



**Commissioner Jess Dannhauser  
Testimony to the New York City Council  
Committee on Children and Youth  
February 20, 2025**

**Oversight: Evaluating New York City's Foster Care System**

Good afternoon. My name is Jess Dannhauser and I am the Commissioner of the Administration for Children's Services (ACS). I am joined today by Ina Mendez, the Deputy Commissioner for Family Permanency Services. Thank you to Chair Stevens and the members of the Children and Youth Committee for holding today's oversight hearing regarding New York City's Foster Care System.

We are intently focused on the safety, permanency and well-being of the children and youth in the care and custody of ACS, and we appreciate the opportunity to share more about the work ACS and our foster care provider agencies do each and every day to support children and strengthen families.

Currently, there are fewer than 6,500 children in foster care, down from 13,000 a decade ago and nearly 40,000 in the late 1990s. Our goal, for every child and family we come into contact with, is to tailor our response to the individual needs of that family. Our child protective responses, along with our continuum of prevention services, have enabled us to greatly reduce our reliance on foster care as an intervention. At the same time, when there is a child who cannot remain safely at home, we must take steps to seek Family Court approval for the removal of the child, place the child in foster care, and then provide high-quality services and supports so that children can safely return to their families. Our efforts have resulted in recent improvements in safe reunification. When that is not achievable, we work to achieve permanency for the child through adoption or kinship guardianship.

As the foster care census has declined, we have taken important steps to strengthen foster care services. We have greatly reduced the use of residential care so that less than 10% of youth in foster care are in residential placements, and at the same

time we have been leading the state in our rate of placing children in kinship foster homes, with about 45% of children in care currently residing with family or close family friends.

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The safety of children in foster care is a top priority. Our efforts have resulted in important reductions in maltreatment in foster homes. We have strengthened foster parent recruitment strategies, infused trauma-informed training for foster parents, and created a trauma-informed environment at the Children's Center where some children first enter foster care.

We have also strengthened support for young people in care, including major expansions in programs like Fair Futures and College Choice so that youth in care can thrive into their adulthoods. Today, approximately one-third of children who come into foster care reunify with their families within a year, and the rates at which children achieve timely permanency are steadily improving each year.

As our outcomes continued to move in a positive direction, and our new contracts with providers were being implemented, we developed a five-year plan with four key pillars: 1) Meet the present need with sufficient foster home capacity; 2) Focus on family; 3) Create safety and stability; and 4) Ensure child and youth success and improved well-being. Notably, the voices of the youth in care, youth who have been in care, and the families and foster families of these children, continue to shape the work we do every day to continuously evolve to better meet the needs of children, youth and families involved in the foster care system. The remainder of my testimony will focus on these four pillars.



### Meet the Present Need with Sufficient Foster Home Capacity

When a child is placed in foster care, ACS strives to ensure that children are safe and receive the highest quality of care; that foster parents (both kinship and non-kinship) are receiving the supports they need; and that parents receive the services, supports and family visits they need to safely reunify. Our new contracts for family-based foster care, residential care, and the Supervised Independent Living Program (SILP) began in July 2023, and enabled us to right-size capacity to fit with our current needs while enhancing the foster care program in a number of important ways.

When children and youth come into foster care, we prioritize placements with relatives or close family friends (referred to as kinship care) because we know that being placed with someone familiar helps reduce trauma, improves stability, and aids in reunification efforts. When kin or fictive kin are not found, children are typically placed in non-kinship family foster homes. For family-based foster care, we created the Enhanced Family Foster Care (EFFC) model, which blended our prior regular family foster care and family-based therapeutic foster care into one program that provides more therapeutic supports for children who need them, so that socio-therapists (also called behavioral specialists) are part of every case planning team. EFFC also uses a new more robust, therapeutically responsive foster parent training (known as TRIPP) so foster parents can better respond to the need of children and youth in care who have experienced trauma and have more complex needs. ACS works closely with our foster care providers to focus on identifying and supporting kin; recruiting and training foster parents; and providing robust support to foster parents-- so we have high quality certified foster homes for the children in our care.



We are also focused on enhancing case planning staff's capacity to assess for safety and risk, while also focusing on caregivers' readiness for reunification. Case planners connect parents to services and other supports, all with the goal of reducing children's length of stay in care and increasing safe and lasting reunifications. The new model for foster care includes Parents Empowering Parents (PEP), which provides Parent Advocates systemwide so that every parent working to reunify has the help of a Parent Advocate with lived experience. Foster care agencies also have more flexible resources to support hiring staff, such as kinship engagement specialists and case aides to help with family visiting.

