

**Transcript of the Meeting of the  
CHARTER REVISION COMMITTEE  
held on Wednesday, August 8, 2001  
at Petrides Education Complex, 715 Ocean  
Terrace, Staten Island, Borough of Staten  
Island**

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Meeting convened at 6:00 p.m.

P R E S E N T

RANDY M. MASTRO  
Chairman

COMMISSIONERS:

HOWARD WILSON

JONATHAN BALLAN

VINCENT ROBERTS

YVONNE LIU

TOSANO SIMONETTI

ROSA GIL

IMAM IZAK-EL M. PASHA

MR. MASTRO: Good evening, ladies and gentlemen. We are going to get started.

The presentations that will be made now will cover two of the areas where the Commission staff has recommended to the Commission that it consider, putting ballot proposition to the voters this fall, and we have asked experts to testify on their views on these subjects so that the Commission as a whole will have the benefit of their views in considering those proposals.

Around 7:00, we will commence public hearing for members of the public to express their views on any issues that they choose.

We have tried to give the public some guidance as to the areas that we are considering focusing our efforts on, but we are open to all issues and we are reviewing the entire City Charter, so we encourage members of the public to comment on any issues of interest to them.

But the public hearing will not begin until around 7:00. This will simply be a presentation organized by the staff of experts to talk about two areas.

First, we will be hearing about the proposal to make the Administration of Children Services a Charter agency, and we will be hearing from a series of distinguished speakers in that regard.

I am most pleased to welcome Nicholas Scoppetta, the administrator of the Commission of Children Services.

It's an honor to have you here, sir, and we will now hear from Commissioner Scoppetta and others on the proposal to make the Administration for Children Services a Charter agency.

MR. Scoppetta: Thank you, and good evening, Mr. Chairman and members of the Charter Revision Commission.

Let me give you a very brief history of the attempts to reform Children Services in New York City and then talk a little bit about the two directions it will take in the future.

I think out of that it will become clear why ACS should become a permanent Charter agency.

For decades in New York City, an effective children's services agency remained a destination to which few roads led. The delivery of child welfare services has been long criticized, especially in the wake of highly publicized incidents of child abuse and fatalities.

Criticism and public outrage led to 50 audits of the system in the last 20 years.

Unfortunately, in response to those 50 audits over the last 20 years, changes were more cosmetic than substantive.

Usually, the primary change was in the name of the agency. It went from the Bureau of Child Welfare to Special Services for Children, to the Child Welfare Administration.

There were countless plans developed with very good intentions, but truly to no lasting effect.

In November of 1995, the cycle of public outrage began again following the death of a little girl, a five-year old, Elisa Izquierdo. This time, there was a significant difference. The City went beyond good intentions.

For the first time, the Mayor took responsibility for making fundamental, lasting changes to the children's services system.

Now, the most important thing the Mayor did to reform children's services in New York, to begin that reform was to create an independent agency and move all the child-serving divisions, the Child Welfare Administration, the Agency for Child Development, which handled daycare, child care, Head Start and the Office of Child Support Enforcement, moved it out from under the Human Resources Administration.

For the very first time, all children's services were placed under one independent agency which had, for the very first time, control over its own budget, management structure, and priorities, and very importantly, a commissioner who was directly accountable to the Mayor.

Of course, by assuming this accountability, this responsibility, the Mayor also made himself directly accountable to the public for the quality of children's services and child welfare.

Now, when the Mayor established an agency solely devoted to serving children, he gave us the financial resources, and of most importance the political commitment by which he created an atmosphere in which reform could take hold.

For the first time, children's services had control over its own budget, and personnel offices, and we could oversee this \$2 billion budget and almost 8,000 employees and set our own priorities.

In fact, by having this kind of direct access to the Mayor, and having an independent agency, we could identify the deficiencies within the agency. We could make requests for additional funding and support additional resources which have resulted in an increase in our budget in the last five years of over \$520 million.

In fact, this means not only were we able to get those resources, but we control how those resources were spent.

We can control our contractors, we could control hiring, firing, training. We were able to get our own priorities.

This is only because we are a separate independent agency created by the Mayor's executive order.

Because this Mayor takes responsibility for this agency, I report directly to him in a very literal sense every morning. At 8:00, we begin the day with a meeting at City Hall, about a dozen of us, and as issues develop in child welfare, the Mayor is immediately informed of them and we address them.

We have the same kind of accountability and priority in this administration that the NYPD and other political services have.

That has been an essential part of making these reforms work.

In 1996, which was our first year of operation, we published the reform plan called "Protecting the Children of New York."

Now that plan set ambitious goals. There were many in the field who said what we propose was impossible. But I can tell that you today virtually all of the goals set forth in that comprehensive plan have either been accomplished or well underway and on their way towards implementation.

