

New York State Assembly

**Carl E. Heastie**

*Speaker*



Committee on  
**Children and Families**

**Donna Lupardo**

*Chair*

**2016**

**ANNUAL REPORT**

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY



Donna Lupardo  
Assembly 123<sup>rd</sup> District

CHAIR  
Committee on Children and Families  
Legislative Women's Caucus

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Honorable Carl Heastie  
Speaker of the Assembly  
932 Legislative Office Building  
Albany, New York 12248

December 15, 2016

Dear Speaker Heastie:

As Chair of the Assembly Standing Committee on Children and Families, it is my distinct pleasure to submit to you the 2016 Annual Report. This year, the Assembly has continued its commitment to improving outcomes for New York's children and families. The Committee put forward several policy initiatives this year that were enacted into law, such as requiring a study on the benefits of an adoption tax credit and encouraging contact between siblings who are separated in the foster care system.

Importantly, a bill was signed into law this year to formalize the Early Care and Learning Council (ECAC) in statute. The ECAC is comprised of various government and private agencies, as well as individuals with expertise in early learning and child care, who are tasked with developing innovative ways to improve the system. The law will now require that the ECAC expand its focus to engage the business community in early childhood and increase opportunities for private investments. The Committee also advanced a legislative package based in part on the work of the Assembly Child Care Workgroup. The package included legislation to increase child care provider stability by providing reimbursement for a set number of absences and for older infants.

This year, the Committee was active in seeking input on important policies affecting communities around the state. The Committee sponsored a roundtable to discuss predictive modeling as a child protective tool for bettering services to vulnerable families and keeping children safe. The Committee also engaged stakeholders throughout the year on the upcoming implementation of the federal Child Care and Development Block Grant reauthorization. It is critical that robust communication continue regarding the best way to provide necessary support for providers and families while meeting the new federal mandates.

Despite another challenging budget, the Legislature was able to restore and increase funding to many crucial programs such as an additional \$1 million for child care demonstration projects, \$3 million for Advantage After-School, and \$1.7 million for Youth Development programs. The Legislature continued funding for

many core programs including the Child Care Block Grant. The Legislature also added \$1 million in funding over last year's levels to Kinship Care programs, for a total of \$2.56 million.

In closing, I would like to express my appreciation to you, the members of the Committee and the many hardworking advocates across the State for continuing to support these efforts.

Sincerely,

A handwritten signature in cursive script that reads "Donna h. Lupardo".

Donna Lupardo  
Chair  
Committee on Children and Families

**2016 ANNUAL REPORT  
OF THE  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON CHILDREN AND FAMILIES**

**Donna Lupardo  
Chair**

**Committee Members**

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Diana Richardon  
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**Program and Counsel Staff**

Becca Mudie – Assistant Secretary for Program and Policy  
Naomi Schultz – Principal Legislative Analyst  
Jennifer Sacco – Associate Counsel  
Ihrar Muhammadi – Committee Assistant

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## **I. INTRODUCTION**

The Assembly Standing Committee on Children and Families, established in 1975 as the Committee on Child Care, has jurisdiction over legislation affecting: 1) child welfare, including foster care, preventive services, and adoption; 2) child care; 3) juvenile justice, including youth development and delinquency prevention programs, Persons in Need of Supervision (PINS), and the detention and placement of adjudicated youth; 4) adult protective services; 5) residential and non-residential domestic violence services; and 6) other services and programs for children and their families, including Family Court processes.

In New York State, there are 62 counties and 58 local social services districts. Each county represents a local district, with the exception of New York City, which operates as one district for all five counties. The Office of Children and Family Services (OCFS) oversees local district provision and administration of child welfare, child care, youth programs, adult protective and other publicly funded services for children and families. In addition, in New York City, the Administration for Children's Services (ACS) is responsible for the provision and administration of child welfare services, juvenile justice services and child care assistance.

Each local social services district is required by law to provide child protective services, preventive services where a risk of foster care exists, and foster care services for children who are at imminent risk in their own homes. After a child protective investigation, a district will make a determination regarding the need for preventive services, as well as foster care. The district may provide preventive and foster care services directly or through contract with a private not-for-profit agency. Preventive services may help the family avoid foster care or help a child to return home from foster care. Such services may include counseling, drug treatment and home management skills.

If a child is placed in foster care, that decision must be affirmed by a Family Court judge. The court will also determine whether the local district has made reasonable efforts to reunite the child with his or her family and set forward a permanency goal for the child. Foster children may reside in a variety of settings, including foster family homes, group homes and residential institutions. Foster parents receive subsidy payments, comprised of federal, state and local funds and issued by the local social services district.

Local social services districts also issue subsidy payments to child care providers on behalf of low-income families eligible for child care assistance. This assistance is comprised of Federal, state and local funds and helps families maintain employment while their children are being cared for in a safe environment. Outside of New York City, child care providers are licensed or registered by OCFS, which also conducts inspections to ensure compliance with state regulations. In New York City, the New York City Department of Health and Mental Hygiene is the licensing agency for child care providers, while ACS contracts with and issues payments to providers. These payments may also come in the form of a voucher given directly to the eligible family. Statewide, child care is provided in a variety of settings such as child care centers, group family day care homes and family day care homes. Informal child care is also available statewide, for providers that serve no more than two children or serve children for no more than three hours a day. These providers are not required to be registered or licensed.

