over the years, changes have been made to address the facilitation of more kinship caregivers becoming foster parents at the state and federal level but additional changes are required to be made in order to conform to a changing system.

This bill would make conforming changes to a provision of the family court act (FCA) relating to who is eligible to apply to become a foster parent for a child in foster care to coincide with recently enacted state and federal laws. Under such FCA provision, this bill would remove the requirement for a prospective foster parent to be related within third degree of consanguinity and authorizes such person to be related to the child through blood, marriage, or adoption; relation to a half-sibling of the child through blood, marriage or adoption or is also the prospective or appointed relative guardian of such half-sibling; or is an adult with a positive relationship with the child, including, but not limited to, a step-parent, godparent, neighbor or family friend.

g. Online Resource of Home Visiting Programs (A.6575 Fahy/S.6031 Mayer; Chapter 543 of 2019)

Home visiting programs, which provide new and expectant parents with information, support, and referrals to community resources and services, are aimed to promote good maternal and child health, home safety, food security, and positive parenting. The purpose of this bill is to require an online resource for families to access information regarding New York State's home visiting programs. This bill would require the Office of Children and Family Services and the Department of Health to make an internet mapping resource available to the public with information on home visiting programs on the Council on Children and Families' website. The internet mapping resource would include the following information; program name, program address and phone number, as well as, program recipient eligibility criteria. To ensure continued accuracy, the mapping resource would be required to be updated periodically.

h. Notice of Change in Foster Care Placement (A.7974 Richardson/S.6215 Montgomery; Chapter 732 of 2019)

Timely notice to interested parties of a change in a child's foster care placement and whether a local social services district has indicated a report of abuse or neglect made to the Statewide Central Register (SCR) involving someone in the home where the child is receiving care is

essential to promote the best interest of foster children. This bill would require a local social services district or authorized agency, having custody of a child, to provide ten days' notice to the attorney for the child and the attorney for the parties, in advance of any anticipated change in a foster child's placement. If a change in the child's placement is required on an emergency basis, the parties would be notified no later than the next business day. The bill would also require that the parties be notified within five days of an indicated report involving the child or another child in the home. The local social services district or authorized agency would be authorized to protect the confidentiality of any identifying or address information of the foster or prospective adoptive parent.

i. Statewide Central Register (SCR) Reform (A.8060A Jaffee/S.6427A Montgomery; Veto 232 of 2019)

For years, stakeholders and advocates have been pushing for reform to an antiquated SCR system to address the fact that a vast majority of calls to the SCR are for neglect attributed to poverty-related issues. This legislation's goal is to create a more equitable system and get people back to work who may have been effected by their name being placed on the SCR.

Some of the changes this bill would institute include:

- raising the level of evidentiary standard required when indicating an abuse or neglect report;
- conditionally sealing records for maltreatment eight years after receipt of the report while allowing certain entities to continue to have access to such records;
- authorizing the subject of a report to request the Office of Children and Family Services to amend their record at any time on a biennial basis when they can show a change in circumstances at subsequent requests;
- requiring OCFS to amend an indicated record to unfounded, in instances where an abuse or maltreatment allegation has been dismissed at the conclusion of an adjournment in contemplation of a dismissal or suspended judgment; and
- alerting the respondent of an abuse or neglect proceeding under Article 10 of the Family Court Act that their indicated maltreatment report may be conditionally sealed after eight years or twelve years in certain circumstances and that prior to being sealed, such records would be available to employers for positions involving substantial contact with children.

j. Society for the Prevention of Cruelty to Children Extension (A.6593, Zebrowski/S.5500, Carlucci; Chapter 155 of 2019)

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 for a chapter in Rockland County. This bill would provide 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

In 2018, the Federal Government passed the Family First Preventive Services Act (FFPSA) as part of a bipartisan budget agreement. Amongst other things, FFPSA aims to limit the amount foster care placements in congregate care settings and instead focuses on placing more children in a foster family home. This year's final budget included provisions to require all employees of a residential foster care program to receive a background check to ensure compliance with FFPSA. Before the enactment of this provision, only employees of a residential foster care setting who had regular and substantial unsupervised contact with children were required to receive a background check. A second proposal to assist local social services in preparing for compliance with FFPSA, which was part of this year's final budget creates the Family First Transition Fund. This \$3 million dollar fund is available to local social districts for services to support, recruit, and retain current and prospective foster families including kinship caregivers.

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 2019-2020, such as Child Advocacy Centers, Safe Harbour, Runaway and Homeless Youth programs and programs for kinship caregivers.