Let me just tell you a little bit of what has happened in child welfare in the last five years following that plan and working in this newly created independent agency.

Just a note, despite the size of the child welfare agency, it was over \$2 million budget, almost 8,000 employees. It was only a subdivision of the Human Resources Administration. It had to go through the bureaucracy of that huge agency and then find its way to a deputy mayor and maybe find its way to a Mayoral decision.

It was so cumbersome that it simply didn't work. So, with this new agency, ACS has reduced the cost of care population from 43,000 children in 1997, to 29,319 as of our last count in May of this year.

The fact is the first time since 1988 that the foster care population has been less than 30,000 children, but consider that that is a reduction of 13,000 children out of the foster care system.

We accomplished this by focusing aggressively by achieving permanency for children, whether through return to the family or through adoption when it was in the child's best interest.

We also make much better use of preventive services which allows us to keep children at home when it is safe to do so.

In fact, last year we had, year before last, we had 2,000 fewer removals than the year before, and this year we are removing even fewer children.

That is because with the service's better risk assessment training on the part of our caseworkers, we are able to do that, keep children at home when it's safe to do so.

When we took over the agency in 1996, the agency was terribly out of compliance. There are Manhattan requirements in child welfare that must be met or we don't get reimbursed for the services from the state or the federal government.

In fact, we can get sanctioned. We can get penalized. The snapshot that we took of the agency in April of 1996 showed that the agency was \$400 million out of compliance.

That is, if someone had done the audits we did and then held us to it, we would lose \$400 million in funding.

Of course, that never happened. We did that internally, and then we set to work to put the agency back into compliance.

We got rid of a backlog of 31,000 abuse and neglect investigations that were overdue and late.

They're all supposed to be completed in 60 days and entered into the state system. 31,000 of them were out of compliance, were overdue.

There were 19,000 lapsed legal documents for children in foster care, which meant of the 43,000 children in foster care back then in 1996 and '97, 19,000 of them were in foster care without real legal authority to hold them in foster care, keep them in.

That has been reduced to a handful now, just a couple of hundred.

We finalized a record 21,185 adoptions in the last five years, compared to 11,600 adoptions in the five years prior.

That's about a 65 percent increase in adoptions.

We doubled the number of managers in the child protective field offices and decreased caseloads from 27 a caseworker to 12 in June of this year.

Increased the fundamental training for caseworkers from a four-week program to a ten-month program.

We instituted the first supervisory training program, created the first civil service title specifically for child welfare workers.

About 4,000 or more of our caseworkers or supervisors are now in new civil service positions that require more of them.

They must have 24 credits in a relevant major, a college degree. A supervisor must have graduate school, at least 30 credits towards an MSW in order to become a supervisor.

They go through the ten-month training program instead of the four-week training program, and taken substantive exam at the end of their training from the academy.

If they don't pass, they lose the job, so there is a lot of accountability.

In return, they get higher salaries for the difficult work they do. 25 percent of them can get merit based increases each year, up to 25 percent.

We gave out merit based increases of 8 percent to 19 percent of the staff in those new titled civil service titles.

Promotions are based on performance and professional achievement for senior supervisors. It's no longer simply the seniority system and where you are on the list.

In fiscal year 2001, this past, this fiscal year we are in that just passed, we collected a record \$446 million in child support collections.

That affects over 350,000 children who are now getting support that they are entitled to.

That's compared with \$241 million in 1996, an increase of 85 percent.

In fact, during the past five years, our child support enforcement unit has collected over \$2 billion from parents who have avoided their financial obligations to their children and families.

Earlier this year we opened our new children's center. It's a landmark building here in Manhattan. It cost \$68 million to renovate.

It is the first building that has ever been designed specifically for child welfare purposes. All the rest of our facilities were made over.

It houses a state-of-the-art training facility, and child-friendly intake center for children coming into foster care.

This replaces a dilapidated old building just off of Canal Street at the mouth of the Holland Tunnel which used to be the intake center for children coming into foster care.

An office building never intended for those purposes, a building we had to set up cots for children staying overnight at night.

And it mixed older children with younger children, and just by way of a curtain in the middle of a large room did we separate children of different sections, so this new center has separate sleeping facilities, separate dining facilities, game rooms.

It is a temporary facility, and children are placed, 90 percent of them within 24 hours and the rest within a matter of days thereafter.

While they are there being introduced to foster care, we don't add to the trauma of removing them from their home. It's a very child-friendly atmosphere with almost a one-to-one ratio, caseworker to child.

In daycare, child care, we have been working to increase the availability of subsidized child care by seeking to expand child care contracts, finding new providers, raising the number of available child care vouchers.