The juvenile justice system in New York State is comprised of state, local and privately operated programs for youth. Youth may be placed by the Family Court in a private voluntary agency, contracting with either the local social services district or OCFS. OCFS operates secure and limited-secure juvenile justice facilities, where adjudicated youth may be placed as juvenile delinquents or by the Criminal Court as juvenile offenders. The “Close to Home” reform enacted in the SFY 2012-13 budget requires that adjudicated youth from NYC be placed with the Administration for Children’s Services (ACS) rather than OCFS. This reform lowered the number of youth placed with OCFS by transferring NYC youth in non-secure facilities to, and by placing all newly adjudicated youth with, ACS.

OCFS provides after-care services to youth leaving placement, based in statewide Community Multi-Services Offices. Each youth leaving placement in an OCFS-operated facility receives after-care services to help with the transition back into the community. Pursuant to the “Close to Home” plan submitted by ACS, the city provides after-care to youth transitioning out of placement in voluntary agencies.

Localities also operate and provide juvenile justice programs and services. Counties operate detention facilities where a youth may be held prior to adjudication or placement. Counties also operate or contract with providers for non-mandated services for youth involved, or at risk of involvement, in the juvenile justice system. These programs include alternatives to detention and residential care, where an at-risk youth may receive services such as supervision and counseling. While the state provides funding for alternative programs, the number and types of programs that are available vary statewide.

Local social services districts are also responsible for providing adult protective services for adults who, because of mental or physical impairments, are unable to manage their own resources, carry out activities of daily living, or protect themselves from physical, sexual or emotional abuse, and have no one willing or able to assist them. Districts are mandated to accept and investigate reports of persons alleged to be in need of protective services and provide such services without regard to income. These services may include arranging for medical and mental health services, assisting in relocating the adult to a safe location, drug treatment and assuming guardianship of the adult.

Domestic violence services are also provided by each local social services district, as required by the New York State Domestic Violence Prevention Act of 1987. OCFS issues regulations establishing standards for such services, which include both non-residential and residential domestic violence programs. The residential programs are licensed by OCFS and include shelters with ten beds or more, safe dwellings for victims and their children and safe home networks providing emergency services coordinated by a not-for-profit organization. OCFS also sets the per diem rate for residential domestic violence programs.

## II. SUMMARY OF COMMITTEE ACTION

### A. CHILD CARE

The availability of child care is tied to both the social and economic development of New York State. Quite often, the child care expenses for a family of four can exceed the cost of food, rent and other household expenses, resulting in the cost of quality child care becoming the single largest expense in the family's budget. The Committee on Children and Families has continued to stress the critical need for accessible, affordable, safe, and quality child care. Parents must have reliable child care in order to maintain their employment, and young children need quality settings for appropriate educational and social development. This year, the Assembly fought to ensure that the State budget would preserve funding for quality child care, while also making quality child care more accessible and safer for children of low to moderate-income families.

#### 1. Legislative Initiatives

##### **a. Sleep Subsidy for Eligible Parents** (A.775-B, Jaffee/S.5184-A, Savino; Passed Assembly)

Parents who work nights often need child care so that they can sleep during the day if their children are young and not in school. Regulations currently permit, but do not require social services districts to provide a child care subsidy to financially eligible parents and caretakers who work second or third shifts and need child care for their young children in order to sleep.

Most social services districts do exercise this option and provide subsidized daytime child care for parents who need to sleep. For those living in the eleven social services districts that do not provide this option, life can be very difficult as sleep-deprived parents juggle their need to sleep with caring for a young child.

This bill would require that otherwise eligible families with a child under the age of 6 receive a subsidy in order to sleep if they work a late shift. This would ensure that low income parents with young children who work the night shift and need child care to get adequate sleep will be able to do so regardless of where they live.

##### **b. Child Care Availability Study** (A.1083, Paulin/S.1422, Carlucci; Vetoed, Memo 263)

Lack of access to affordable, quality child care is a major impediment for women entering and staying in the workforce. Parents, who are unable to afford licensed day care providers or programs, are sometimes forced to choose between placing their children with less reliable options or leaving them home alone. Some parents are forced to reduce work hours or quit jobs altogether to remain home and care for their children. A comprehensive understanding of this critical need is necessary in order to put forward adequate solutions

This bill would require the Office of Children and Family Services (OCFS) to evaluate the need for child care in New York State and put forward recommendations for addressing it. The study examines the number of providers, cost, quality, geographic disparities and transportation barriers. The study also analyzes access to providers with non-traditional hours. The latter are

especially important to working mothers, as they often need to work such shifts to provide for their families. OCFS would submit a report identifying strategies for expanding access to child care to the Governor and the Legislature within twelve months of enactment.

