



**David A. Hansell, Commissioner
Testimony to the New York City Council
Committees on General Welfare
March 17, 2021**

“New York City Council Fiscal Year 2022 Preliminary Budget Hearing”

Good afternoon Chair Levin, and members of the Committee on General Welfare. I am David Hansell, Commissioner of the New York City Administration for Children's Services (ACS). With me today are Michael Moiseyev, Deputy Commissioner for Finance; William Fletcher, Deputy Commissioner for Child Protection; Dr. Jacqueline Martin, Deputy Commissioner for Prevention Services; and Julie Farber, Deputy Commissioner for Family Permanency Services; as well as ACS's soon-to-be First Deputy Commissioner, Winette Saunders. After a 54 year career in child welfare, including seven in his current tenure at ACS, Eric Brettschneider is retiring. We will all miss Eric's wisdom, insights, and support, but I am delighted that Winette will become ACS's First Deputy Commissioner on April 6th.

We are grateful for this opportunity to testify before the Committee to reflect on how ACS has adapted over the past year to unprecedented challenges. Today, I will explain how ACS has continuously met the needs of children and families, and how we are building on the lessons learned from the pandemic and from our national racial and social justice reckoning, in order to transform and improve our work.

ACS has Maintained Comprehensive, Agency-Wide Response Measures Throughout the Pandemic

I am incredibly proud of the staff at ACS and our partner agencies who are true first responders, carrying out the essential work of strengthening and supporting families—all while facing the uncertainty and fear that have been a constant part of managing the pandemic response. From the moment this crisis hit, ACS implemented

targeted public health measures based on guidance from federal, state and City health agencies and our own Chief Medical Officer. We have provided tens of thousands of pieces of personal protective equipment (PPE) to ACS frontline staff, our contracted provider agency staff, and to children and families. We have also disseminated critical safety information to families; provided regularly updated guidance to our staff and providers; equipped our staff and provider agencies with technology to work remotely when possible; and ensured that essential child welfare staff and foster parents are eligible for emergency child care.

As soon as vaccines became available to New Yorkers, ACS successfully advocated for vaccine eligibility for our essential, direct service staff at ACS and our contracted provider agencies. ACS is currently operating a designated vaccine POD, for eligible ACS staff and their eligible family members. And, now that youth ages 16 and older (either living in congregate settings or with comorbidities or underlying conditions) are eligible to be vaccinated, ACS and our provider agencies are obtaining the necessary consents and vaccine appointments for those youth. We are continuing to advocate to the State for all foster parents to become eligible for the vaccine.

I will now give a brief overview of the impact of COVID-19 on ACS's core programs; provide updates on how ACS is addressing equity and racial disparities, and on major developments in our core program areas; and review our current budget status.

COVID-19 Impacts on ACS Program Areas

While 2020 was a year like no other, ACS's core mission of keeping children safe and supporting families has not wavered. When we compare our 2020 data to prior years, we can see the dramatic impact of COVID-19.

Overall, as compared with CY2019, ACS conducted 24% fewer investigations in CY2020 (from 54,828 to 41,521), and the number of children who were placed into foster care also decreased by 24% (from 3,404 in CY2019 to 2,596 in CY2020). The foster care census continued to decline, to fewer than 7,700 children in December 2020.

ACS has continued to emphasize earlier, more effective and less intrusive interventions to keep children safe. Throughout the pandemic, we have prioritized our full continuum of successful prevention efforts, and we think this is where we should continue to invest as we emerge from the pandemic. Now more than ever, families need concrete resources, access to supportive services, and stronger social connections.

Early in the pandemic, we launched child safety campaigns to communicate a variety of information and resources to all New Yorkers. "Coping Through COVID" is aimed at supporting families through the pandemic, and "Teens Take on COVID," is targeted to provide resources for teens. As so many families and children have remained home for extended periods of time, our educational child safety campaigns have focused on helping parents avoid tragic accidents and create safer home environments. We also provided concrete resources to help families in need, including food, clothing, diapers, formula, pack and plays and more. In 2020, New Yorkers for

Children and ACS established the COVID-19 Emergency Response Fund to address urgent family needs arising from the pandemic.

