

**New York City Administration for Children's Services
Testimony to the New York City Council
Committees on Juvenile Justice, General Welfare, Youth Services and Civil
Rights
February 10, 2011**

“Oversight: ACS’s LGBTQ Policies”

Good afternoon Chairs Gonzalez, Palma, Fidler, Rose and members of the Juvenile Justice, General Welfare, Youth Services, and Civil Rights Committees. I am John B. Mattingly, Commissioner of the New York City Administration for Children's Services. I am joined by my colleagues, Belinda Conway, Executive Deputy Commissioner of Operations, and Laurence Busching, Executive Deputy Commissioner of Youth and Family Justice. Thank you for giving us the opportunity to talk today about our work with LGBTQ youth in New York City's child welfare and juvenile justice systems.

We at Children's Services take very seriously our commitment to ensuring that all children in our care are safe, supported, and being cared for in environments where they can succeed. For youth who identify as LGBTQ – Lesbian, Gay, Bisexual, Transgender, or Questioning – the challenges of facing discrimination on the basis of their sexuality or gender identity often compound the significant needs of all

young people who are involved in the child welfare or juvenile justice systems. For this reason, Children's Services has made it a priority over the last several years to improve the quality of services for LGBTQ youth and families who are involved in the child welfare system. We believe there is a solid array of community connections and services, but we also know that we need to continue to develop our resources in this area in order to better serve LGBTQ youth. We welcome the diversity of youth who call New York City home and who may come in contact with our public systems for a variety of reasons. We approach this work using a positive youth development model and a desire to promote healthy and happy futures for LGBTQ youth.

I will turn my attention first to issues surrounding LGBTQ youth in foster care, and then to that of our newest division, Youth and Family Justice, where we are also working to improve services to LGBTQ youth in detention.

On the child welfare side, we are fortunate to have had the opportunity to work over a number of years with a diverse group of stakeholders who have come together to advocate for policy and practice changes in the child welfare system to better support LGBTQ youth. This working group has included service providers, legal and social work advocates, ACS contract foster care staff, and staff and

leadership from Children's Services, including ACS Deputy Commissioners. In 2006, this group of stakeholders submitted a strategic plan to improve services to LGBTQ youth involved in the child welfare system. One of the primary recommendations was that ACS create a dedicated position to coordinate LGBTQ services, and in 2007, we did just that. Of course, that was but one step. The strategic plan outlined six primary goals related to ensuring safe and supportive foster care experiences for LGBTQ youth. In each of the six areas, we have achieved important milestones, and we are continuing to work to achieve more. I will briefly describe here the main highlights of our work, and then I would be happy to discuss them in more detail should you have questions.

LGBTQ Continuum of Care for Placement Options

First, as we have discussed with the Council, Children's Services has made it a priority to find loving and supportive foster and adoptive homes for all youth. It is our belief that the vast majority of children and youth do better when living with a family than in a residence. As a system, we remain committed to this goal even for youth for whom family life may be more challenging and who have emotional or behavioral needs that require special skills and sensitivity on the part of a parent. We also believe that we - and the social service agencies we contract with - have an obligation to recruit and retain families that are affirming for LGBTQ youth, and we have put much energy into realizing this vision. Since 2009 we have

leveraged private funding sources to collaborate with a number of non-profit organizations– including the LGBT Community Center, You Gotta Believe, and the Council on Adoptable Children - on multiple projects aimed at recruiting LGBTQ affirming families and training foster care agencies. The LGBTQ Center’s work is closely coordinated with the work of our own recruitment office. In 2010, we changed the protocol of our Recruitment Hotline so that all callers are asked if they would be interested in providing a welcoming home to LGBTQ youth. This is just one example of the ways that our Parent Recruitment Office is working to find LGBTQ affirming families. We also have a dedicated LGBTQ table at our prospective parent informational forums; we are including a LGBTQ question specifically for people who fill out a Fostering/Adopting “statement of interest;” and we use and distribute LGBTQ specific recruitment materials. Moving forward, one area of focus is our ACS parent recruitment website, where traffic has increased substantially in recent years. We are in the process of updating the site so that prospective foster parents can indicate their interest in being matched with a LGBTQ youth, and expect to go live with that soon.