**c. Provider Qualifications on OCFS Website** (A.1864, Mayer/S.742, Kennedy; Vetoed, Memo 230)

Currently, parents can view basic and limited information about a child care provider on the OCFS website. This information includes contact information, program type and capacity, whether the facility can administer medications, whether non-traditional hours are offered, and if there are uncorrected violations and enforcement actions that were taken. Parents are encouraged to follow up with the provider for any relevant updated information. Selecting a child care provider is one of the most important decisions that working parents face. In order to make this decision, parents should be equipped with a comprehensive overview of the providers' qualifications. By posting a child care provider's trainings online, the provider is also given the opportunity to publicize such accomplishments.

This bill would authorize child care providers to submit to the Office of Children and Family Services (OCFS) any additional education or trainings related to the provision of child care that they have completed. OCFS would be required to post such information online.

**d. Online Listing of After-School and Child Care Programs** (A.1869-A, Mayer/S.7119, Kennedy; Passed Assembly)

Currently, there is no statewide database through which parents and caregivers can search to identify after-school, extended learning, and summer programs for their school age children. The bill would require the Council on Children and Families to develop and make available through its website a listing and map of all recipients of grants awarded or administered by the state for the purpose of providing after-school or summer programs, extended learning time, or community schools, and all registered school age providers registered by the Office of Children and Family Services (OCFS). The listing would include each grant recipient or provider's name, the address at which the program is offered, and the name and phone number of an individual who is authorized to answer questions regarding the program. The listing and map would be updated no less than once every ninety days to reflect changes. The listing and map would also be updated within ninety days of any contract with a grant recipient expiring or being signed. The council would be able to include locations and information for additional relevant programs as it sees fit.

**j. Child Care Provider Reimbursement for Absences** (A.6568-A, Lupardo/S.5009-A, Felder; Passed Assembly)

Local social services districts can opt to withhold a portion of subsidy reimbursement from a provider for days in which a child is absent from care. While state regulations allow up to 12 days in absences for each child in any one calendar month, most if not all of these counties choose not to pay providers when children do not attend. This creates fiscal uncertainty for many providers, leading to difficulty with staff retention and optimal quality care.

This bill would require that local social services districts make payments to providers for at least 12 absences in a 6 month period. The Office of Children and Family Services would define the maximum number of absences allowed for reimbursement, which would not be less than 24 absences in a 6 month period, unless extenuating circumstances exist.

**k. Child Care Provider Reimbursement for Infants** (A.7191-A, Simotas/No Same as; Passed Assembly)

Licensing regulations require a certain staff to child ratio depending on the age and number of children receiving care with additional staff being required for any increases in infant care. As a result, the subsidy reimbursement amount for infant care is higher than what would be provided for older children. Subsidy regulations define an infant as a child from 0-18 months, however staffing ratios set forth by the Office of Children and Family Services (OCFS) considers an infant to be 0-24 months. This creates a 6-month financial shortfall for providers who do not receive the higher reimbursement amount, but are still required to operate under the standards of the licensing requirements such as a higher level of staff to child ratio. Aligning the definition of infant in subsidy regulation and licensing regulations will ensure that providers receive an adequate subsidy to compensate for the level of care that is being provided.

This bill would require that a home based child care provider be reimbursed at the infant rate for a child up to two years of age.

**l. Investigation of Illegal Child Day Care Services** (A.7451, Joyner/S.1706, Golden; Vetoed, Memo 264)

Safe and quality child care is critical to promoting the positive development and health of young children. Day care providers who are not adequately licensed or registered are not held to any safety standards and cannot be monitored. Such providers may pose a risk to children, and many high profile instances of child injury have occurred in such settings.

This bill would require the Office of Children and Family Services (OCFS) to review internet advertisements, at least monthly, for child care services. OCFS would be required to investigate any child care provider operating without a license or regulation where one is required.

**m. Social Services Law to Issue Inspection Report** (A.8182A, Titus/S.5676-A, Klein; Chapter 513)

Currently, day care centers operating outside of New York City (NYC) are required to post inspection reports so that parents may view them. Such reports promote transparency, and allow parents to make informed choices regarding the day care provided to their children.

This bill would provide the same benefit to parents of children attending day care centers in NYC by requiring such providers to post performance summary cards detailing licensing information, inspection history and program capacity. The posting will also inform parents as to whether the facility is consistently complying with the health and safety regulations. Finally, it

will help parents to compare the record of the facility they're visiting against the records of other facilities in the same social services district.

**n. Cost Estimation Model for Child Care** (A.9900-A, Jaffee/S.7426-A, Avella; Passed Assembly)

Every two years the Office of Children and Family Services (OCFS) conducts a market rate survey among licensed, registered and legally exempt child care providers. The survey collects data on what child care providers are charging for child care. The data collected is then used to set a payment rate to providers for subsidized care. While useful in setting rates, the market rate survey does not necessarily reflect the actual costs of providing child care. Child care providers have many fixed costs such as maintaining adequate staff, complying with building codes as well as regulatory and licensing requirements; yet they can only charge what the market is willing to pay. When corresponding subsidy rates are not high enough, the quality of child care sometimes suffers as providers struggle to make ends meet.

