

NYC Citizens Review Panel
Meeting Summary
September 15, 2015
10:00 a.m. – 12:30 p.m.

Attendees:

Panel Members

Wayne Ho, Panel Chair and Chief Program and Policy Officer, Federation of Protestant Welfare Agencies

Jocelyn Brown, MD. Director, Child Advocacy Center of New York

David J. Lansner, Esq. Partner, Lansner & Kubitschek

Mathea Rubin, Parent

Jorge Saenz De Viteri, CEO, ECE Management NY, Inc.

Marion White, Founder/Executive Director, Child Abuse and Prevention Program, Inc.

WRI Staff

Lee Lounsbury, Executive Director

Shawntell Mills-Sanchez, Program Associate (by phone)

WELCOME (Panel Chair) – Introductions took place

AGENDA ITEM: ACS & OCFS Lawsuit (Jennifer Levy, General Counsel for Litigation, NYC Public Advocate’s Office)

Ms. Levy began her presentation with an overview of the role of the NYC Public Advocate, including to receive complaints and try to remedy them. In that role, the Public Advocate, Letitia James, along with nineteen foster children, recently filed a class action lawsuit against the New York City Administration for Children’s Services (ACS) and the New York State Office of Children and Family Services (OCFS) for “causing irreparable harm to children in New York City foster care”. The suit alleges that ACS and OCFS fail to protect children from maltreatment, fail to ensure that services provided are effective and of acceptable quality, and fail to ensure appropriate placements. According to the suit, the harms and risks that children in ACS custody suffer are a direct result of ACS and OCFS failing to properly address structural deficiencies in the New York City child welfare system.

Ms. Levy referenced two related policy reports issued by the Office of the Public Advocate: “Improving the Outcomes for Youth Aging Out of Foster Care in NYC” (September 2014) and “Improving Foster Care in New York City: Stories Through the Lens of Children in Foster Care” (July 2015). These reports are available on the Public Advocate’s Office website. Ms. Levy also referenced the hotline operated by her office, which is intended to receive calls about youth aging out of foster care, and/or people connected to those youth including birth, foster, kinship and adoptive parents.

Ms. Levy discussed some of the concerns her office has about foster care, including agency staff missing court appearances, workforce issues including rates of turnover of agency staff, and inadequate training. There are concerns that ACS may not always know which foster home a child is placed in. A top priority of the Public Advocate’s office is the level of oversight of private agencies by ACS and OCFS, as well as

services children and families receive when a child is in foster care. They are also concerned about the slow process for cross-jurisdictional placements (ICPC).

Since the lawsuit was filed, the State wrote a letter offering to discuss a settlement, however Ms. Levy is prohibited from providing details at this time. ACS has formed about 10 work groups that include external stakeholders, to focus on areas including: reducing removals without a court order; improving case conferencing; strengthening reunification practices; strengthening foster care legal services; housing assistance; placement stability in foster care; educational outcomes; outcomes for older youth; adoption and kinship guardianship; and broken adoptions. Ms. Levy described a pilot project ACS is conducting in Queens to do a “deep dive” into a sample of cases to see why children are in foster care so long. The Public Advocate’s Office recommends expansion of this pilot.

There was discussion between Ms. Levy and Panel members, during which Panel members suggested looking at setting standards for caseload sizes for caseworkers, enhanced trauma screening for children and families, and additional supports for high risk cases. There was also discussion of the new Strengthening Families Act, and the requirement that the goal of APPLA (another planned permanent living arrangement) be used only for youth 16 and older, and then only when there is documented justification. There was discussion about supporting a requirement that children only be placed in agencies that meet certain outcomes, including ensuring that children do not age out of foster care without permanency, since research is clear about the very poor outcomes for many of these youth.

The Panel would like to know more about the reasons children are removed from their homes and see data about this. There was a preliminary discussion about including some of these recommendations in the Panels’ Annual Report, as well as the possibility of the Panel taking additional action to support the goals of the lawsuit to improve foster care.

Agenda Item: OCFS Updates (Renee Hallock, OCFS)

Renee Hallock, OCFS Associate Commissioner, joined this portion of the meeting by phone to present information about several topics.

- 1) CPS/Mental Health Collaboration: OCFS has provided funding to 14 counties (that applied) so the county can hire or contract with a mental health expert to be co-located in the CPS office and provide consultation on cases in which there appear to be mental health concerns. This work can include the mental health staff going on home visits with the CPS caseworkers. This is a new initiative, in its early stages upstate. NYC already had funding for this work and is farther along in this type of collaboration.
- 2) Implementation of Well-being Practice Initiative: OFS recently completed a computer-based training on trauma and its impact on children and families. This is available to agencies and counties. The Panel asked to be able to link to the training to view it. Also as part of the well-being initiative, OCFS is doing training with counties on educational outcomes, and recently signed an MOU with NYS Education Department to allow data sharing about educational status of children in foster care and in the juvenile justice system. For example, a caseworker can now view a child’s test results. There are also efforts to encourage CUNY and SUNY to provide better support for older adolescents to help them enroll in and graduate from college.
- 3) Role of the Panels in the federal Child and Family Services Review (CFSR): The Panels asked OCFS what the role of the Panels might be in the upcoming federal review. That will be

discussed and OCFS will let us know. The review is the week of June 13, 2016 and OCFS' Statewide Assessment report is due before that, in April.

- 4) Additional items: Because of the earlier discussion about the foster care lawsuit, the Panels asked OCFS about the case reviews OCFS does of foster care cases. Ms. Hallock described the review schedule and that there is an extensive review instrument that she will share with the Panels. She will also check whether the results of these reviews can be shared with the Panel.

The Panel asked whether the State Central Register (SCR) asks callers whether a child being reported has an IEP at the time a report is taken. Ms. Hallock said yes, and it is noted in the narrative section by the SCR staff if a child has an IEP.

The Panel asked Ms. Hallock about OCFS' policies regarding the expungement of Family Assessment Response (FAR) cases. WRI will follow up with OCFS Legal about this issue.

Agenda Item: Impact Assessment Discussion (Group)

The Panel meeting ran long and there was not time for a full discussion of the draft impact assessment documents. Panel members agreed to review these and provide WRI with any

Agenda Item: Future Agenda Items (Group)

The Panel would like WRI to invite Commissioner Carrion to the December meeting to hear about the workgroups she has convened, and any additional relevant updates. The Panel would also like to invite the Public Advocate's office to return to discuss the status of the lawsuit at the time of the next meeting.