We know that a critical aspect of this work is developing the capacity of our foster care agencies. In the spring of 2010, the LGBT Community Center and ACS collaborated to launch a pilot called the “Foster Care Project”. Through this

program, participating foster care agencies undergo a needs assessment and then receive targeted training and technical assistance to help them create a culturally competent environment that is welcoming and inclusive of LGBTQ youth and adults. Upon completion of the program, the agencies should achieve benchmarks on the road to LGBT cultural competency. These benchmarks include ensuring that all youth, staff and parents receive notice of ACS's non-discrimination policy; actively recruit LGBT affirming foster and adoptive families; affirm and include the LGBTQ community on their website; adopt a written policy outlining a grievance procedure for youth and staff to report discrimination, harassment or abuse, and meet other critical benchmarks of LGBTQ competency.

The Foster Care Project is currently working with five agencies on this pilot, and the grant for this program has been extended through 2011, allowing us to engage three additional agencies. While the Foster Care Project involves an intensive level of focused work with participating agencies, our goal is to ensure that every foster care agency provides affirming and culturally competent services to LGBTQ youth. This is especially important since research shows us that sexual orientation and gender identity is part of adolescent development and may be fluid in adolescence. Thus, it is critical that we can count on every single one of our foster

care agencies to be welcoming and affirming to all youth, regardless of whether or not they openly identify as LGBTQ or are perceived as LGBTQ.

To this end, I wrote the Foster Care agencies this past November and asked that they each designate a LGBTQ Point Person. We expect these Point People to attend periodic training sessions and meetings on how to best work with LGBTQ youth and families, and to serve as a resource for youth and colleagues. We also expect that the Point People will track staff training and LGBTQ case-specific issues. The Point Person will work with each agency's home-finding units to develop a strategy to identify, recruit and retain LGBTQ affirming homes for youth. We define LGBTQ affirming foster families as those who will welcome LGBTQ youth into their home, treat them with dignity and respect, and work to meet their unique needs. We have explicitly outlined with our foster care agencies that we expect that through their initial screening and assessment of all foster families, that they will know which families in their network meet this description when they receive inquiries from our Office of Placement Services.

We have also asked our preventive service providers to develop a special expertise in working with LGBTQ youth and parents. Our goal is to have at least one of these types of programs in each borough. The program will be used as a primary

resource for families where the sexual orientation or gender identity of a child or parent is a central factor in the family's current need for preventive services.

Currently, 10 preventive programs have responded to our request for volunteers for this program. We are now in the process of developing a plan with these agencies to promote welcoming and inclusive environments and develop competency and case practice models for supporting LGBTQ youth and their families.

Before I leave the topic of placements for LGBTQ youth, I want to briefly touch on concerns raised by members of the community about residential capacity. We understand that there are concerns about capacity in this era of budget cuts and a transition to the new child welfare contracts following our RFP last year. We can assure the Council that ACS is maintaining stable residential care capacity for LGBTQ youth, excluding the elimination of our Supervised Independent Living Program (SILP) overall, which included LGBTQ beds. While it is true that residential beds across the system have been decreased, and that this affects LGBTQ youth, we believe that ultimately a push towards family based care for these young people is the right decision. We worked with each of the LGBTQ youth who were previously living in the SILPs to conduct an individualized strengths and needs assessment to determine the best permanency option for them.

A central principle of our work is that youth in foster care should be placed in the least restrictive setting that will meet their needs, and that family connections are critical to youth's well-being and development. We do not believe that sexual orientation or gender identity in the absence of other clinical needs is a reason for a residential placement as opposed to an affirming and supportive foster home. This is a view held by many other child welfare and LGBTQ Youth experts, and it is why we are working so hard to find affirming families for LGBT youth.

Policies and Training

Another area of focus for Children's Services following the release of the 2006 strategic plan has been in developing policy and practice guidance and offering training. In 2008, we updated and re-released our non-discrimination policy and disseminated it to all Children's Services, Foster Care and Preventive agency staff. This policy, which is attached to our testimony, clarifies the types of discrimination that are prohibited under New York City and State law, and states our position that all qualified prospective foster and adoptive parents who wish to provide homes to children and youth in care have the opportunity to do so without discrimination, and that all children and youth in care are provided with safe, healthy and accepting environments in which to grow and thrive without discrimination.