We have over 60,000 children who receive subsidized child care through a CS center for child development.

The cornerstone of our reform is the recreation of neighborhood based services. This means that family services is close to home, and if the children have to come into foster care they are not placed in some remote part of the city, remote from their own neighborhood.

They don't have to leave schools. Everything is familiar to them; friends, relatives and family.

What it allows us to do is to have parents, birth parents stay in touch with their children when they are in foster care, and not make it even more difficult for families who are having, who are going through particular defects or their children wouldn't be in foster care in the first place by placing the children throughout the city where it's difficult for them to visit their children and stay in touch.

Connected with the neighborhood based services program is a family-to-family program that is in use throughout the country. We have adapted it for New York, and it really means birth families and foster parents, there is some training on the part of our foster parents are working in partnership to see if we can get those children returned home as fast as possible and to maintain the relationship when it is safe to do so for the birth parents and the children.

We are also developing networks of services, child welfare networks in each community.

The networks ensure that the specific needs of each community are addressed because we all know the diversity of New York City, different communities have different needs and that's why these networks are so important and we have to utilize the resources that are in the neighborhood.

We recognize that no one agency can successfully address the needs of children and families that neighborhood based services help unify the efforts of Manhattan child serving organizations.

We also are doing something to address financing of foster care. The way it is presently financed, it's a per diem per capita system, so that means all of our agencies that we contract with, to take care of children in foster care, and most of this is done by provider agencies and not-for-profit agencies.

85 percent of our children are in foster care. The other 15 percent are in the direct care of the city.

When we contract with agencies, we pay those agencies a rate per diem per capita. For every day a child is in care, the agency gets paid.

When the child is adopted, that payment stops. When the child is sent home, that payment stops.

There are many who are concerned that that may be a financial disincentive to permanency, so we have created financial incentives to reward agencies that do a better job of unifying children with their families or getting them adopted when that is necessary, getting them adopted faster.

The way we are doing that is because we have some comprehensive now and sophisticated management information systems that we developed at ACS.

We can predict length of stay for different cohorts of children with agencies, so we can do this with some accuracy.

We can tell agency X that you should be, if you do everything the way you did it last year, you should be able to handle your population of children with \$50 million, for example, as your budget.

If you do a better job and you reduce the length of the stay, you will be saving money. That per diem per capita payment will be reduced because you will get children adopted faster.

If you do a better job, those savings that result, we will let you keep. OMB never does this. This is a mayoral approved plan.

If you underspend a contract with the City, we all know the City gives us the excess back.

Here we tell the child care agencies to give them an incentive for faster and more efficient permanency.

You reduce length of stay, you have savings. You keep that savings and you reinvest them in programs that we approve that will give additional services, additional salaries for their staff, aftercare services for children when they go home.

Whatever we think is necessary, and we can approve, we will approve so that they will have a financial incentive to do a better job.

We talked about MIS systems. We have a very sophisticated evaluation system, it's called the quality improvement protocol, and that combined with some other measures for the very first time allows us to measure with some accuracy the performance of the agencies that we contract with.

We just issued those scores by rating the agencies against each other. We rate agencies against each other for starters, and that is giving us now a report card, a report of the performance of each agency.

With that report card, we are making judgments that allow us to place children in foster care with the very best performing agency and not place children with agencies that perform poorly.

So we are controlling the capacity of these agencies. This is the first year that is being put in place, and we are just now assigning these capacities, although they have all seen those scores.

These are just a few examples of the reform. Obviously, I am not a disinterested witness as I relate these reforms to you, but I am happy to say that our reform efforts have been acknowledged by some of our critics and national experts alike.

You are going to hear from the executive director of the special child welfare advisory panel that for two years reviewed all of these services and reforms and initiatives at ACS and issued a number of reports.

They characterized our reform plan, a group of national experts with no political agenda, not paid for by the City, paid for by the Annie E. Casey Foundation who has established a national record for expertise and approaches to child welfare, commented ACS on its reform plan by saying it was a coherent, broad and appropriately ambitious reform plan.

Described it as, quote, consistent with the most informed current thinking about urban child welfare reform across the country.

Last December, after the two-year review, the panel concluded that ACS had made remarkable progress, and in their final report to Judge Ward, this all came out of settlement of the litigation, the panel wrote that the record of accomplishment already compiled by ACS should be the public's best evidence that it can demand further change with confidence that it can be accomplished.

So that we are pleased and happy to have that objective and report by people who are not based here in New York, and have no allegiance to this administration.

Reforming the City's welfare system has been an enormous undertaking, but we know that much more work has to be done to maintain momentum and assure that reform continues.