This bill would require that a cost estimation model be utilized for each category of care for which a market rate is determined. A cost estimation model can provide valuable data on the actual cost of providing child care, not just what price is charged to parents. Such information can then be used to determine the adequacy of the rate paid to providers, as well as inform policy decisions to ensure child care providers remain stable. Therefore, this legislation is one step forward in creating a more robust and better quality child care system.

**o. Early Childhood Advisory Council** (A.9902-A, Lupardo/S.7427-A, Avella; Signed, Chapter 415)

Federal law requires that states establish advisory councils to promote comprehensive and high quality early childhood systems. The councils would assess the statewide need for child care and early childhood education programs as well as identify barriers to accessing such programs and make recommendations for increasing quality and participation. In 2009, the NYS Early Childhood Advisory Council (ECAC) was established to comply with the federal law. The ECAC brings together representatives from multiple state and local agencies with critical roles in overseeing and administering aspects of early childhood programs including child day care, preschool and Head Start.

The work of the ECAC is crucial to the development of a robust statewide early childhood education system that serves the needs of all of New York State's young children. This bill would codify the ECAC into law in order to ensure its permanence. Additionally, this bill would codify the Governor's direction that the ECAC reach out to the business community by including business leaders among its membership. The role of the ECAC would be enhanced to add a focus on promoting private investments in the early learning system.

## 2. Budget Initiatives

Child care subsidies provide low-income families with access to quality child care. The Assembly has found that child care assistance is most successful when a dedicated, stable funding source is provided from year to year. This year, thanks to the work of the Assembly

Child Care Workgroup, the Assembly approved a budget for child care subsidies that maintained previous year increases. This funding will help counties meet the unmet needs of families struggling to maintain employment and provide safe and affordable day care for their children.

The executive budget proposed eliminating certain vital child care programs important to families struggling to maintain self-sufficiency. Child care demonstration projects, located throughout New York City, the Capital Region, Oneida, Onondaga and Monroe County, serve families up to 275% of the poverty level and make enrollment in child care easier and more efficient. The Assembly was able to increase funding to \$10.4 million to these programs, an increase of \$1 million dollars from last year. The Legislature took further action to ensure that essential child care programs are preserved by restoring and increasing funding for SUNY and CUNY Child Care, to \$4.04 million.

The Legislature was also able to increase funding for the Advantage After School Program by \$3 million dollars, for a total of \$22.26 million dollars. This program provides structured after-school activities in order to reduce negative behaviors and offer a safe environment for children.

## **B. JUVENILE JUSTICE/YOUTH PROGRAMS**

The Committee has jurisdiction over issues facing families and youth at every stage in the juvenile justice process. Policies concerning preventive services, alternatives to detention and placement programs, treatment of youth in care and after-care supervision all fall under the Committee's purview. The Committee has continually emphasized the need for an integrated, community-based approach in order to prevent youth from being placed in State-operated facilities. For those who must be placed, the Committee traditionally supports a rehabilitative approach to treatment while in care, and intensive after-care services so that youth can effectively and safely integrate back into their communities.

### 1. Legislative Initiatives

#### **a. Permanency Planning** (A.7050, Lupardo/S.5019, Felder; Passed Assembly)

This measure is vital to address the current conundrum faced by the Family Court: the Court is charged with responsibility to conduct permanency hearings, monitor permanency planning and issue fact-specific permanency orders in juvenile delinquency and Persons in Need of Supervision (PINS) proceedings, but is not given the information or authority required to discharge that responsibility. If Family Court and all parties are provided with specific service plans, if needed services are ordered, if representation by the juveniles' attorneys is continued without interruption and if the agencies' responsibilities to work with, and provide appropriate visitation to, the juveniles' parents and other legally responsible adults are clearly articulated, the likelihood of successful permanency planning is significantly increased. This would benefit not only New York State in its efforts to demonstrate compliance with the federal Adoption and Safe Families Act (ASFA), but also the juveniles, their families and the communities to which the juveniles return.

This bill would add permanency planning to juvenile delinquency and PINS proceedings consistent with requirements for child abuse and neglect proceedings. This includes an additional requirement to hold permanency proceedings for youth placed in limited-secure facilities, review of steps taken to ensure immediate enrollment in school, notification to parents of proceedings and continuation of attorney representation. These additions are analogous to requirements for foster children.

**b. Pilot Program for Job and Vocational Training** (A.9598, Hyndman/S.7528, Comrie; Passed Assembly)

Most adjudicated youth placed with the Office of Children and Family Services (OCFS) will leave placement to re-enter their communities. Part of a successful transition home includes equipping youth with the tools they will need to achieve self-sufficiency. Education, job and vocational training provides youth with valuable knowledge and skills that can lead to sustainable employment and decrease the chances of recidivism.

This bill would require the Department of Labor (DOL), in conjunction with OCFS, to establish job and vocational skills training to adjudicated youth. The program would be conducted in three residential facilities chosen by OCFS and provide youth with training necessary to reach higher levels of education and higher wage jobs in growing occupational fields.

2. Budget Initiatives

The Legislature was able to provide an additional \$1.7 million in funding for the Youth Development Programs, which are those programs formerly known as Youth Development and Delinquency Prevention (YDDP) and Special Delinquency Prevention Programs (SDPP). This restoration is in addition to a base amount of \$14.12 million.