In 2009, we released a policy for our Division of Child Protection that provided guidance for Children's Services staff when making assessments of safety and risk concerning LGBTQ children and youth. The purpose of the policy was to ensure that when staff are assessing safety and risk of an LGBTQ young person that they assess whether the parent's attitude about the child's actual or perceived sexual orientation or gender identity is impacting the parent's behavior and putting the child at risk. As part of the protocol, when interviewing a transgender young person, Child Protective Specialists should take care to address the child by the name he/she prefers to be called, which may be a name associated with a gender different than the child's biological sex.

In 2010, we released the Medicaid Non-Reimbursable Treatment or Services for Youth in Foster Care Policy, which applies to any medical or mental health expense not covered by Medicaid, including gender affirming healthcare for transgender youth. We are in the final stages of developing a Transgender Statement which further indicates ACS support for youth applying to the Medicaid Non-Reimbursable (MNR) Policy for transgender-specific issues.

We look forward to continuing to build our capacity to better serve transgender youth, and we have recently identified grant funds to hire a consultant who will create a Transgender Gender Non-Conforming (TGNC) Best Practice Guide for Youth in Foster Care.

Our current policy and protocol focus has been on creating a LGBTQ policy that articulates practice expectations, respect and tolerance, building on the Non-Discrimination policy we already have. The Division of Youth and Family Justice policy is almost final, and we are hoping to have a draft of the Child Welfare policy out for comment in the next few months.

Finally, we used our recent Child Welfare Request for Proposals (RFP) as an opportunity to make explicit our expectations around LGBTQ competency for every provider with a contract with ACS. This included clarifying that all agencies are responsible for making sure that their foster parents and staff receive LGBTQ training.

Some of the training that provider agency staff receive is provided through our ACS training academy, and some through other community sources. The ACS training academy has trained over 300 Foster Care, Preventive, Child Protection

and Family Court Legal Services staff since 2009, and will be providing 12 sessions of specialized LBGTQ training for foster care and preventive provider agency staff beginning this month. We will also deliver additional training to the ACS Division of Child Protection through the current fiscal year. A number of ACS and provider agency staff were trained via a Train-the Trainer model this year by LAMBDA and our collaborative grants with the LBGTQ Community Center provide training for foster care agencies to a variety of staff who hold positions in a range of titles. The ACS Parent Support and Recruitment (PSR), in partnership with the LBGTQ Community Center, has scheduled monthly LBGTQ training sessions, through April 2011, for foster care parents. Provider agencies provide training directly to their staff on LBGTQ issues and also receive training through the Council of Foster and Child Caring Agencies. LBGTQ training is also provided by the New York State Office of Children and Family Services. In addition, there are 11 volunteer trainers from the LBGTQ Action Group that have volunteered to do free trainings on LBGTQ issues for our contract agencies.

Division of Youth and Family Justice

Finally, as the Council knows, our newest Division at ACS is Youth and Family Justice, which is led by Executive Deputy Commissioner Larry Busching. The

Division of Youth and Family Justice is committed to providing LGBTQ youth residing in detention settings or participating in other programs with a safe and discrimination-free environment. At the moment, we are in the last stages of finalizing the LGBTQ policy document that I mentioned earlier. We have been working on this for many months and are continuing to get input from our providers, advocates and other community stakeholders. This policy is modeled after the State Office of Children and Family Services LGBTQ policy and procedure which was a collaborative effort between OCFS and advocates and was well received. We will make sure that Council gets a copy of this document, and the Child Welfare policy document, when they are finalized.

The Division of Youth and Family Justice has also engaged in numerous training activities related to working successfully with LGBTQ youth in detention. In Fiscal Years 2008 and 2009, the Department funded the Correctional Association to host in-detention workshops on LGBTQ sensitivity for youth in detention with its City Council allocation. In Fiscal 2010, the Anti-Violence Project provided a training open to all DJJ case managers, and contract staff on working with LGBTQ youth. As part of the new LGBTQ policy, all direct child care and other appropriate staff will be trained on the goals and requirements of the policy.

Conclusion

In conclusion, I hope that you will see from what we have shared here today that we have accomplished much, and that of course, more work remains. We are looking forward to continued partnership with the many stakeholders who are working to improve services for LGBTQ youth, and we welcome the Council's partnership in this endeavor. Thank you again for giving us this opportunity to discuss this important topic, and I am now happy to take your questions.