We have intensified our efforts to make sure that families are connected with necessary supports in the least intrusive way possible. While ACS does not control the child abuse and neglect reports to the Statewide Central Register (SCR), and we are legally mandated to respond once the SCR assigns a case to ACS, we are taking bold steps to avoid unnecessary investigations. We feel strongly that ACS's CARES (Collaborative Assessment Response Engagement and Support) differential response, where we are diverting lower risk cases from the traditional investigation path, has enormous potential to provide families with support without the intrusion of an investigation. Despite the decrease in overall reports, ACS increased the number of referrals to CARES by 6% from CY2019 to CY2020. We recently expanded CARES to every borough, and we are now working to double the number of CARES units across the city.

We must continue to do everything we can to make sure that children do not linger in foster care—through regular and consistent family time between parents and children, comprehensive service planning, collaboration with attorneys for parents and children, and expediting legal proceedings as Family Court operations more fully resume. While 2,482 children left foster care in CY2020—and the vast majority of these were children returned home to their families—the foster care RFP we will release this spring will further our goal to have more children in foster care achieve reunification more quickly.

ACS continues to provide community-based services to youth and families that help minimize juvenile justice system involvement. To that end, in CY2020, ACS served more than 900 youth through our evidence-based prevention models. While ACS is not directly involved in the court process that determines when youth come to detention or how long they remain with us, we are concerned about the slowdown in case processing during the pandemic. Overall admissions to detention declined by 40% from CY2019 to CY2020, but we have seen the average length of stay increase from 25 days in 2019 to 33 days in 2020. We continue to advocate for accelerated movement of court proceedings for youth.

ACS's Core Program Areas Have Adapted to Serve NYC Children and Families While Becoming More Innovative, Collaborative, and Equitable

Our national experiences over the last year have brought the racial and social inequities in our communities into sharper focus, and highlighted the need for urgent attention to long-present disparities in child welfare and juvenile justice -- something I have prioritized since becoming ACS Commissioner.

In 2017, I created ACS's Office of Equity Strategies, which continues to drive forward our key strategies to reduce racial disproportionality and move forward as an anti-racist organization. The Office holds every ACS division accountable to achieve more equitable outcomes for the children and families that serve. I will discuss those agency-wide efforts in more detail shortly.

Primary Prevention

ACS has worked to support both the viability of and access to the child care continuum throughout the pandemic. From the beginning of the pandemic, we secured monthly state waivers to ensure continued payments to child care providers while children were absent or programs closed, and to suspend family share fees and defer recertification requirements for families. More recently, we obtained a waiver that prevents extra income that a family may receive due to COVID-19, such as hazard pay or overtime hours, from counting against the family's income eligibility.

We are maximizing our use of state and federal resources to expand access to care. Specifically, we are working to enroll more families who are eligible for federal Child Care Block Grant (CCBG) supported child care. While the City's FY2021 budget did not allocate the same funding levels for Special Child Care Funded (SCCF) vouchers as in the prior year due to fiscal challenges, ACS has been able to move many families to federally-supported vouchers to maintain their child care.

Last year, we also coordinated with the Department of Education (DOE) on a plan to restructure and lower fees, for our lowest-income families, including non-working families with no income. This resulted in lowering fees for families across the board. While parent fees are currently waived on an emergency basis during COVID-19, we know this will be important to families as a long-term measure, as our communities and economy recover. As of July 2020, ACS was also able to restore post-transitional child care, which allows eligible low-income families to continue care once other public assistance benefits have ended. We are currently working with our partners at DOE and

DSS to streamline the application and eligibility determination process to expand access to child care for families experiencing homelessness.

ACS also worked closely with the DOE to ensure that the children of our essential workforce within ACS and provider agencies, as well as foster parents, were eligible for the DOE's Regional Enrichment Centers when schools were fully remote. These same families are now eligible for Learning Bridges.