We developed a second reform plan that is about to be published. Next Wednesday the initial 500 copies will be going out to be followed by several thousand thereafter.

That plan is different than the first reform plan we created because it has input from the entire children's services community.

Next administration will not have to say let's stop and take a look at what this children's services community wants to do now that this much progress has been made.

They will have a written plan endorsed, brought into by the children's services community and ACS to follow, it's called "A renewed plan of action."

It's organized around four major areas.

The further development of community based services, strengthening the availability, quality and affordability of child care services, achieving permanency for children and engaging families more effectively and developing systems of continuous quality improvement.

That is, keep up the accountability that has been built into the system.

I think if you look at children's services around the country, you will see that ACS is well on its way to building the best children's services agency in the nation, starting from the point where it was perhaps the most criticized large urban children's services in the nation five years ago.

In order to continue and in order to maintain that effort, I suggest to you that ACS must remain an independent agency.

Over the past five years, the City Council has considered proposed legislation to establish ACS pass a Charter agency but has never acted on it, has never put it out for a vote.

We just say that it's political and petty colloquial interests have kept it bottled up in committee where it sits today.

I think ACS' record of accomplishment since 1996 demonstrates that it works, that an independent child welfare agency is dramatically improving the welfare of children and their families in a way that has simply never happened before, despite the best intentions of prior administrators and prior administrations.

I think that New York needs to insure these efforts continue by making ACS a permanent Charter agency.

I thank you for the opportunity to testify tonight.

I am pleased to take questions if you like. I know you have a lot of witnesses lined up but I am at your pleasure.

MR. MASTRO: Any questions?

Commissioner, thank you so much.

Please call the rest of the panel. If they could come up and take a seat at the table.

MR. MASTRO: First on behalf of the Commission, I want to thank you each for being here.

I don't know the order in which you intend to speak. If you could just identify yourself for the record, and share with us your views, it will be of great assistance.

SISTER MARY PAUL JANCHILL: The Center for Family Life in Sunset Park in Brooklyn.

This is a family support center surveying the Sunset Park community, Brooklyn and some nearby area.

I think I have been invited here because I have had many years of experience in the child welfare field.

I think my name is pretty strongly identified with it because of the many years that I have known it.

I have had good, good experience within it. I love the field of work.

I have seen, though, I have seen it to be a troubled field, a very controversial field.

I have seen it exposed to many public scandals and difficulties, and yet I have seen that happen despite the very, very good efforts of commissioners of HRA before.

I have seen it, I have seen many, many wonderful people try their hand to deal with the bureaucracies that have been overwhelming and difficult, and an effort to pull out of that bureaucracy, some authentic response to the very fragile families and children that somehow come through those doors.

I guess I am here because I have a wonderful experience, a refreshing experience of seeing some of the most ardent desires of child welfare reform take hold, take hold and take a good strong footing in the last years since ACS has become an independent agency.

I think the word control has been used a lot. The importance of ACS having control over its operations, and I want to speak to that word.

It's not just control for the sake of control. What I have seen is that it has taken control over the authenticity of the mission itself, been accountable for it, has taken responsibility for being accountable for that mission, making it responsive to the families and children of the City.

I am not going to repeat any of the facts that you already have seen. I am not going to do that.

But I have seen for the first time since it has become an independent agency, that you address the Commissioner directly, and get information directly.

This is now an agency that speaks to the people of the City of New York, answers the questions that the City has, answers the questions of citizens, of professional people.

This data that used to be hidden and very, very difficult to extract is accountable for things when they go a little wrong, and answers the desires of people who speak from either direct service setting or from academic settings from policy.

It is an agency that has now become accountable for the social policy mandates that both the citizens of New York have set before it and that the provisions of social work has set before it.

And for the first time this is guided by asset of principles that have made ACS answerable to a coherent set of principles, and the first time in all these years they have seen that.

I have been a witness to decision making about children and families for many years. That seem to be ultimately idiosyncratic, workers made decisions individually, based on their own perception, based on their own bias perhaps, on their own ideals, but idiosyncratically, and different now ACS speaks to a policy, to a direction, to a direction that has been set publicly, that has been articulated publicly, that has been validated professionally and by

the citizens and the public, and I can hardly say anything more, because you have seen it in the statements of the press, you have seen it all over.

I can only say I am a nearly unanimous voice throughout the City that this is the way to go.

To undo, to undo this radical change in child welfare would be incomprehensible, so all I can say is thank you for inviting me, but I probably echo all the things you have heard from many, many other voices anyway.

Thank you.

MR. MASTRO: Thank you, Sister.

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Thank you.

MR. MASTRO: Thank you, Sister.