Additionally, the Legislature was able to provide \$1.75 million in funding for the Community Reinvestment Program, which is an initiative that OCFS designed with stakeholders to invest in, expand, and enhance community resources with multi-phase interventions in order to prevent family court placements. The ultimate goal is to provide youth and families in high-need communities with a comprehensive community network of supports. This program is intended to help teach healthy behaviors, reduce gang involvement and/or violence, and improve attendance at school and court proceedings.

Finally, the Legislature approved additional funding for the Summer Youth Employment Program (SYEP). The final funding level was \$31 million from \$30 million last year. This funding will ensure that the program, with the minimum wage increase, continues to provide paid employment to youth during the summer months.

**C. CHILD WELFARE**

Child abuse and neglect continue to be a reality in the lives of many children in New York State. Victims of abuse and neglect can suffer long-term adverse social and psychological consequences. Therefore, it is imperative that children in these situations are protected and that

families are able to receive appropriate services in order to prevent further trauma, thereby lessening the after-effects of abuse.

The foster care system provides temporary placement, care, and services to children and families in crisis while promoting the goal of family reunification. In an effort to achieve family reunification and stability, Federal and State laws have driven the development of preventive, protective, and rehabilitative programs to provide needed services. Adequate care for these children and their families is critical, and it is imperative that a wide array of services is provided to support the reunification of stable and healthy families.

For many children who cannot be reunified with their families, adoption may be the final step in obtaining a permanent family environment. Such permanency is crucial to a child's development and greatly enhances successful outcomes into adulthood. The Committee has continuously stressed the need for effective and timely permanency planning, incentives for adoption and continued post-adoption support for families in need.

### 1. Legislative Initiatives

#### **a. New York State Reuniting Families Act (A.2432, Kim/S.2516, Parker; Passed Assembly)**

When a child has been in foster care for 15 of the most recent 22 months, the local social services district is required to file a petition to terminate parental rights unless certain exceptions exist. These exceptions are designed to recognize circumstances preventing a parent from reunification that may be outside his or her control, such as incarceration and participation in a drug rehabilitation program.

Likewise, a parent involved in an immigration proceeding may be unable to resume custody despite efforts to do so. Upon conclusion of the proceeding, the parent may be fully able to care for his or her child with it being in the best interest of the child to return home. To terminate parental rights, in the midst of such proceeding, would prematurely and permanently separate the parent and child, resulting in trauma and hardship to the family. In such situations, the local social services district should have the flexibility to consider the circumstances and delay the filing of a petition to terminate parental rights.

#### **b. Mandated Reporters for Training and Coursework (A.2825, Peoples-Stokes/S.5047, Kennedy; Passed Assembly)**

An act to amend the education law and the social services law, in relation to coursework or training regarding the identification and reporting of child abuse and maltreatment.

Mandated reporters are required by law to report suspected child abuse and neglect to the Statewide Central Register of Child Abuse and Maltreatment (SCR). Mandated reporters include professionals who, through their official capacity, are likely to observe signs of abuse and neglect in children.

Currently, mandated reporters are required to complete 2 hours of training regarding the identification and reporting of child abuse and maltreatment. This training is required only once. Despite changing laws and regulations surrounding child abuse, no further training is required regardless of how long such professionals continue in their careers. Concerns have been raised regarding whether the current requirement is sufficient to keep mandated reporters refreshed and up-to-date on their responsibilities.

This bill would rectify this concern by requiring mandated reporters to complete 2 hours of training every 3 years. Such ongoing training would help mandated reporters to take appropriate action, improve the quality of calls to the SCR and keep children safe.

**c. Impact of Tax Deduction for Expenses Attributed to Child Adoption (A.8176-B, Crespo/S.7697, Avella; Signed, Chapter 496)**

Many foster children age out of the system without ever finding a permanent home. This instability in their lives often results in negative consequences such as homelessness, drug use and incarceration. For children who cannot return home, adoption provides the safety and support of permanent families and better their chances of success. Therefore, incentives to adopt should be examined in order to increase adoption rates to the greatest extent possible.

This bill would require the office of children and family services to complete a report on the impact of a tax deduction for expenses, including adoption fees, medical and legal fees, court costs and any other related expenses paid or incurred by a taxpayer attributed to the adoption of a child in foster care. The information would help guide policy decisions around using tax deductions to incentive adoption.

**d. Statewide Central Register of Child Abuse (A.9166, Fahy/S.6384-A, Amedore; Signed, Chapter 13)**

Time is of the essence when a child goes missing. Law enforcement must be equipped to act immediately to locate that child by all appropriate means. Sometimes, this includes accessing certain child protective records maintained by local social services departments that may shed light on events related to the disappearance of the child. Current law does provide access to such records in the case of missing children however such statute is not interpreted the same way throughout the state. Discrepancies can cause confusion regarding when it is appropriate to release records to law enforcement thereby creating unnecessary delays. In such a crisis situation, it is vital that the law is clearly understood and applied.