As families experienced the prolonged social isolation and other challenges from COVID-19, we took steps to promote community connections and to make sure that families knew where to turn for resources. ACS recently announced the results of our re-procurement of the three Family Enrichment Centers (FECs), and all three existing providers were selected: Good Shepherd in East New York, Graham Windham in Hunts Point/Longwood, and Children's Village/Bridgebuilders in Highbridge. The FECs overlap with three of the 11 ACS-funded Community Partnerships, which are community-based planning groups that emphasize connection to local services. With this strong community infrastructure in place, we have continued to empower families by offering support and concrete resources. For example, the FECs and Community Partnerships have provided food to families in need; have offered technology and other assistance to support remote learning; and are maintaining a strong online social presence with virtual offerings. All of this keeps families connected during a challenging time, and supports child safety and well-being at home.

Child Protection

The overreporting of Black and Latinx families to the SCR is an area of great concern to us, because it introduces significant racial disproportionality at the front door of our child protective system.¹ The SCR is a lifeline for children at risk, but all New Yorkers have a collective duty to make sure child protective interventions are sought and used only when there is true concern for the safety of a child.

The majority of SCR reports come from mandated reporters, such as educators and health professionals. Since the start of the pandemic, ACS has collaborated with DOE to develop guidance that makes clear that if a family is struggling with technology or other COVID-19 related challenges unrelated to child safety, schools should work with the family to provide the assistance necessary to facilitate the child's attendance, without calling the SCR.

Similarly, ACS has been working very closely with DOHMH and Health + Hospitals (H+H) so that hospital and other medical staff understand the impact SCR reporting has on families, and clarifying that reports should be made only when there is a concern about a child's safety. ACS and our sister agencies have been reiterating to health professionals that if a parent or child tests positive for a substance when the child is born, hospital staff should not call the SCR solely based on a positive test, and that

¹ According to ACS data, in calendar year (CY) 2019, 41.4% of SCR reports involved children in families who identified as Black/African American, even though these children make up about 23% of the NYC child population, and 45.4% of reports involved children in families who identified as Latinx/Hispanic, even though these children comprise 36.4% of the NYC child population. On the other hand, while 26.5% of NYC children are White and 14.1% of NYC children are Asian/Pacific Islander, these families make up 8% and 5.3% respectively of reports to the SCR that the State accepted and assigned to ACS for investigation.

medical professionals can and should make service referrals without contacting the SCR.

We are continuing to advocate for additional reforms that we believe are necessary to reduce unnecessary investigative involvement with families. This includes a proposal that our own CPS have called for: requiring implicit bias training for mandated reporters like teachers, doctors and social workers. This training is already in place for all ACS staff, and we are currently pursuing state legislation to help make sure all mandated reporters are trained to reflect on and guard against implicit biases.

Prevention Services

At the height of the pandemic, we completed our first re-procurement of prevention services in over a decade, with 119 new contracts in place by July 1, 2020. I would like to thank everyone who worked tirelessly to make this happen. Prevention services belong to all NYC families who may need support, so we are dedicated to establishing universal family access to every service model we provide, when they need them, and wherever they live.

We have also infused more parent feedback into the prevention service array and services themselves. The service offerings were designed with input from parents, and providers are expected to work collaboratively with families to set goals and develop service plans, so that services reflect what families want and need. The new system also explicitly addresses racial equity by requiring providers to incorporate efforts to address racial disparity in their organization and service provision, including through racial equity committees that include all levels of staff representation.

Foster Care

Through the procurement of new foster care contracts that will begin with the release of the RFP this spring, ACS will scale best practices and proven strategies to improve safety, permanency and well-being outcomes for New York City children and families. ACS and our foster care provider agencies have continually adapted to support children and families through the COVID-19 pandemic, while developing new partnerships and innovative approaches.