The Assembly 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 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 Runaway and Homeless Youth programs, improving the chances of stability and permanency options for these youth. Kinship care and navigator programs, which provide vital resources and services to grandparents and other family members caring for children, received \$1.9 million in funding and \$100,000, respectively.

III. PUBLIC HEARINGS & ROUNDTABLES

A. Federal Enactment of the Family First Preventive Services Act (FFPSA)

On January 14, the Committee in conjunction with the Subcommittee on Foster Care conducted a roundtable discussion to examine the changes, potential implementation and fiscal challenges to New York's child welfare system due to the recent federal enactment of the Family First Preventive Services Act of 2018.

The purpose of the Family First Prevention Services Act (FFPSA), enacted as part of the federal government's bi-partisan budget agreement in February of 2018, is to enable States to use certain federal funds to enhance supports to children and families and prevent foster care placements through the provision of mental health and substance use disorder prevention and treatment services, in-home parent skill-based programs, and kinship navigator services. FFPSA has the potential to dramatically change child welfare systems across the country, including New York, by instituting certain limitations on reimbursable foster care placements, expanding opportunities to incentivize kin placement, and provide the option to use certain foster care federal funding for preventive services.

The Committee and the Subcommittee held this roundtable to discuss these issues and gather information from stakeholders about the forthcoming changes to New York's child welfare system and the potential implementation and fiscal challenges required to comply with FFPSA.

B. Adverse Childhood Experiences

On January 16, the Committee in conjunction with the Committee on Social Services and the Task Force on Women's Issues hosted a roundtable to discuss adverse childhood experiences (ACEs). The roundtable sought input on ACEs and to consider ways the State could implement more effective policies and procedures to prevent and support those affected by ACEs.

This roundtable discussed ACEs from a holistic approach to gain understanding as to what constitutes ACEs generally and its supporting science, the screening mechanism to determine an ACE score, and what early interventions, such as home visiting, could potentially assist in curtailing lasting impacts and recognizing susceptibility early on. Additionally, this roundtable discussed what supports and services the State could consider for older youth and adults to help curb generational repercussions.

C. Children's Rights in Court

On October 24, the Committee co-sponsored a public hearing with the Committees on Judiciary and Social Services to examine the Court's role in custody, visitation and child support cases in New York.

In recent years, there have been various discussions on ways to improve the New York Court System. One topic of discussion concerns ensuring the rights of children in court. This topic has been addressed in numerous ways, from bills restricting the use of restraints on children in the courtroom to groundbreaking legislation such as "Raise the Age" and the "Child Victim's Act".

Consistent with the Assembly's determination to protect the rights of children, a hearing on the court's role in custody, visitation and child support cases is the first step to analyzing the current status of the system to learn where improvements can be made. Custody, visitation and child support cases require analysis of what is in the best interest of a child. It is also important that those cases be completed in a timely manner. Advocates and litigants have pointed out that the current system does not comply with time requirements meant to protect the rights and serve the needs of children. Furthermore, the quality of training, the current use of forensic evaluations and the qualifications of those who decide what is in the best interest of the child are constant topics of dispute that require analysis and commentary from members of the public.

The Committees held this public hearing to discuss these issues and gather information from stakeholders and litigants about how to better ensure children are given their proper chance to be heard in court setting.

D. Family Involvement in the Child Welfare and Family Court System

On November 21, the Committee in conjunction with the Taskforce on Women's Issues hosted a public hearing to examine the child welfare and Family Court systems as it relates to the availability of supports and services to help keep families together.

Over the last several years, advocates and other key stakeholders have identified situations in the State's child welfare and Family Court systems, which have created potential barriers to keeping families together. These circumstances could range from how legal standards affect people with certain economic statuses during a family's interaction with child protective services and insufficient caseload standards for caseworkers, to insufficient preventive service funding and kinship guardianship placements to help prevent unnecessary separations. Work has been done to try to address some of these likely issues, but it is possible barriers still exist.

This hearing provided an opportunity for the Assembly to learn more about what stakeholders view as the most critical obstacles that may be preventing families from remaining together throughout their involvement with the child welfare and Family Court systems and receive recommendations on steps the State can continue to take to help alleviate some of these potential circumstances.

