



**Jess Dannhauser, Commissioner
Testimony to the New York City Council
Committee on General Welfare and Committee on Finance
October 13, 2022**

**“Oversight: Examining the Screening Process and Eligibility Requirements for
Foster Parents”**

**Int. 436-2022
Int. 554-2022
Int. 642-2022**

Good afternoon Deputy Speaker Ayala and members of the Committee on General Welfare. I am Jess Dannhauser, the Commissioner of the Administration for Children's Services (ACS). With me today is Ina Mendez, the Interim Deputy Commissioner for the Division of Family Permanency Services and Stephanie Gendell, the Deputy Commissioner for External Affairs. Thank you for the opportunity to testify today about the screening process and eligibility process for foster parents, as well as the three pieces of legislation being heard today.

I want to begin by thanking the thousands of foster parents in New York City who dedicate each day to provide care and support to some of the most vulnerable children and youth in New York City. Many of these foster parents are relatives or close friends of the children in their care, while others have decided to open their homes to children in need. I know that being a foster parent is both challenging and rewarding—so please know how grateful I am to each and every one of the foster parents caring for children in foster care.

ACS is committed to providing targeted services to support and strengthen families, so that children can remain safely at home with their families and in their communities. We currently have an historic low number of children in foster care, with fewer than 7,000 children in foster care for the first time ever.

In those situations where a child is at imminent risk of abuse or neglect, temporary foster care placement is a necessary safety intervention that we use as a last resort if there are no alternate safety plans available to keep the child safe at home. For a child who has faced the trauma of abuse or neglect, and removal from home, ACS has no greater responsibility than to provide a safe, nurturing foster care placement.

We continually strive to provide children with a safe place —optimally in the home of a relative or other safe adult who the child knows—while we work with the family to address the unsafe conditions that led to removal. To achieve this, ACS contracts with and oversees 26 non-profit foster care agencies that provide foster care placement and services for New York City children.

We are grateful for the Committee’s focus today on the important topic of how ACS and our partner foster care provider agencies screen (as well as train and support) foster parents to provide safe placements for children.

Screening and Eligibility to be a Foster Parent

State Requirements:

The New York State Office of Children and Family Services (OCFS) regulates and supervises foster care in New York State, including the certification and approval of foster parents and foster homes. State law and regulations dictate the safety requirements that foster homes must meet, and OCFS authorizes foster care provider agencies to certify foster parents. Foster care agencies and OCFS coordinate on the certification process, which involves child welfare and criminal background checks, home studies based on home visits, and medical clearances.

Foster parents must be in compliance with criteria related to physical condition, character, motivation, and willingness to cooperate with the agency in providing services and carrying out the child’s permanency plan. A careful evaluation of all of this information, including three references, is used to determine whether a proposed foster

parent is able to provide a safe and nurturing environment, and thus should be licensed by the state as a foster parent.

State regulations require foster parents be over the age of 21. Household members must be in good physical and mental health, and physician reports must be filed every other year, after the initial certification. Foster parents are able to be employed, and ACS can assist with child care when needed.

Pursuant to state law, the process includes both a criminal history record check of everyone over 18 living in the home as well as the completion of necessary forms to determine whether the applicant or any person 18 years of age or older who currently lives in the applicant's home has been the subject of an indicated child abuse or maltreatment report filed with the State Central Register of Child Abuse and Maltreatment (SCR) in New York State. Additionally, if the applicant, or any other person living in the applicant's home lived in another state in the five years preceding the application, they must obtain such information maintained by the SCR in each state or previous residency. Pursuant to federal and state law, there are some types of criminal history that are mandatory disqualifiers and some that are discretionary.

Foster parents are required by the state to complete mandatory training as part of initial certification, as well as annual refresher training as part of recertification. Initial training requirements are 30 hours of Model Approach to Partnerships in Parenting (MAPP). The goal of MAPP is to prepare individuals and families to make an informed decision about becoming foster/adoptive families. This decision is made mutually with the foster care agency and is based on the capability and willingness to take on the role and develop the skills needed to foster and/or adopt.

Additional City Requirements:

Given that the safety and well-being of children in foster care is so critical, ACS has some additional requirements beyond those set by the state, related to training and oversight of foster parents.

ACS now requires foster parents to participate in the Trauma-Responsive and Informed Parenting Program (TRIPP), which is both training and coaching support for a total of 24 hours over 8 sessions. TRIPP is a learning program that prepares and supports foster parents and child welfare professionals. Learners develop a trauma-informed lens and are equipped to understand and respond to their youth's challenging behaviors. The program includes a variety of learning approaches, including homework assignments, videos, group role-plays, and other interactive activities.

To meet the needs of LGBTQAI+ youth, ACS also requires all foster parents to be affirming and to participate in training specifically related to the needs of LGBTQAI+ youth.

