

## **TESTIMONY**

The Council of the City of New York  
Committee on Finance  
David I. Weprin, Chair  
Committee on General Welfare  
Bill de Blasio, Chair  
Committee on Women's Issues  
Darlene Mealy, Chair

Executive Budget Hearing: The Administration for Children's Services

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The Legal Aid Society and Lawyers for Children submit this testimony to the Council, and thank the Committees on Finance, General Welfare and Women's Issues for inviting us to share our thoughts on how the proposed FY 2010 budget reductions to the New York City Administration for Children's Services (ACS) will affect the children whom we represent and their families.

The Legal Aid Society is the nation's largest and oldest provider of legal services to poor families and individuals, providing legal representation in more than 295,000 legal matters for clients each year. Legal Aid's Juvenile Rights Practice provides comprehensive legal representation to children who appear before the New York City Family Courts in all five boroughs, in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our Juvenile Rights staff represented some 34,000 children. Our perspective comes from our daily contacts with children and their families, and also from our frequent interactions with the courts, social service providers, and State and City agencies. In addition to representing many thousands of children each year in trial and appellate courts, Legal Aid also pursues impact litigation and other law reform initiatives on behalf of our clients.

Lawyers for Children is a not-for-profit organization dedicated to protecting the rights of individual children in foster care and to compelling system-wide foster care reform in New York City. For the last twenty-five years, we have provided every one of our clients with free legal and social work services in cases involving foster care, abuse, neglect, termination of parental rights, adoption, guardianship, custody and visitation. Our caseload currently exceeds 4,000 clients in 6,000 cases each year.

## **The Proposed Cuts to ACS' Budget Will Have a Drastic Impact on Children and Families**

New York City's executive budget for Fiscal Year 2010 contains massive cuts to many City agencies which will dramatically affect services provided to New York City's neediest children and families. We are here today specifically to discuss the proposed 7% reduction in City funds to ACS. If the proposed budget is passed in its current form, ACS will see a total of \$198 million in reductions as of July 1, 2009, almost \$33 million of which will affect its child welfare work. As you know, some of the proposed cuts to ACS and the services they are legally required to provide to children and families include:

- \$19.3 million less for ACS staff positions (eliminating 676 staff and supervisory positions through layoffs and attrition);
- the elimination of entire ACS units, including the Office of Family Visiting and Parent Education;
- \$12.7 million less for preventive services, specifically Program Enhancement Funding and the Child Safety Initiative/Preventive Services Caseload Reduction; and
- \$6.6 million less for the foster care agencies that operate under contract with ACS and provide foster care and services to thousands of children.

These proposed cuts to vital services for children and families will work against the goals of keeping families together in their communities whenever possible, ensuring the rights of children to safe treatment, and expediting permanency for children who experience foster care. In a recent New York Times article published on April 26, 2009, Julie Bosman noted that these reductions “ would be the largest since John B. Mattingly became commissioner of the agency in 2004, and among the most severe reductions since it was created as a stand-alone department in

1996. The City, meanwhile, is receiving a steadily increasing number of reports of abuse and neglect — 65,856 in 2008, up from 63,434 the year before.”

### **Preventive Services are Vital to Keeping Families Together Whenever Possible**

Preventive services are crucial to keep children safe in their communities and to bolster families that need services to prevent problems from worsening. Without an adequate network of community-based preventive services, ACS loses an important tool that it must have in order to prevent unnecessary filings of neglect cases. Preventive services programming can provide interventions that keep children safe and keep families from the trauma and harm of becoming caught up in the court system, yet the proposed budget would cut the program enhancement funding by \$9 million. The reduction of \$3.7 million to ACS’ child safety initiative/ preventive services caseload reduction effort will mean higher caseloads for workers and will result in less attention being paid to the children and parents who desperately need the support that preventive services can provide to develop their families’ strengths and overcome their weaknesses. We are also concerned that some families in need may be turned away by preventive services agencies due to this loss in funding.

### **Budget Cuts Will Delay Permanency For Children in Foster Care**

Every cut to casework and legal staff in ACS and the foster care agencies with which it contracts means less time and attention that can be spent working toward permanency for children whose parents or guardians have been charged with neglect or abuse. A prime example is the proposed ACS elimination of its family visiting office:

### **Visiting is an Essential Component of Achieving Permanency**

The elimination of the ACS Office of Family Visiting and Parent Education (OFVPE) will have a significant impact on the most vulnerable children served by ACS -- those who have

experienced the trauma of removal and separation from their parents and, often, from their siblings. In almost all cases, meaningful family visiting is essential to minimizing the trauma, to easing the transition, and to strengthening and/or rebuilding family bonds with a goal of reunification.