MR. COHEN: My name is Steven Cohen and I am the staff director of the Special Child Welfare Advisory Panel.

The panel was created in 1999 as part of the resolution of a federal lawsuit and asked to take on two responsibilities.

It was to assist the Administration for Children's Services in its work or fundamentally reforming the way New York City helps troubled children and families, and second, through a series of public reports, to provide an informed, independent voice to monitor the system's progress and ensure its accountability.

It's members are five nationally respected individuals, most of whom have themselves directed child welfare systems in other parts of the country.

The panel is chaired by Douglas Nelson, president of the Annie E. Casey Foundation and all of its members are associated as staff or consultants with the foundation, who has paid all the costs of the panel's work.

The views I express here today represent the unanimous opinion of the panel members.

I'm going to briefly make two points. The first which you already know is that ACS has already made very significant progress and perhaps even more important has laid the groundwork for much more progress to be made in the next several years.

The other is that in our view, these achievements have had much to do with ACS' status as an independent agency reporting directly to the Mayor.

As to the first point, I will be brief. You have already heard of the wide range of changes put in place over the past few years, and of the extensive plans contained in ACS' appropriately ambitious Renewed Plan of Action. I will simply add the panel's perspective, as we described it in a public report this past December.

We believe that ACS has engaged over the past several years in a sustained, intelligent effort to change a complicated and difficult system, presided over by a talented group of leaders that has remained remarkably stable throughout this period.

The scope and pace of ACS' reform effort compare favorably to similar efforts we have seen elsewhere in the country, addressing such widely different challenges as civil service reform, training, improved management controls, evaluation of contract providers, neighborhood based services, family case conferencing, reimbursement systems and the addition of substantial new resources, among other changes.

Much more remains to be done. We are convinced that ACS is on the right track and it's critically important for the well-being for New York City's children and family that it be kept on that track.

We are convinced that ACS' record of accomplishment would not have been likely despite all of the commitment of the talented leaders and staff, without its status as an independent agency reporting directly to the Mayor.

Let me mention three reasons for this.

The first reason is accountability. Today the public knows clearly who is responsible for child welfare, not just the ACS commissioner, but also the Mayor.

It's easy to forget that just a few years ago the child welfare function was one of many embedded in a huge Human Resources Administration, with layers of deputy commissioners and deputy mayors and mayoral assistants in between the person asked to run the child welfare system and the Mayor.

The single most important thing this Mayor did in creating ACS was to say in public that he would be held accountable for its performance.

Future mayors all should be held to the same standard.

The second reason is influence. In every big organization, the time and attention of the person at the top, and the chance to influence his or her agenda, is a scarce and precious commodity.

In an organization as big, complicated and political as New York City government, that commodity is even rarer and more important.

Over the past five years, the resources available to ACS have increased dramatically and the political support needed for tough decisions have been ready when needed.

This support is no doubt due to the skill in which Commissioner Scoppetta has done his job. But he couldn't have done that job so well if he hadn't had the Mayor's ear, and he just wouldn't have had the Mayor's ear without ACS; independent status.

The third reason is credibility. In the past, child welfare leaders have come and gone rapidly, while those around them from their own civil service employees to the leaders of contract agencies to legislative staff, have remained in place from one administration to the next.

It's easy to understand why so many key stakeholders have been skeptical about the possibility of child welfare reform, and why they've sometimes felt free to ignore changes in City policy, confident they will be around long after the person who opposes them will be gone.

It was compounded immeasurably by the weakness of ACS' predecessor agencies. Anyone who didn't like what the head of child welfare wanted to do could go complain to the HRA commissioner or deputy mayor or just watch and wait.

By contrast, these same stakeholders know that Commission Scoppetta has the power in city government to get things done and they take his initiatives very, very seriously.

I will conclude with a personal story. I have been around and part of the City's child welfare system for 20 years. I started my own career here working for Special Services for Children, one of ACS' predecessors, working closely with the leader of that organization, as it made a serious effort at reform in the child welfare system.

We accomplished much less, much less than ACS has done. When I think about the reasons, and no doubt there are many of them for that difference, one of the things that comes perhaps most vividly to mind is my recollection of what it was like to get a simple but essential personnel transaction accomplished at ACS.

The head of this organization, the person in charge of child welfare in the City of New York, would talk to the person who filled out a bunch of forms and send them over to HRA's huge personnel office.

There they would pass through three layers of workers and supervisors. If they made it through that gauntlet, they would go on to HRA's equally large budget office where the same process would be repeated.

Since none of this happened very quickly, the head of SSC might well find herself taking her time to call over to the head of personnel or budget to beg for a favor, or if they didn't work, she could plead with a deputy commissioner to intervene.

