



**Stephanie Gendell  
Deputy Commissioner for External Affairs  
Testimony to the New York City Council  
Committees on General Welfare and Finance  
October 25, 2021**

**Int. 1304-2018**

**Int. 1992-2020**

**Int. 2419-2021**

**Int. 2420-2021**

Good morning, Chair Levin, and members of the General Welfare Committee. I am Stephanie Gendell, the Deputy Commissioner for External Affairs at the New York City Administration for Children's Services (ACS). With me today is Julie Farber, Deputy Commissioner for Family Permanency Services; Dr. Angel Mendoza, Chief Medical Officer; Alan Sputz, Deputy Commissioner for Family Court Legal Services; and Louis Watts, Senior Assistant Commissioner for Detention Services.

We appreciate the opportunity to testify about the four bills related to ACS that are being discussed today:

- Int. 1304-2018, sponsored by Council Member Dromm, authorizing Council Members and the Public Advocate to visit detention facilities;
- Int. 1992-2020, sponsored by Council Member Ayala, requiring ACS to create a pilot program to train frontline child protection staff to specialize in developmental, intellectual and physical disabilities;
- Int. 2419-2021, sponsored by Council Member Levin, to require ACS to produce quarterly reports regarding children at the Children's Center and other foster care pre-placement facilities; and
- Int. 2420-2021, sponsored by Council Member Levin, to require ACS to conduct quarterly audits and create quarterly reports regarding foster care placement change notifications.

We at ACS appreciate the City Council's and the advocates' continued interest in the safety and well-being of the children and youth in the City's care through both the child welfare and juvenile justice systems, as well as in the services and supports we provide to families.

Given the role ACS plays in the lives of children and families, an essential part of our work is providing access and information to the City Council, the Public Advocate, oversight agencies including the State Office of Children and Family Services (OCFS), advocates, legal service providers, and most importantly children and families.

As a cornerstone of this transparency, prior to the pandemic, ACS regularly hosted elected officials, advocates and others at our various programs and sites. We look forward to enhancing this work as the pandemic continues to subside, keeping in mind the security, confidentiality and needs of the children and youth. ACS also posts extensive data and other information on our website, and meets regularly with key stakeholders to share additional information.

I turn now to the bills being discussed today.

### **Int. 1304-2018 (Dromm)**

Int. 1304-2018 would authorize Council Members and the Public Advocate to “inspect and visit at any time any secure or non-secure detention facility, administered in whole or in part by ACS.”

ACS operates two secure detention facilities, Horizon in the Bronx and Crossroads in Brooklyn. ACS also contracts with non-profit service providers to operate 7 non-secure detention facilities. As of October 18, 2021, there were 60 youth at Horizon; 79 youth at Crossroads and 25 youth in non-secure detention.

Prior to the pandemic, ACS hosted many scheduled tours of Horizon and Crossroads for elected officials, and we also included elected officials in our summer Freedom School Harambee event, where elected officials read stories and had the

opportunity to dance with the youth in detention. We always did this in a manner that was safe for the youth, our staff, and our guests, and in a manner that was intentional about protecting the confidentiality of the youth in our care. It is important to us that elected officials and others are able to see our detention facilities, meet our staff, see the programming offered, see and meet the medical and mental health teams, and see DOE's Passages Academy. We have worked very hard to make our detention facilities as positive and supportive as possible, and to give youth the services and supports they need - and we certainly want Council Members and the Public Advocate to see and experience this.

Given our interest in ensuring the safety and security of the youth in detention, ACS has limited the number of people coming to the facility throughout the pandemic, which has included reducing the number of tours. This was done to protect the youth and staff from the spread of COVID-19 as much as possible. As the community spread decreases and more and more New Yorkers have been vaccinated, ACS has opened the facilities back up to both in-person family visits and in-person programming. ACS would be happy to schedule opportunities for elected officials to visit our sites in the coming months.

State law does not allow elected officials to make unannounced visits to secure or non-secure juvenile detention facilities. Horizon, Crossroads, and the non-secure detention facilities are licensed and regulated by the state. State regulations<sup>1</sup> for secure and non-secure detention are quite specific as to which people are permitted to make

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<sup>1</sup> 9 NYCRR 180-3.24 and 9 NYCRR 180-1.7(c)(2).

inspections or visits to juvenile detention facilities, - and elected officials are not included in the regulations.

### **Int. 1992-2020 (Ayala)**

Int. 1992-2020 would require ACS to create a pilot program to train at least 5% of the frontline child protection specialists (CPS) in how to provide reasonable accommodations that people with developmental, intellectual and physical disabilities may require, such as providing more time for case conferences and casework contacts; special assistance with travel to appointments; time management guidance; and referring to classes available for parents with developmental, intellectual or physical disabilities. Eighteen months after the start of the pilot, ACS would need to submit a report to the Council and Mayor about the pilot and recommendations on how the program could continue or be expanded.

ACS appreciates the Council, particularly Council Member Ayala who sponsored this bill, for the interest in ensuring that parents with developmental, intellectual or physical disabilities, who are working with our CPS, are receiving the services and supports most appropriate for their needs. We agree that this is essential for both the parents and children who come into contact with the child welfare system.