In 2006, ACS recognized the importance of family visiting by creating the OFVPE to provide technical assistance and support to foster care agencies, as well as to provide direct assistance to families. The creation of a separate office dedicated to improving visiting practices and outcomes elevated the importance placed upon this critical component of reunification and encouraged agencies to think about visiting in new ways. In a multi-tiered system in which front-line practice changes slowly, the impact is just now beginning to be experienced by families. For some children, visits are now initiated more quickly, take place more frequently, occur in more child-friendly/supportive environments, and transition more appropriately from supervised to unsupervised family contacts.

A great deal of work remains, however, to improve ACS' visiting practice, and the drastic cuts planned in this area will be devastating. Recently, for example, a very sad 8-year-old client of Legal Aid's reported that he had not seen his mother since his removal from her care and placement in a non-kinship foster home more than two weeks before. In another case, we have continually battled to ensure visiting among four siblings placed in three different foster homes.

Eliminating the visiting office sends a message that visiting is no longer a priority for ACS and the foster care agencies. It further increases the likelihood that children will have to wait weeks after removal before an initial contact with their parents; that siblings separated from each other in foster care will go without contact for months; that infants and toddlers will see

their parents for only one hour every two weeks at a foster care agency; and that visits will fail to progress appropriately to less restrictive, more natural contacts. This translates into further trauma for the children, additional strain on family bonds, and slower movement toward permanency.

### **Adolescents in Foster Care Will Be Harmed**

As you know, more than half of all children in foster care in New York City are aged 12 and older. We have testified before the City Council on several occasions regarding our concerns that ACS has fallen far short in providing services to older youth who are aging out of foster care to live independently. Unfortunately, budget cuts at ACS have had a profound impact on these youth, decimating some of the most effective programs and services for young people who are preparing for life on their own.

Just last month, the Covenant House Institute reported that 35 percent of the homeless and runaway youth served by that agency came from the foster care system or other institutional placement. Despite a documented need, ACS budget reductions have resulted in cuts to the legally-required services and programs that are designed to help youth aging out of care obtain employment and stable housing. With these reductions, the numbers of former ACS youth seeking assistance from Covenant House and City-run homeless shelters is sure to increase. Aside from the devastating human price that is paid when a young person moves from foster care to homelessness, there is an undeniable fiscal cost when savings from ACS result in increased costs for the Department of Homeless Services.

The ACS Office of Youth Development (“OYD”) has, for the last several years, played an important role in coordinating services for older youth. OYD provided information, assistance and referrals for contract agency workers and our clients. Among other things, the

Office of Youth Development arranged college tours for clients hoping to further their education, and helped clients in higher education and vocation training programs to access Education Training Vouchers and financial aid. The office also coordinated networking workshops for clients seeking employment. The OYD staff provided crucial information regarding the availability of housing programs for some of the youth leaving foster care, along with some assistance in completing applications for those programs and assistance in finding affordable apartments.

We urge the City Council to restore funding that would permit OYD to provide services and information to older youth in foster care in the most efficient manner possible. With the reassignment of so much of the OYD staff to other areas of ACS, contract agency caseworkers and our clients have lost what could be an important resource. ACS had been increasing the role of OYD in assisting foster care contract agencies – most of which simply have not accessed services and programs for older youth successfully – to provide those legally-mandated housing and other independent living services. Requiring each contract agency on its own to develop the expertise, resources and programs that should be coordinated by ACS is a most inefficient way to provide services to youth who are aging out of foster care, and will leave too many children without the benefit of those resources and programs.

We also urge ACS to restore cuts it has made to the ACS housing subsidy. Until recently, youth leaving foster care to live in their own apartments had access, via the ACS housing subsidy, to a grant of \$1800 to assist with first month's rent, security deposit, and fees associated with finding an apartment. They were also entitled to a grant of \$1800 to help furnish the apartment and purchase such basic items as pots and pans and sheets and towels. ACS has cut the maximum amount of this subsidy in half, stating that it lacks the money to help young

people leaving foster care to obtain even the most basic household necessities. The vast majority of our clients leaving foster care to live on their own subsist on the earnings of low paying jobs or public assistance. In fact, most young people who leave foster care for their own apartments can only do so with the assistance of a Section 8 voucher, or to reside in public housing. Young people who have grown up in foster care, now juggling jobs and sometimes college, have barely enough to put food on the table, and certainly not enough to purchase the table and all the items needed in order to cook that food. As a result, even those youth who obtain their own apartments are forced to live in those apartments without basic necessities. The transition to living on one's own is difficult, to say the least, but living alone without even basic furniture can only increase a youth's sense of vulnerability and displacement, and ultimately contribute to the instability that lands so many former foster youth in the shelter system.

Thank you for this opportunity to testify.

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