As you can imagine, hiring was not our strong suit. Nor were budgeting or management information systems, or facilities management or legal affairs or public relations or any of the basic support work that every functioning organization, whether in government or outside has to be able to rely upon.

Much of the time we found ourselves running very fast without covering much ground.

ACS lives in a different world. The bureaucracy of city government will never be easy, but the ACS commissioner has a staff of seasoned, senior managers who are responsible for meeting the organization's basic needs and he can hold them accountable for getting the job done.

If the children in New York are to be served well, future ACS leaders need to have the same fighting chance.

Thank you.

MR. MASTRO: Thank you.

MS. NAYOWITH: My name is Gail Nayowith and I'm the executive director of Citizen's Committee for Children of New York.

I just want to tell one SSC anecdote from my own limited time at HRA.

The commissioner of ASC when she needed paper clips, a box of paper clips was delivered to her counted out in an envelope, so when she needed paper clips, she called down to get paper clips, which were, as I said, counted out, 10 or 15 paper clips in one envelope.

That sort of sums up to me some of the issues at hand.

Let me just talk about two things, but I have a very brief prepared statement and then I want to talk about why I am here specifically.

When ACS was created, there were mixed feelings in the community at large about whether another city agency reorganization was the answer to the crisis in child welfare.

History had shown that the only response by government was capable of was to rename the department, appoint a new commissioner and promise that these actions would keep more children safe and keep more families together.

Following the trail of names, from BCW to SSC to CWA, you'll get the point. Fancy new acronyms but business as usual.

In 1996, something different happened. A six year old child, Eliza Izquierdo, well-known to the City's child welfare agency was brutally murdered by her mother and mother's boyfriend.

Her death touched off a firestorm in the media exposing the City's failure to protect the children in its care and painting New York City in the worst possible light.

When ACS was established by Executive Order, it rescued children's services from obscurity in the city's social services bureaucracy and created a direct line of reporting between the children's services commissioner and the Mayor for the very first time.

And it's precisely this reporting relationship where children have their own commissioner who reports directly to the Mayor is a central ingredient in the transformation taking place at ACS today.

Situating child welfare services in a separate agency in close proximity to the Mayor offers many advantages.

You have heard them before. Executive leadership, access to funds, visibility, and increased pressure to deliver results.

Combining child welfare, child care and Head Start services in one agency, concentrates responsibility for failures and successes where accountability was once diluted.

It also creates new opportunities for integrated family support programming for the very first time.

ACS was established as a separate children's agency because children's lives depended on it, and they still do.

Commissioner Scoppetta, Steven Cohen and Sister Mary Paul all described in detail many of the gains that have been made for children and families since ACS began operations.

Also, City caseworkers attest to smaller caseloads and time to offer families more individualized attention.

There are greater opportunities for professional development that improves decision making and improves case planning, and more children are leaving foster care for permanent homes.

Head Start and child care operations have undergone a top to bottom review, and the City is now poised to begin the single largest expansion in child care capacity in 30 years.

And in the boldest action of all, ACS has realigned its relationships with non-profit providers and its own staff to transform citywide child welfare services into geographically focused, neighborhood based service networks.

Even the skeptics are impressed.

As with all system reform efforts, the one at ACS has not been without its bumpy patches.

While there is still unfinished business to attend to before declaring complete success, there is a larger danger looming that threatens to derail their efforts even before they take hold.

ACS exists by Executive Order only. It's not an agency whose status is codified in law. Even though it serves as the 911 equivalent for abused and neglected children, ACS unlike the police and fire departments is not protected in statute or in City Charter.

The gains for children and family can be erased with a stroke of a pen and child welfare, child care and Head Start services can be returned to a position of obscurity in the City's vast social service bureaucracy.

Vulnerable children and families need an agency of their own. ACS is that agency. The Mayor and City Council have not been able to move this process along through legislative means.

Therefore, we are here tonight to talk about the need for Charter amendment. Making ACS a permanent agency is a legacy issue, but it's not the issue of one mayor. It's a legacy of one little girl who lost her life because the City wasn't paying enough attention.

ACS must stand alone as an independent agency in deference to this tragedy and as a permanent reminder to all New Yorkers that we must never forget.

Thank you.

I just want to say for the record that Citizen's Committee for Children is not a contract agency of ACS. We are an independent, non-profit, privately funded, and our entire job is to serve as a watch dog and advocate for the City's children.

As to our work with ACS, which I have to say has been extremely colloquially open door policy, we have been very impressed with the caliber of work and case practice.

This is not to say we are without criticism. We feel very free to share compliments as well as criticisms and recommendations for reform.