For example, due to significant limitations in access to the Family Courts during the pandemic, we took steps, outside of the normal court process, to move toward more family reunifications from foster care. We launched proactive reviews of the cases of more than 3,350 children in foster care who have a goal of reunification, to determine if these cases could move forward to increased visiting with birth families, pre-disposition release, trial discharge or final discharge. In cases that could move forward, ACS's Division of Family Court Legal Services (FCLS) attorneys worked with the parent's and children's attorneys to secure court approval as needed,

In Fall 2020, we launched a new parent advocate pilot called "Parents Supporting Parents," to improve reunification and race equity outcomes. The parent advocates will be on staff at Graham Windham and Rising Ground as central members of case planning teams, where they will receive training, coaching and professional development from Rise, in collaboration with their foster care agencies, to fully empower the parent advocates to leverage their lived experience as credible messengers when working with families and the agencies. This initiative builds on our work to incorporate

parent advocates into decision making processes across the child welfare system. The new foster care parent advocates will be crucial allies to help dismantle bias, strengthen parents' self-advocacy and voice within the foster care process, and help foster care agencies shift their organizational culture to more authentic parent engagement approaches. The pilot is supported with funds from major national and local foundations, and the lessons learned from this pilot will lay the groundwork for full implementation through the forthcoming RFP, with a parent advocate assigned to every parent with a goal of reunification.

As the Council and Chair Levin have championed, ACS has provided funding to implement Fair Futures, which includes coaches; tutors; and education, employment and housing specialists, among other supports. Through Fair Futures, our goal is to help youth prepare for major transitions, including the transitions between middle school and high school, as well as the transition from high school to college, vocational training, and/or a fulfilling career. Through Fair Futures, we support young people in the achievement of key milestones that put them on a path to success, while we continue to work aggressively towards permanency.

Youth and Family Justice

As we testified last month, ACS and our partners in juvenile justice are fully committed to strengthening NYC's ability to work with at-risk and justice involved youth in ways that are trauma-informed and youth-centered. NYC's juvenile justice system safely serves youth in the community whenever possible, and with appropriate structure and supports in place.

ACS oversees services and programs for youth at every stage of the juvenile justice continuum including community-based services; secure and non-secure detention services; and Close to Home programs. We are preparing to procure new Close to Home contracts, starting with a concept paper to be issued this fall, and we look forward to input from the Council and other stakeholders and partners in this work.

Budget

ACS's Fiscal Year (FY) 2022 budget is \$2.65 billion, including \$851.8 million in City Tax Levy funding. Given the City's fiscal concerns, ACS's January savings plan is \$36.3 million City Tax Levy (CTL) for FY2021, and we have an additional \$9 million in savings for FY2022. Reflecting ACS and New York City's commitment to the critical ACS functions that keep children safe and support families, there are no program cuts to ACS in the FY2022 Preliminary Budget.

ACS met our FY2021 January savings plan amount without significant program reductions, although some reductions will require modifications to program operations. Our adjustments were achieved through Overtime savings; the citywide hiring and attrition plan, which will be implemented to minimize impact on frontline staff; and the use of prior year revenue.

While we are tremendously heartened by enactment of the federal American Rescue Plan, ACS remains concerned about proposed State cuts that hurt the most vulnerable children and youth in New York City. Over the past few years ACS has seen the state consistently pull back its support of the children, youth and families ACS

serves in the child welfare and juvenile justice system. On top of this previous disinvestment, the proposed State budget would lead to an additional annualized cut of over \$38 million to ACS, at a time when children and families are already struggling.

The State is proposing cuts that would effectively shift costs to the City for ACS's portfolio of services. The budget proposes to cut the reimbursement rate for the child welfare services funding stream that supports our prevention work from 62% to 59%, and to cut the rates for adoption subsidies and detention. There is also a proposal to cut the Foster Care Block Grant by \$11.2 million statewide, which would be a \$5.7 million annualized cut to NYC.

Conclusion

The last year has shown us that New York City is resilient, creative, and able to adapt to ever-changing conditions, while maintaining and enhancing our standing as a national progressive leader. At ACS, we adhere to those same values. We thank the Council for this opportunity to testify, and we are happy to take your questions.