This bill would seek to remedy this by simplifying the process for criminal justice agencies to receive child abuse and neglect records from local social services districts. The bill would allow criminal justice agencies to request such records in the case of a missing child and state that there is reason to believe certain family members may be the subject of a report of child abuse or maltreatment. These provisions will make access to such records quicker and more efficient.

**e. Participation of Children in Permanency Hearings** (A.9178, Lupardo/S.6389-A, Felder; Signed, Chapter 14)

Family Courts must hold permanency hearings every six months for children in foster care. These hearings allow the Court to review the child's service plan and permanency goal, and evaluate the child's overall well-being. Permanency hearings are critical in determining what happens in the life of a foster child. Allowing foster children to participate in their permanency hearings in an age appropriate manner enables them to feel more informed about their lives, and to gain a better understanding of the process for determining the status of their care. Participation also allows foster children to self-advocate for their own needs and desires.

This law gives foster children between the ages of 10 and 14 the right to participation in their permanency hearings and sets forth guidelines for such participation. Such right may only be waived after consultation with the child's attorney, except in narrowly delineated circumstances. The Family Court may limit the child's participation only after a finding of best interest, and would make alternative methods of participation available in such instances.

**f. Siblings in Child Protective, Permanency and Termination of Parental Rights Proceedings**

(A.9759, Buchwald/S.6859, Avella; Signed, Chapter 242)

For youth already suffering the trauma of child abuse or neglect and separation from their homes, maintenance of their relationships with their siblings may be a vital lifeline, a protective shield against further trauma, an aid in coping with loss and grief, and essential to development of normal attachments and self-esteem. State law encourages placement of siblings together, but this may not always happen for reasons such as capacity or the specific needs of one of the children. In these instances, State law does not clearly delineate the standing of youth to seek visitation or contact with their siblings when either the youth or siblings are in foster care, kinship care or have been adopted.

This law requires that when a local social services district does not place siblings together in foster care, such district would arrange for contact. If the siblings are not placed together or afforded regular contact, the child's attorney or parent may make a motion regarding placement or contact. The bill would authorize the Family Court to incorporate any order of visitation or contact into a placement order in a child abuse or neglect, or permanency proceeding, provided that such visitation or contact is in the best interest of the children. A motion for visitation or contact would be served on the respondent, the social services district, the person with care, custody or control of the child and that of the sibling, any non-respondent parent in the proceeding, the child if such child is ten years of age or older and the attorney of the sibling.

**g. Truancy Allegations** (A.9941, Davila/S.7846, Avella; Passed Assembly)

Educational neglect, when a child is chronically absent from school, is a complex issue that can have numerous causes. A child's absence may be due to abuse at home, behavioral issues, learning disabilities or bullying. In order to identify and address the barriers to school attendance,

both the school and local social services district must take a cooperative approach both before and after a court petition is filed.

This bill would require the designated lead PINS diversion agencies to review and document efforts by school districts to resolve truancy or school misbehavior alleged in PINS petitions. The lead agency would be required to notify the school district of conferences to enable the school district to participate. If such efforts are unsuccessful, then the school district may be joined as a necessary party and provide assistance if the court determines it helpful in reaching a resolution. Additionally, the bill would allow for diversion to take place at any point in the proceeding.

Similar provisions would be required for Article 10 proceedings. The definition of educational neglect would be amended to require efforts by the school district and child protective agency to ameliorate the failure to provide educational services alleged in the petition. These efforts would be documented in the petition along with the reasons why the educational problems could not be resolved absent filing a petition. The school district would be notified of the proceeding, and as in PINS cases, may be joined as a necessary party if the court deems it appropriate.

**h. Post Adoption Information** (A.10098, Lupardo/S.4976, Carlucci; Passed Assembly)

Challenges among adoptive families may not emerge until sometime after the adoption is completed, when the family no longer interacts with the state adoption service. It is therefore important that foster parents receive information on available or expiring services prior to the completion of the adoption proceeding. Such information would prevent disruption in access to essential services for foster children and their families.

This bill would require the Office of Children and Family Services (OCFS) to promulgate regulations requiring authorized agencies to provide foster parents who are interested in adoption, a list of publicly-funded benefits or services that are available to foster children, but expire upon adoption. If a service should expire, further information would be provided on whether that service is available within the community or can be accessed from a private source. OCFS would be required to make the list available on its website.

**i. Definition of Homeless Youth Amendment** (A.10145, Weinstein/S.7715, Savino; Passed Assembly)

Runaway and Homeless Youth (RHY) programs serve youth in need of shelter and care up to the age of 21. Many of these youth are homeless due to a history of abuse and have needs including housing, health care and education. Currently, youth must leave the program once they have reached the age of 21; yet many continue to experience homelessness after discharge. Adult shelters do not have the services available to meet their needs. Additionally, many youth have experienced violence and sexual assault from older adults in shelters. Giving RHY programs the flexibility to serve youth older than 21 would help ameliorate some of these challenges.

This bill would extend the age of youth which Runaway and Homeless Youth programs may serve from up to 21 to up to 25 years of age. The bill amends the definition of homeless youth to be persons up to the age of 25, authorizes transitional independent living support programs to

provide shelter to such youth and makes such youth eligible for crisis intervention and respite services.