APPENDIX A 2019 Summary Sheet

SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON

Children and Families

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 5

ASSEMBLY	SENATE	TOTAL
BILLS	BILLS	BILLS

BILLS REPORTED FAVORABLE TO:

Codes	17	0	17
Judiciary	0	0	0
Ways and Means	5	0	5
Rules	1	0	1
Floor	5	0	5
TOTAL	28	0	28

COMMITTEE ACTION

Held For Consideration	0	0	0
Defeated	0	0	0
Enacting Clause Stricken	1	0	1
REMAINING IN COMMITTEE	87	7	94

BILLS REFERENCE CHANGED TO:

TOTAL	0	0	0
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APPENDIX B

2019 BILLS SIGNED INTO LAW

Bill #	Sponsor	Description	Chapter #
A.29A/S.3563A	Rosenthal, L./Serrano	Requires the anchoring of furniture and electronics in child day care centers and other facilities	162
A.413A/S.3420A	Jaffee/Savino	Provides that parents and caretakers who are otherwise eligible for child care assistance shall be able to utilize such assistance when cares is necessary to enable them to sleep	344
A.569/S.2714	Jaffee/Savino	Requires local social services districts to share certain information with kinship caregivers	399
A.838/S.1191	Hyndman/Comrie	Amends a chapter of the laws of 2018, as proposed in legislative bill numbers S.2084 and A.2449, in relation to making certain provisions permanent	193
A.2106A/S.5024A	Kim/Parker	Enacts the New York State Reuniting Families Act	125
A.2766A/S.4990A	Hevesi/Biaggi	Relates to standards and training for child day care	675
A.3619A/S.1481A	Ortiz/Hoylman	Relates to expanding the duties of the Office of Children and Family Services concerning lesbian, gay, bisexual, and transgender runaway and homeless youth	361
A.4258/S.4339	Hevesi/Savino	Requires rent subsidies to be made available to eligible recipients that live with a roommate	624
A.4268/S.2659	Hevesi/Savino	Requires certain direct care workers to be trained in recognizing adverse childhood experiences	391
A.6575/S.6031	Fahy/Mayer	Relates to information on home visiting programs to be made available publically on an online resource	543
A.6593/S.5500	Zebrowski/Carlucci	Extends the effectiveness of certain provisions of Chapter 329 of the Laws of 2009, relating to removing special powers granted to the society for the prevention of cruelty to children	155

A.7939/S.6475	Jaffee/Bailey	Relates to the adjustment of juvenile delinquency cases by local department of probation in family court	310
A.7974/S.6215	Richardson/Montgomery	Requires notification of change in foster care placement	732
A.8059/S.6405	Jaffee/Montgomery	Relates to an application of a relative to become a foster parent	434
A.8092/S.5516B	Jaffee/Montgomery	Relates to the determination of capacity to stand trial in juvenile delinquency proceedings in family court	602

2019 BILLS PASSED

Bill #	Sponsor	Description	Last Action
A.412B/S.4326	Jaffee/Montgomery	Relates to licensure, certification or registration and required inspections, background clearances and training for child care providers	Referred to Senate Rules
A.7959A	Darling/No Same As	Relates to the execution of warrants in juvenile delinquency cases when family courts are closed	Referred to Senate Rules
A.8090B	Davila/No Same As	Relates to juvenile delinquency charges of violations in the family court	Referred to Senate Rules

2019 BILLS REPORTED

Bill #	Sponsor	Description	Last Action
A168A./S.3186A	Rosenthal, L./Kennedy	Establishes “Brendan’s Law” by requiring cordless window coverings in certain facilities that care for children	3 rd Reading
A.7970/S.6533	Frontus/Montgomery	Relates to requiring the video recording of interrogations of a juvenile in juvenile delinquency proceedings in family court	3 rd Reading
A.8021	Jaffee/No same as	Relates to the sealing and expungement of records in persons in needs of supervision cases in family court	3 rd Reading

A.8085	Joyner/No Same As	Relates to the discovery provisions applicable to juvenile delinquency proceedings in family court	Reported, referred to Codes
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2019 BILLS VETOED

Bill #	Sponsor	Description	Veto #
A.580/S.245A	Jaffee/Kennedy	Implements a cost estimation model for child care	197
A.7940/S.6535	Jaffee/Montgomery	Relates to permanency planning in juvenile delinquency and persons in need of supervision proceedings in family court	202
A.7941/S.6472	Jaffee/Persaud	Relates to the re-entry of certain foster children after they have left foster care	203
A.8060A/S.6427A	Jaffee/Montgomery	Relates to the standard of proof for unfounded and indicated reports of abuse or maltreatment and the admissibility of reports of child abuse and maltreatment	232