Even having said that, looking past neighborhood based services and services to children being discharged from foster care to independent living, and working very closely with ACS in the development of a plan for child care and Head Start, we have to say that this agency must continue to exist as an independent entity.

It's not just that children's lives depend on it. It's that all New Yorkers are counting on it.

Thank you so much.

MR. MASTRO: Any questions from members of the panel?

I want to thank you. You were extremely valuable. Thank you for being here.

Next we will hear from Steve Fishner, the Criminal Justice Coordinator on proposals relating to safety and school safety.

So, without further ado, I want to welcome you, Commissioner.

MR. FISHNER: Thank you.

Good evening, Chairman Mastro and members of the Charter Revision Commission. Thank you for the opportunity to appear and testify on behalf of Mayor Giuliani regarding the Commission's proposed Charter revisions which would amend the City Charter to prohibit anyone under the age of 21 from purchasing or possessing any type of gun, and would also create gun free safety zones around our city schools.

This administration has placed the highest priority on improving public safety and the quality of life for all New Yorkers.

Since Mayor Giuliani took office in 1994, innovative policing strategies have reduced major felony crime by 57 percent. Two cornerstones of the City's crime reduction efforts have been the NYPD's focus on gun related crime and strict enforcement of gun possession statute.

The NYPD gun strategy aggressively targets gun possession, gun trafficking and gun related crime in the City in a proactive effort to get guns off the street.

As Mayor Giuliani said just last week at a press conference to announce the smelting of seized guns into scrap metal, "The police department's dramatic success in reducing crime is largely attributable to its success in removing guns from our streets."

In fact, since 1994, more than 90,000 guns have been seized by the police and shootings have plummeted more than 74 percent.

The NYPD's gun seizer success is also reflected in the murder rate, which has dropped by an astounding 65 percent since 1994 and is down another 11 percent this year compared to last year.

Another reason for the City's historic crime reduction has been the fact that New York City has some of the toughest gun laws and licensing rules in the country.

For example, Mayor Giuliani signed Christopher's Law in May of 1998, requiring safety locks on handguns sold in the City. The bill was named for Christopher Murphy, the 11 year old son of two city police officers accidentally and tragically shot to death by a young neighbor on Staten Island.

This law bans the sale of any handgun without a safety lock to block the use of a weapon by an unauthorized user, especially a child.

New York City also has the strictest gun licensing laws in the country.

Title 38 of the Rules of the City of New York codifies the requirements for licensing handguns, shotguns and rifles. Licensees are held strictly accountable and any violation of the rules results in the immediate suspension and/or revocation of the license.

New York City is the only jurisdiction in our state that regulates the purchase and possession of rifles and shotguns through licensing.

Unlike our neighboring communities where a rifle or shotgun can be purchased upon the mere showing of a photo identification, New York City requires that the police department must first issue a permit before anyone can lawfully purchase a rifle or shotgun.

Furthermore, the police department will only issue rifle or shotgun permits following an investigation of the applicant.

If the investigation discloses any one of several criteria against the application, the result is a denial or nonrenewal of the license.

However, a loophole exists in this otherwise comprehensive network of laws and regulations governing guns; people as young as 18 can purchase and possess firearms. And incredibly, current law allows children of any age to possess rifles or shotguns as long as they are in the presence of any person who possesses a rifle or shotgun permit.

As troubling as these provisions are, they are absolutely shocking when taken together.

Under the current law, a ten year old who is in the presence of someone as young as 18 can still legally possess a firearm, as long as that teenager has a permit.

The Charter Revision Commission should be applauded for considering an amendment to the City Charter that would make it illegal for any person to purchase or possess a firearm before their 21st birthday.

No object, instrument or device requires more judgment or maturity than a gun.

Indeed, countless studies have shown that people under the age of 21 are especially likely to cause or suffer injury from firearms, thus setting 21 as a minimum age for purchasing and possessing any type of gun should be enacted as state and federal law.

At a minimum, however, the Commission should present this amendment to the State of New York this November. This amendment would make New York City safer and improve our quality of life.

The administration would support the Commission's proposal to create gun free zones. The maintenance of safety and security in and around our schools is essential to the creation of a learning environment in which students have the opportunity to learn and excel.

Toward that end, a huge step forward was taken in December of 1998 when the Board of Education's Division of School Safety was transferred to NYPD.

Since taking over the project, the police department has increased staffing, enhanced training, improved professionalism and more effectively deployed school safety officers, thereby reducing crime in our schools just as crime has been reduced throughout our city.

In managing the new Division of School Safety, the police department has effectively relied on its incomparable experience and involvement in numerous young programs including neighborhood outreach initiatives, mentoring projects, drug abuse prevention efforts, conflict resolution and anti-violence education.