In addition, as part of our LGBTQAI+ Youth in Care Action Plan, we are working with several foster care providers and LGBTQ organizations on new foster parent recruitment strategies. For instance, we have provided agencies with LGBTQAI+ recruitment best practices, information on community-based agencies they can partner with to increase recruitment opportunities, and a checklist for LGBTQAI+ inclusivity.

Because ACS is deeply committed to the safety and well-being of every child placed in our care, we have established a process to review foster home certification that is above and beyond State requirements. As part of our rigorous oversight and

monitoring of foster care agency practice and performance, ACS audits a sample of initial foster home certifications and first-time annual recertifications. While the foster care agencies and OCFS are ultimately responsible for certifying foster homes, we want to be sure that ACS-contracted foster care agencies are following the correct process and documenting it.

ACS and Our Providers Focus on Finding Family and Friends First

ACS believes that children in foster care should be placed with kin – relatives or family friends – whenever possible. Research shows that children in foster care who are placed with kin experience less trauma, better maintain community and family connection, have greater overall well-being, and are more likely to achieve permanency through reunification, adoption, or guardianship.

ACS has focused on increasing placements with family members, and in FY22, 56% of children who entered foster care as a result of an investigation of suspected abuse or neglect were placed with kin (up from 26% in FY14). Similarly, the proportion of all children in foster care who are currently living with kin has increased from 31% in FY17 to 43% today.

To accomplish this increase in kinship placements, ACS implemented a range of strategies specifically aimed at identifying kin and increasing the proportion of children and youth placed with kin. When placing a child in foster care, our process is to first search extensively for kin, asking children (as appropriate), youth and parents if they can identify potential relatives or family friends. As appropriate, we speak to relatives, neighbors, family friends, teachers, coaches, religious connections and other trusted

resources. Since 2019, ACS has had Kinship Specialist positions in the ACS Division of Child Protection (DCP). These staff have the dedicated function of finding and engaging kin caregivers for children entering foster care. For children who aren't initially placed with kin, ACS contracted foster care agencies implement targeted efforts to identify and move children to kin when this is in their best interests, including continuing to talk to children, youth and family members about who in the child's life can be a foster parent.

Unlike many jurisdictions, ACS and our foster care agencies work to make sure that kinship caregivers can become certified as foster parents to receive the same financial stipend and case planning support that non-kinship foster parents receive. When kinship caregivers are identified for emergency placement, ACS performs an expedited home study so that children may never need to spend one night outside of kinship placement, if possible. The assigned foster care agency then proceeds to work with the kinship foster parent to complete the full home assessment and training process to become certified by OCFS. We offer resources to eliminate obstacles for kinship caregivers, such as providing beds or other furniture the children may need, paying for safety enhancements to the home like radiator covers, providing a daily stipend to cover incidental costs while the kin resource awaits final certification, and arranging child care assistance.

ACS is Strengthening Foster Care

As you know, ACS is in the process of re-procuring the foster care system, but ACS and our providers are already implementing the funding and programmatic enhancements embedded in the RFP now. As it relates to foster parents, providers now have more resources for foster parent recruitment and for providing and supporting

kin. A key component is that we have changed the funding structure so that providers are no longer reimbursed by care days, which eliminates incentives for longer lengths of stay, while also giving providers more financial certainty and flexibility.

In addition, ACS has made significant investment in new resources as part of its new Enhanced Family Foster Care (EFFC) program, which replaced the separately contracted Family Foster Care (FFC) and Therapeutic Family Foster Care (TFFC) programs. EFFC provides increased therapeutic resources and services, responding to the increased acute needs of children in foster care and allows for greater flexibility of services based on the changing needs of the child and family. Additionally, the blended EFFC model allows children to remain in the same foster home and program as their needs fluctuate over time.

To support the continuous efforts to recruit, support and retain caring foster parents, the Division of Family Permanency Services provides an array of technical assistance and support to provider agencies to expand the pool of caring foster parents in New York City. The Home Away from Home framework supports foster care agencies to develop processes to support children placed with kin, improve their practices of transitioning children to kin, increase foster parents' capacity to care for older children and children with complex needs, and improve the recruitment, training, and support strategies to retain a greater number of foster parents.

Our foster care agencies use a variety of approaches to support foster parents. These strategies include planning events facilitated by foster parents to recruit within their own social, family, professional circles; creating mentoring opportunities between experienced foster parents and newly certified foster parents to provide supports to

each other; and leveraging Foster Parent Ambassadors who develop team-building activities for other parents and holding roundtable discussions that are facilitated and attended by foster parents to discuss trainings needs or any other topics impacting foster parents. The Mockingbird Model, implemented by one agency, creates clusters of foster homes in close proximity. These parents provide support and back-up to each on a regular basis.

In addition, ACS recently rolled out Binti, a web-based tool to assist foster parents and foster care agencies with the certification and re-certification process. This software has helped to streamline the process and make it paperless.

Finally, this past year, the state settled a lawsuit and then passed legislation to increase the rate provided to foster parents to care for the children. While ACS was deeply disappointed that the state did not include any state resources in the state budget to help pay for this increase, we believe that increasing the rate is an essential support so that foster parents are able to provide for all the needs of the children.