ACS currently implements a model similar to what is envisioned in the legislation. ACS provides all of our Child Protection Specialists with access to expert consultation in intellectual, developmental and physical disabilities. This includes medical consultants as well as an ACS team that is specifically dedicated to providing expert guidance to

direct service staff working with families with Intellectual and Developmental Disabilities (DDU). We refer to the unit as DDU.

Every Division of Child Protection (DCP) borough office has on-site consultants providing CPS staff with expertise when needed. The Clinical Consultants include a domestic violence consultant, a Credentialed Alcoholism and Substance Abuse Counselor (CASAC), and a Medical Consultant. The Medical Consultants are Nurse Practitioners contracted through H+H and part of their role is to provide expertise and training regarding individuals with physical disabilities. Medical Consultants also participate in case conferences and help CPS understand and implement the ways to minimize safety risks when parents have disabilities.

The ACS DDU, within the Office of Child and Family Health, is a technical assistance unit that can refer CPS to experts in intellectual and developmental disabilities and are available for consultation with CPS at any time. In addition to providing consultation in individual cases, the DDU staff are available to participate in family team conferences, serve as a liaison between the parent and the DD service provider, and maintain connections with DD service providers throughout the City.

The ACS DDU also coordinates Parenting Skills Classes that are specifically tailored for parents with known or suspected intellectual and/or developmental disabilities. Unlike the Office for People with Developmental Disabilities (OPWDD) services funded by the state, parents do not have to meet threshold eligibility requirements for these ACS-funded services. Parents in this program are also linked to other supports, including Health Homes, whenever possible. The DDU can also assist parents in getting assessed by our contractor for OPWDD-provided parenting skills

classes and then with enrolling if they are eligible. The DDU also engages staff, providers and communities in numerous ways aimed at providing education about the best ways to support those with intellectual, developmental and physical disabilities through webinars, lunch and learn sessions and resource fairs throughout the boroughs.

Finally, the ACS Workforce Institute offers a training open to all ACS staff, entitled, “Engaging Parents with Cognitive and Other Developmental Limitations,” in which over 800 ACS and provider staff have participated over the past year.

#### **Int. 2419-2021 (Levin)**

Int. 2419-2021 would require ACS to create quarterly reports regarding the number of days children are placed at the Nicholas A. Scoppetta Children’s Center, the Youth Reception Centers (YRC) and the Rapid Intervention Centers (RIC).

ACS operates the Nicholas A. Scoppetta Children’s Center, and contracts with four providers to operate YRCs. ACS’s pre-placement continuum includes the Children’s Center with a capacity of 100 and four YRCs with a total capacity for 45 children. When children must be removed from a parent due to imminent risk to the child’s health and safety, ACS makes every effort to immediately identify a foster home setting to meet the child’s needs, with priority for kinship placements. We have established pre-placement settings to make sure we can immediately meet the needs of a child following removal or reentry to care, in a safe and nurturing environment, while we expeditiously work to find an appropriate longer-term placement. Our goal is always to make sure stays at the Children’s Center or YRCs are as short as possible.

The YRCs include the Sheltering Arms Reception Center, which has 15 beds to serve boys and girls age 0-12; Mercy First Virginia Residence, which is a 12 bed co-ed facility for youth ages 14 and up; the Good Shepherd Services Shirley Chisholm Center which is a 10 bed facility serving girls ages 14 and up; and Heartshare St. Vincents Fox Hills, which is an 8 bed co-ed facility for youth ages 14 and up.

YRCs are settings where youth can be engaged in a trauma-focused, strengths-based, clinical assessment and case planning process that will result in the implementation of a safe, supportive, timely out of home placement or family reunification plan.

ACS also contracts for three Rapid Intervention Centers (RICs), which are not pre-placement facilities, but provide respite and residential care for youth in foster care who need crisis stabilization and/or assessments. RICs provide a short-term stabilizing and safe environment where individualized assessments and strengths-based treatment plans tailored to youth and family needs are developed.

The Children's Center is a 24/7 temporary foster care placement facility where we provide care and support for some of NYC's most vulnerable children and youth who enter foster care due to abuse or neglect, or family disruptions. The Children's Center serves approximately 1,230 unique children and youth each year, from newborns up to age 21. Eighty percent of the children are at the Children's Center for 7 days or less and 60% of the children are there for less than three days. Just 5% of the children are at the Children's Center for 30 days or more.



Additional monthly data regarding the Children's Center is available on our web site in our monthly Flash [report](#). There you will see that for Year to Date CY 2021, the average daily population at the Children's Center was 62 children.

The Children's Center is staffed with child care specialists, social workers, programming and wellness staff, and engagement and visiting specialists. There is also an on-site full-time pediatrician and nursing staff, the ACS-Bellevue Mental Health Team (MHT), and JCCA provides additional clinical services to youth with high needs. ACS also contracts with Safe Horizon to provide consultants specialized in engaging youth who are at risk or who have been victims of sex trafficking. In addition, we have on-site Cure Violence Credible Messenger Mentors, Youth Advocate Program (YAP) Family Finders/Advocates, a CASAC and ACS Peace Officers who help maintain safety.