**j. Workload Standards for Child Protective Service Employees** (A.10506, Lupardo/S.2691, Golden; Vetoed memo 301)

Manageable child protective caseloads are critical to the safety and well-being of vulnerable children. A 2006 OCFS study determined that lower caseloads allow greater time to be spent with children and families, and lessen the likelihood of abuse and the need for foster care. While some local social services districts have made great strides in lowering their child protective caseloads, others still have unsafe caseload levels.

This bill would require OCFS to promulgate regulations requiring that local social services districts maintain a child protective services caseload ratio of no more than 15 active cases per worker per month.

2. Budget Initiatives

Despite a difficult economic climate, the Legislature worked to preserve vital programs in the area of child welfare. Through the support of the Legislature, many of these programs received continued funding during the SFY 2016-2017, such as Child Advocacy Centers, Safe Harbour, Runaway and Homeless Youth programs and programs for kinship caregivers.

The Legislature was able to appropriate \$3 million in funding, for the Safe Harbour program created under the Safe Harbour for Exploited Children Act in 2008. Under this groundbreaking law, the Legislature established that commercially sexually exploited children are crime victims, not criminals, and recognized that these children must be provided with critical services, including short-term emergency shelter to keep them off the streets, food, clothing, medical care, counseling and crisis intervention services, and long-term housing with specialized services such as case management, legal, mental health and substance and alcohol abuse services. The Safe Harbour program also contemplates that funding be utilized to train law enforcement to better identify sexually exploited children and obtain appropriate services for them.

The Legislature also provided \$2.2 million, for a total of \$7.43 million, for Child Advocacy Centers which provide a comfortable setting for abused children to receive care and treatment. These centers are important places where multi-disciplinary teams of professionals including doctors, mental health providers and law enforcement, can gather information about a case. The child benefits because multiple interviews, which can be a source of additional trauma, are avoided.

The Legislature also continued funding for the Runaway and Homeless Youth program in the amount of \$4.5 million in the SFY 2016-17 Budget, improving the chances of stability and permanency options for these youth. Kinship care programs, which provide vital resources and services to grandparents and other family members caring for children, was increased from last year's level of \$1.56 million to \$2.56 million.

Article VII legislation was enacted to comply with provisions of the Federal Preventing Sex Trafficking and Strengthening Families Act. These include requiring that a foster child who is fourteen years of age or older be consulted regarding his or her permanency plan, authorizing non-recurring expenses for successor guardians under the Kinship Guardianship Assistance program and clarifying that caregivers of foster children who act in accordance with the federal Reasonable and Prudent Parent Standard are not liable for injuries to the child. The Reasonable and Prudent Parent Standard provides common sense guidance to foster parents and caregivers regarding the participation of foster children in age and developmentally appropriate activities. By clarifying liability, this provision will allow foster children to enjoy activities such as bike riding, field trips and visits with friends just as any other child does.

### **III. PUBLIC HEARINGS & ROUNDTABLES**

#### **A. Predictive Modeling**

Predictive risk modeling (PRM) involves the use of data to inform predictions of certain outcomes. According to the NYC Administration for Children's Services (ACS), PRM is utilized in child protection to predict the risk of child abuse in a particular family. This information guides casework decisions regarding the level of intervention the family requires in ensuring stability and child safety.

Participants in the roundtable spoke of PRM as a useful tool for maximizing the benefit of preventive services through focusing on high risk families. PRM can therefore decrease child abuse allegations and prevent children from entering foster care, as well as the juvenile justice system. Participants said that current research suggests that poverty and race are not primary factors for increased risk of child abuse, but rather generational abuse and multiple allegations of child abuse, founded or not, are the biggest indicators. It was acknowledged however that more research is needed and cohesive data in New York State is lacking.

Currently, ACS utilizes PRM in child protection and is working to implement a team-based decision making model regarding which services should be provided based on the risk analysis of a particular family. Therefore, the experience in New York City could be useful in determining whether such a model could be applicable statewide.

*APPENDIX A*

2016 SUMMARY SHEET
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SUMMARY OF ACTION ON ALL BILLS  
REFERRED TO THE COMMITTEE ON  
CHILDREN AND FAMILIES

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<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
<b>BILLS REPORTED WITH OR WITHOUT AMENDMENT</b>			
TO FLOOR; NOT RETURNING TO COMMITTEE (FAVORABLE)	4	0	4
TO WAYS AND MEANS	9	0	9
TO CODES	13	0	13
TO RULES	1	0	1
TO JUDICIARY	0	0	0
TOTAL	27	0	27
<b>BILLS HAVING COMMITTEE REFERENCE CHANGED</b>			
TO _____	0	0	0
TO _____	0	0	0
TO _____	0	0	0
TO _____	0	0	0
TOTAL	0	0	0
<b>SENATE BILLS SUBSTITUTED OR RECALLED</b>			
SUBSTITUTED		4	4
RECALLED		0	0
TOTAL		4	4
<b>BILLS DEFEATED IN COMMITTEE</b>	0	0	0
<b>BILLS HELD FOR CONSIDERATION WITH A ROLL-CALL VOTE</b>	9	0	9
<b>BILLS NEVER REPORTED, HELD IN COMMITTEE</b>	87	15	102
<b>BILLS HAVING ENACTING CLAUSES STRICKEN</b>	16	0	16
<b>MOTIONS TO DISCHARGE LOST</b>	0	0	0
<b>TOTAL BILLS IN COMMITTEE</b>	139	19	158
<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>	6		