The Mayor recognizes that the safety of our school children is of paramount importance.

In this regard, the administration acknowledges that innovating policing and effective enforcement are not enough. We must equip the police with the necessary laws they need to continue to reduce crime, improve the quality of life in New York City and protect our children.

Toward this end, the administration recently proposed a bill that would mandate school employees to report crimes against children to police.

This bill was introduced after the police arrested a teacher on charges of sexually abusing a student and learned that they have had been informed in 1998 when similar allegations had been made against the same teacher.

I will just take a moment to say although I am formally addressing that proposal, I also applaud you for your consideration of that.

I would make what I hope you would interpret as a constructive suggestion and that is the following: The proposal as it is written mandates the reporting of cases of crime in which a teacher admits an offense against a student sex offenses or other violent crime.

In case of student on student crime, it would be limited to a B felony offense, and I would ask you to consider changing that to be the commission of any crime in either case, because the threshold that you have set is a very, very high bar, B felonies, it would eliminate many, many major offenses.

The intent, the purpose of this proposal is to take the evaluation of cases, the investigation of a case, and put it in the hands of trained professionals, the police, and take it out of the hands of educational professionals, and although in this proposal, as in all proposals, the devil is in the detail.

The concept of mandating reporting has been endorsed and supported by not just the Mayor but also the speaker of the council, the chancellor of the Board of Education, and the president of the United Federation of Teachers, so I would ask you to work forward to craft the best possible proposal in this area.

MR. MASTRO: Would you draw any line on student on student offenses?

MR. FISHNER: I would draw it at the line of crimes. In New York State, New York State as defined by the penal law, three categories, felony offenses and misdemeanor offenses which are crimes, and then there are non-criminal offenses, violations, the kind of student misconduct that people are very properly concerned about avoiding noncriminalizing children for participating aren't crimes under the penal law.

A fist-fight in this cafeteria isn't a crime under the penal law. If someone uses a weapon, then it is a crime. If someone uses a weapon in a fight in a cafeteria, I would argue very strenuously it is the kind of thing that the police should investigate.

The same goes for harassment and pushing and disorderly conduct and all kinds of things, and much more serious conduct that happens in schools.

Much of this is not criminal under the penal law. It is not a crime as the penal law defines conduct, and it shouldn't be reported to the police in a mandated way, but the bar as it's placed now is really a very high bar.

I think it's going to miss a lot of offenses that are escaping the investigation with the police, and we have a terrific model for mandated reporting, which has worked very well, which is child abuse, and evidence of child abuse, what child abuse is, and that is child abuse in a family context.

I mean, that is a subtle thing, something that is not always easy to interpret, but we have through mandated reporting and criminal penalties for failure to report institutionalized in a way that is hardly marked about reports of child abuse from psychologists, other professionals, teachers, doctors, et cetera.

So, I would be more than glad to address this issue in more detail with your staff at another time when there was more time to address it.

But I do applaud you and thank you for raising it in the debate and for considering it as something that should be considered in the Charter, because if the legislators won't legislate this very important issue, I would ask you to give the citizens of New York the opportunity to legislate by exercising their freedom to vote.

The Charter revision proposal creating gun free school zones within 1,000 feet of schools would also improve school safety and would be an excellent compliment to existing federal and state law.

Currently, Section 265.01 of the New York State Penal Law makes it a misdemeanor to possess a firearm in a school or upon school grounds.

Excuse me, makes it a felony. Such firearms possession is a Class D felony.

However, the City of New York should go further in protecting our children. The Commission's proposal does that by making it a misdemeanor to possess or discharge a gun within 1,000 feet of every school in our city.

We support this amendment to the City Charter because it will enhance the safety of children, teachers, administrators and other school employees and it will ultimately assist the police to further reduce crime.

I thank all of the members of the Commission for the public service that you are rendering. I am available to answer any questions that you may have.

MR. MASTRO: Any questions.

MR. ROBERTS: Would that include daycare centers --

MR. FISHNER: The proposal is, both the legislative proposal and the Charter proposal is simply to schools, and the definition of schools does not include daycare centers.

MR. MASTRO: Mr. Fishner, I believe this proposal differs from the one made by previous Charter Commissions in that daycare centers are specifically included in this proposal.

MR. FISHNER: Thank you. I was about to say that that would be a great idea.

MR. MASTRO: I thank you. Very interesting and insightful comments. Thank you.

We'll take a very brief break while we set up for the public hearings tonight and we'll commence as soon we have the microphones set up to start. It should be two minutes.

(Time Noted: 7:15 p.m.)

CERTIFICATION

I, BONNIE ATELLA, a Registered Professional Reporter and Notary Public, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

BONNIE ATELLA, RPR