Int. 642-2022 (Williams)

Int. 642-2022 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's pre-placement continuum includes the Nicholas A. Scoppetta Children's Center, operated by ACS with a capacity of 100 children, 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 foster home. 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. Vincent's 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 instead 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 therapeutic treatment plans tailored to youth and family needs are developed.

The Children's Center is a 24/7 temporary foster care pre-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 1,700 unique children and youth each year, from newborns up to age 21. Sixty-five percent of the children reside at the Children's

Center for 10 days or less and 45% of the children reside there for less than three days. As you can see in our most recent monthly Flash report from September 2022, the average daily population at the Children's Center was 68 in August 2022, and calendar year to date (January 2022-August 2022), it was 76 children. The census on October 7, 2022 was 58 children.

We are taking a number of steps to try to reduce both the number of children at the Children's Center and the length of stay for children at the Children's Center. This past year, the Children's Center added its own kin finding unit to further intensify efforts to identify safe kin resources for children as an alternative to the Children's Center or foster care stay. The Office of Placement Assistance (OPA), within the Division of Family Permanency Services, works closely with foster care agencies to facilitate the matching of children into appropriate, safe and caring homes. In addition to using the Placement Module, an automated referral system, OPA has leveraged other practices to engage agencies around expediting placements through the exploration of available homes that meet best with the needs of the children.

The Children's Center is staffed with child care specialists, social workers, programming and wellness staff, education, 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 at risk or 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 help maintain safety.

ACS has taken a number of steps to improve the experience youth have at the Children's Center including creating 4 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. The Children's Center programming ranges from therapeutic art classes, financial literacy, music, performing arts, nutrition, fitness, youth voice and empowerment, health education, and much more. Staff also chaperone youth to Broadway shows, professional sporting events, and celebrate holidays and diverse cultural traditions.

ACS looks forward to discussing this bill with the Council.

Int. 554-2022 (Rivera)

Int. 554-2022 would require ACS to, in consultation with DOI and other experts in child welfare and child safety, to create an action plan to implement the recommendations in the workload study ACS published in 2019 pursuant to Local Law 18 of 2018. Specifically, the legislation would require the action plan to include best practices related to the maximum number of cases child protective specialists can manage to improve child safety and well-being outcomes.

The Child Welfare League of America recommends child protection staff carry 12 cases during the investigative or assessment phase. The Council on Accreditation standards state that caseloads should not exceed 15 investigations. For quite some

time, ACS has had a target for our Child Protection Specialist caseloads not to exceed an average of 12 cases. To maintain this, OMB enables ACS to hire enough CPS to stay ahead of attrition.

For the month of September 2022, the average child protection caseload was 8.1 citywide. (It was 8.9 in the Bronx; 7.7 in Brooklyn; 7.4 in Manhattan; 7.5 in Queens; 8.5 in Staten Island; and 9.3 in the Office of Special Investigations.)

Thus, ACS caseload averages remain well below 12. ACS hires CPS based on need, and we currently have a strong staffing position thanks to our successful hiring and retention strategies. We recently onboarded a class of 124 new CPS who are currently in the training academy. For the remainder of FY 23, we plan to hire two additional classes in February and May 2023.

ACS looks forward to discussing this bill with the Council.

Int. 436-2022 (Stevens)

Int. 436-2022 would create a Juvenile Detention Advisory Board to advise ACS, the Mayor and the Council on issues related to juvenile detention.

NYC's juvenile justice system safely serves youth through a trauma-informed lens, in the community whenever possible, and with appropriate structure and supports in place. DYFJ, oversees services and programs for youth at every stage of the juvenile justice continuum. Our continuum includes community-based services for youth who are at risk of delinquency, as well as for their families. In addition, we provide secure detention services and oversee nonsecure detention for youth who have been arrested and the court has ordered to be detained while awaiting resolution of their cases. We

also oversee the Close to Home placement system for youth ordered to be placed by the Family Court. And finally, ACS will soon oversee the City's Alternative to Detention programs as they transfer from MOCJ to ACS.

ACS appreciates the Council's interest in ACS benefiting from the input of others, including youth and parents who have been personally impacted by the juvenile justice system. ACS has a new Deputy Commissioner for our Division of Youth and Family Justice (DYFJ), Nancy Ginsburg, who comes to ACS from Legal Aid with over thirty years of working directly with, and advocating for, youth impacted by the system. Our new Deputy Commissioner is in the process of setting up a Juvenile Justice Advisory Board to lend expertise to us as we seek to continuously strengthen our efforts to prevent youth from coming into contact with the system, to meeting the needs of youth in the community, detention and Close to Home.

We look forward to discussing this bill with the Council.

Conclusion

In conclusion, ACS is committed to strengthening all components of our work from child protection to foster care to prevention to juvenile justice to child care. We look forward to continuing to partner with the Council as we work together to support New York City's children, youth and families.