**APPENDIX B**

**2016 BILLS SIGNED INTO LAW**

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>	<b>Chapter#</b>
A.9166/ S.6384-A	Fahy/Amedore	Relates to the statewide central register of child abuse and maltreatment	13
A.9178/ S.6389-A	Lupardo/Felder	Amends the family court act, in relation to participation by children in permanency hearings	14
A.9759/ S.6859	Buchwald/Avella	Amends the family court act and the social services law, in relation to contact by siblings in child protective, permanency and termination of parental rights proceedings	242
A.9902-A	Lupardo/Avella	Codifies the early childhood advisory council to promote a comprehensive and high quality early childhood system.	415
A.8182- B/ S.7697	Titus/Klein	Requires the department of health and mental hygiene in New York city to issue a performance summary card to each child care service	513

**2016 BILLS PASSED**

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>	<b>Last Action</b>
A.2825/ S.5047	Peoples-Stokes/ Kennedy	Amends the education law and the social services law, in relation to coursework or training regarding the identification and reporting of child abuse and maltreatment	Referred to Senate Higher Education
A.4989/ S.62	Ortiz/Holyman	Amends the executive law, in relation to expanding the duties of the office of children and family services concerning lesbian, gay, bisexual, and transgender runaway and homeless youth	Referred to Senate Finance
A.9598/ S.7528	Hyndman/Comrie	Establishes a pilot program to provide job and vocational skills training to youth who have been adjudicated juvenile delinquents or juvenile offenders residing in a facility overseen by the office of children and family services.	Referred to Senate Children and Families

A.9900-A/ S.7426	Jaffee/Avella	Requires the office of children and family services to utilize a cost estimation model when determining the actual cost providers incur when providing child care and requires the office to prepare an annual report detailing such	Referred to Senate Children and Families
A.9941/ S.7846	Davila/Avella	Relates to truancy allegations in persons in need of supervision and child protective proceedings in family court	Referred to Senate Children and Families
A.10098/ S.4976	Lupardo/Carlucci	Requires agencies to provide potential adoptive parents with information concerning state-funded benefits or services available once the foster child is adopted as well as those that expire upon adoption	Referred to Senate Children and Families
A.10145/ S.7715	Weinstein/Savino	Amends the definition of "homeless youth" to include persons under the age of 25, for the purposes of the runaway and homeless youth program	Referred to Senate Children and Families

### **2016 BILLS REPORTED**

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>	<b>Last Action</b>
A.2836-A/ S.432-A	McDonald/Gallivan	Requires safer window coverings in child day care centers, public institutions for children and certain other facilities	Reported to Codes
A.5253-A	Walker	Relates to expanding the persons responsible for reporting cases of suspected child abuse to include employees, volunteers, or agents of any corporate entity having an agreement with a municipality as a homeless shelter provider and the development of procedures related thereto	Reported to Codes
A.7585	Walker	Requires social services districts to maintain a waiting list of families who have applied for child care assistance and data regarding the income of such families	3 <sup>rd</sup> Reading
A.8007-A	Joyner	Relates to increasing the reimbursement dictated pursuant to standards of payment for care provided foster children by three percent	Reported to Ways and Means
A.9770-A/ S.7082-A	Harris/Avella	Relates to requiring the video recording of interrogations of juveniles in juvenile delinquency proceedings in family court.	3 <sup>rd</sup> Reading

A.9992/ S.5331	Richardson/Felder	Relates to notice of indicated reports of child maltreatment and changes of placement in child protective and voluntary foster care placement and review proceedings	3 <sup>rd</sup> Reading
A.10052	Perry	Amend the social services law and the executive law, in relation to residential programs for children	Reported to Codes
A.10729/ S.8134	Lupardo/Klein	Relates to safety in child day care programs and the licensure, registration or permission required by such programs	Reported to Codes
A.5899	Barron	Establishes the peer advocacy and mentoring program; provides peer support, advocacy and mentoring for youth in residential care	3 <sup>rd</sup> Reading

### **2016 BILLS VETOED**

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>	<b>Last Action</b>
A.1083/ S.1422	Paulin/Carlucci	Directs the office of children and family services to study and report on the availability of child day care for working parents.	263
A.1864/ S.742	Mayer/Kennedy	Requires the office of children and family services to post any additional relevant qualifications of child day care providers which are submitted to such office on its website.	230
A.7451- A/ S.1706-A	Joyner/Golden	Relates to the investigation of illegally operating child day care services, including the review process of applicable advertisements.	264
A.10506/ S.2691	Lupardo/Golden	Directs the office of children and family services to promulgate regulations establishing workload standards for child protective service employees	301