ACS has taken a number of steps to improve the experience children and youth have at the Children's Center, including the creation of four additional programming spaces for children to use for community meetings and developmentally appropriate programming workshops and recreation, and a multi-faith room which offers children a private, quiet area to practice their faith.

Programming offers youth healthy prosocial and emotional outlets, provides enrichment and recreation, and helps reduce the impact and systems of trauma. This year, ACS doubled the number of programming staff. The Children's Center programming ranges from therapeutic art classes taught through our community partners such as the National Arts Club, Culture for One, and A Place to Be(ad) Me to programs

that focus on life skills, music, performing arts, fitness, healthy relationships and safer sex (Safe Horizons), youth voice and empowerment, health education (NYU Dental, Eye on Education), and much more. Staff also chaperone youth to off-site activities such as visits to NYC cultural institutions, sports events, college and employment fairs, aquariums, and with the fall weather—for example, Apple Picking two weekends ago and Fright Fest at Great Adventure this past weekend. The team also organizes events for children to learn about and celebrate cultural events; for instance, in October, the Children’s Center held events to recognize LGBTQ History, Hispanic Heritage, and the Mid-Autumn Festival. Over the past two summers, programming also introduced the Children’s Defense Fund Freedom School model, designed to empower youth through literacy and critical thinking through a multi-cultural reading curriculum; and greatly expanded programming offerings. This year, the Children’s Center also partnered with DOHMH and Zero to Three to develop and deliver Compassionate Response training for all direct care staff. Additionally, a new partnership with Bridge Kids NY added a new training for direct care staff regarding caring for children with special needs.

#### **Int. 2420-2021 (Levin)**

Int. 2420-2021 would require ACS to conduct quarterly random audits of a statistically significant sample of foster care placement change notices to document how often ACS failed to produce the notice, how long it took to send the notice to the attorney for the child from when the placement change occurred, and whether it included all legally required information (and if not, what was missing). The bill requires quarterly reports of the audits.

ACS appreciates the importance of timely notification to attorneys for children regarding where children are placed and whether there is or may be a change in the child's placement. ACS has a process in place for this purpose.

While placement change notification requirements passed into law in 2020, ACS has been providing placement change notifications since 2010. In 2010, ACS adopted a policy requiring CPS and foster care agency case planners to notify the attorney for the child of any planned placement changes 10 days in advance of any planned change or as soon as a decision is made to change the placement, or no later than the next business day after an emergency move. In 2012, a new process was implemented to improve the process by establishing a mailbox for CPS and case planners to email our Family Court Legal Services (FCLS) division with anticipated and actual placement changes. The FCLS notification unit is responsible for taking the emails from the mailbox, looking up the contact information for the attorneys, and sending out a notice to the appropriate Attorney for the Child. Legal Aid and Lawyers for Children also set up a central mailbox to receive all notices and distribute to their staff.

In 2020, the Family Court Act and Social Services Law were amended to create a statutory requirement regarding placement change notifications. Under the 2020 law, which went into effect at the height of the pandemic, notices are now also sent to the attorneys for the parents and to the court. Notifications from the central mailbox are not the only means by which attorneys and the court are notified of anticipated and actual placement changes. CPS, case planners and FCLS attorneys also provide information on placement location and moves to attorneys for children, parents' attorneys and the

court at court hearings, in court reports and in other communication between parties throughout the pendency of cases.

Notices are sent to the ACS mailbox from the Children's Center, the ACS Office of Placement Services (OPS), the foster care providers and the Division of Child Protection when there is an initial placement, an anticipated placement change, and an actual placement change. Notification of initial placements was added to the statutory requirements in September 2021 as part of the Family First legislation. Prior to this statutory change, ACS notified attorneys for children, parents and the court of children of initial placements for children leaving the Children's Center.

Notices include the docket number, child's first name and first letter of last name (in keeping with ACS information security protocols), date of placement, agency with whom the child is placed, the type of placement (kinship home, foster boarding home, or other placement type), contact name and number for the agency case planner, and the FCLS attorney.

On September 29, 2021, the Family First provisions became effective in New York. Building upon the existing placement change notification process, ACS is now also required to provide notice of initial placements as well as notice (and then a motion) to the parties and the court whenever we believe that a child may be placed in a Qualified Residential Treatment Program (QRTP). ACS is using the training opportunity that comes with Family First, to reinforce to DCP, OPA, the Children's Center staff and our providers, that they must send the notification to the placement change notification mailbox so that the attorneys and the court can be notified promptly.

## **Conclusion**

In conclusion, I want to once again thank the Council, the advocates and the legal providers for their interest in ensuring that the children, youth and families served by ACS receive the highest quality care. As a government agency charged with promoting the safety and well-being of the City's children, we agree that transparency and accountability are essential.

We look forward to discussing these bills further with the Council and we are happy to take your questions.