



Testimony of Commissioner Gladys Carrión
New York State Office of Children & Family Services

to the

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Eliot Spitzer, Governor

Chairman de Blasio and distinguished members of the City Council, my name is Gladys Carrión, and I am the Acting Commissioner of the New York State Office of Children and Family Services (OCFS). As a former legal services attorney who has practiced in Family Court, I am honored to have this opportunity to provide written testimony regarding child welfare and the increased demands on the New York City Family Courts.

OCFS is charged under State and Federal laws and regulations with supervising, monitoring, and providing technical assistance to 58 local social services districts, the St. Regis Mohawk Tribe, and numerous providers which serve "at-risk" adults, families, children and youth. The primary program areas that OCFS oversees include Foster Care, Adoption, Prevention Services, Child Protective Services, Child Day Care, Services for Domestic Violence Victims, Adolescent Pregnancy Prevention, Adult Protective Services, and Native American Services. In addition, OCFS operates the Statewide Central Register of Child Abuse and Maltreatment (SCR), which is sometimes referred to as the "Child Abuse Hotline." The SCR is responsible for handling phone calls from mandated reporters and the general public reporting suspected incidents of child abuse, maltreatment or neglect on a 24-hour-a-day, 7-day-a-week basis.

Since the series of tragic deaths of children known to the child welfare system in late 2005 and 2006, the SCR has seen an overall increase of 11.5% in the number of calls received statewide. In New York City, the number of reports received has increased 30 percent overall. By borough, the increases are: Bronx County, 34%; Kings County, 35%; New York County, 30%; Queens, 21%; and Richmond, 37%. The increase in reporting of suspected child abuse and maltreatment is a very positive step for the safety of New York City's children.

This increase in reports in New York City may be attributed to greater awareness on the part of the public to the plight of children who may be the subject of abuse or maltreatment, and additional training provided to New York City mandated reporters regarding the indicia of child abuse and maltreatment. For the past several years, improved training for and education of mandated reporters has been a priority for OCFS. OCFS developed an updated curriculum for mandated reporter training which was recently adopted by the State Education Department (SED) as the standard mandated reporter training curriculum for all SED approved mandated reporter training. In addition, OCFS has presented statewide teleconferences providing targeted mandated reporter training to school personnel, day care providers and staff, medical personnel, social services workers, and law enforcement personnel.

More recently, OCFS has been working with staff of the Mayor's Office, the Administration for Children's Services (ACS), the New York City Department of Health and Mental Hygiene, and the New York City Health and Hospitals Corporation to coordinate a public education campaign to create greater awareness of child abuse and maltreatment. The campaign also brings

enhanced training to mandated reporters of child abuse and maltreatment, to remind them of the scope and significance of their responsibilities to report suspicions of child abuse and maltreatment. Teleconferences were held in November and December 2006 to provide mandated reporter training to physicians and medical personnel in New York City. Additional teleconferences are scheduled for January and March 2007 to train day care providers and staff in New York City. These teleconferences have been arranged by OCFS with support and assistance from the city agencies.

The OCFS public information office also has been working with its counterpart in ACS on a more general public awareness campaign in New York City. It focuses on the recognition and reporting of child abuse and maltreatment as part of a greater statewide "zero tolerance" campaign to increase public awareness of child abuse and maltreatment issues. Further, the OCFS website now includes a "Concerned Citizen's Guide to Reporting Suspected Child Abuse and Maltreatment." This online audiovisual resource provides information designed for the general public on recognizing and reporting possible child abuse and maltreatment. In addition, OCFS and ACS joined with Prevent Child Abuse New York in co-sponsoring the production of an easy-to-read Q&A brochure that provides answers to questions most often asked by the public regarding child abuse and neglect issues. Over 100,000 copies of the *Recognizing & Reporting Child Abuse & Neglect* brochure are available to ACS for distribution in the New York City market. The brochure is also accessible on the OCFS, ACS and Prevent Child Abuse New York Internet websites.

Finally, OCFS recently updated the *Summary Guide for Mandated Reporters*, enhancing information on training for mandated reporters. An estimated 150,000 copies of the guide are currently being produced in English and Spanish and will be available for distribution in late January. Once produced, OCFS plans to provide 40,000 copies of the English and Spanish guide immediately to ACS for dissemination to mandated reporters in the New York City. The updated guide is also accessible currently on the OCFS website in five languages, including English, Spanish, Arabic, Chinese and Russian.

With the increase in calls and enhanced safety comes the concomitant increase in workload for all the partners in the child welfare system—the SCR, ACS child protective staff, the New York City Family Courts, and the attorneys who represent parents and children in Family Court. OCFS, at the direction of the New York State Legislature, recently completed a study of child welfare caseworkers' workloads. One of the study's findings was that for a two-week period in the fall of 2006, of all available case-related time, 9.2% of ACS caseworkers' time was spent in "court time," which included time preparing for court, appearing in court and waiting in the court house for hearings to begin. For that same time period, caseworkers employed by ACS contract agencies spent 8.1% of their case-related time in "court time." OCFS is working to

understand the significance and implications of this first study of caseworker workload.

According to New York City Family Court statistics, filings of child protective petitions regarding child abuse and neglect increased citywide in 2006 by 63% (1,285 new abuse filings) and 163% (11,224 new neglect filings), respectively. However, 47, the number of family court judges set by statute (Family Court Act §121), has not changed since 1991.

On December 21, 2005, the Permanency Bill took effect. This sweeping reform legislation was supported by OCFS, ACS and the Office of Court Administration. The Permanency Bill enacted comprehensive systemic reform of the processes governing children in foster care in New York, with the primary goal of moving children more quickly to permanent, safe homes. The prior legal framework presented a number of problems for practitioners, judges, children and parents. Most significantly, the delays engendered by the system needlessly extended the length of time children remained in foster care. The changes enacted by the Permanency Bill included continuous calendaring and family court jurisdiction of cases where a child has been removed from his or her home. Continuing legal representation of parties is also required.

The Permanency Bill requires the courts to hold hearings immediately after a child is removed from his or her home to determine whether that removal is appropriate, and to get the child back home where it is not.

In addition, the Permanency Bill requires the court to set a date certain for a timely initial permanency hearing for children freed for adoption or placed in foster care, which must be completed within 30 days. The initial court review of a child's placement is now six months earlier than previously required. Subsequent permanency hearing reviews are also held more frequently now, once every six months. The objective of the earlier and more frequent court reviews is to permit early and often evaluation of the progress of the parties, the safety and well-being of the child, and the services provided to the family. These are all steps designed to streamline the prior cumbersome and time-consuming process, to return the child home sooner if appropriate, and to move the child toward an alternative safe and permanent home if not.

The coincidental timing of the implementation of the Permanency Bill changes requiring additional court hearings when a child first enters care and then frequently thereafter, along with the sustained increase in the filings of petitions regarding children subject to these new provisions, was unfortunate and a challenge for all parties. From all accounts, ACS, the New York City Family Courts, and other stakeholders in the system have struggled heroically to provide these at-risk children and their families with the appropriate investigations, representation, family court review, and services necessary to achieve safety and permanency expeditiously.

In addition to the assistance OCFS is providing New York City regarding child abuse and maltreatment reporting, OCFS is also working to improve the CONNECTIONS system to enable caseworkers to more quickly prepare the permanency hearing reports required for children removed from home to foster or relative care. In addition, OCFS has funded technical assistance and training for ACS and contract agency staff to facilitate this process. OCFS has also assisted ACS in providing expeditious training to the many new staff hired.

It is the goal of all stakeholders in the child welfare process—judges, workers, attorneys and the families involved—to have the process be both efficient and effective. Additional resources would allow more in-depth, effective and timely investigations and court reviews, which unquestionably will lead to better outcomes for the children and families it is our duty and honor to protect and serve.