For some youth, residential placements that can address their therapeutic needs are the most appropriate placement. ACS and our foster care providers operate a variety of specialized residential care programs designed to meet the specific needs of youth needing this level of care. All of these placements are intended to be temporary, with children stepping down to lower levels of care and ultimately returning to their families or achieving permanency with another family.

As part of our new contracts, we added Supervised Independent Living Programs (SILP) to our continuum, which are apartment-style placements for older youth and young adults. A SILP is a 12-18 month transitional program for youth who are ready to live on their own, while receiving ongoing support, services and supervision from their foster care agency. Youth in SILPs are provided with supportive services, which encourage personal growth and development and empower them to make mature and healthy decisions.

## Focus on Family

Family is at the heart of all of our work. When children and youth need to come into foster care, we work closely with our providers so that each individual and their family members receive the services and supports they need to address the issues that led to foster care placement. All children and families in foster care have access to trauma-informed mental health and supportive services. We prioritize keeping children in their school of origin so that they can maintain their connection to their community, teachers and friends, whenever safe and possible.

We also prioritize Family Time (aka family visiting), as this is both critical for reunification and maintaining connections. The ACS visiting unit regularly provides training for providers on how to creatively arrange Family Time so children and parents are able to spend as much quality time together as possible. ACS also operates the Children of Incarcerated Parents Program (CHIPP), which brings children in foster care to visits with their parents on Rikers Island and other facilities throughout New York State and in surrounding states. CHIPP makes every effort to make visits as family-friendly as possible, helping families maintain and strengthen their bonds even in this challenging environment.

Foster care is intended to be temporary while ACS and our providers work with families to address the safety issues that led to foster care. To do this, our foster care providers engage parents in the service and permanency planning process, which is now enhanced through the use of Parent Advocates, who can use their lived experiences to help guide and support parents. Our providers proactively plan for the



safe reunification of children and engage youth in the development of their own service and permanency planning.

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When reunification is not possible, ACS and our providers seek other permanency options, including adoption and kinship guardianship. ACS uses a variety of strategies including data, technical assistance, Family Team Conferences and case reviews to strengthen agencies' practice to achieve permanency safely and timely as possible. Overall, ACS is committed to lifelong connections for all young people. For youth who exit foster care without legal permanency, there are Fair Future Coaches and aftercare supports to work with youth to develop and maintain a network of supports outside of foster care.

#### Create safety and stability

ACS and our providers appreciate the anxiety and trauma that removal and placement into foster care can create for children and youth. We know that it is critical for us to provide safe, stable placements for children in foster care.

While many children are placed directly into a foster home, including with kin, for others, this work starts at the Children's Center. Most children who go to the Children's Center spend fewer than seven days at the Children's Center (about 60% in CY 2024), but we know that for some children and youth their stays are longer, with about 15% of youth remaining at the Children's Center for over 30 days. Our team at the Children's Center has worked tirelessly to enhance on-site programming, supports and safety. Most recently, we have renovated the intake area to be more trauma-informed and welcoming; created a cell phone café; renovated the visiting area to be more family-



friendly; and opened a Comfort Shop where children and youth can select the items that make them most comfortable, such as pajamas, stuffed animals, books and sneakers.

It is essential for us to continue to recruit foster parents, particularly for teens and large sibling groups. We have worked closely with our providers to implement robust foster parent recruitment, support and certification strategies. In FY24, our providers recruited nearly 500 new foster homes citywide. Once children are placed into foster homes, it is essential that the children remain safe and well cared for. We have been consistently seeing the data regarding maltreatment in foster care decline—this past year, 98% percent of foster homes have no incidents of indicated neglect or abuse.

As of January 2025, OCFS has shifted the foster care training model statewide to the National Training Development Curriculum (NTDC). The training addresses separation, loss, grief, trauma, and addresses cultural differences. This training supports the foster caregivers' ability to determine their own capacity to parent and/or explore additional supports, resources, or training needed to enhance their capacity to parent. It provides preparation for the foster caregivers by increasing their knowledge and ability to understand and respond to the unique needs of children placed in their care. Trauma Responsive and Informed Parenting (TRIPP) training program is also provided to all New York City foster parents. TRIPP is a learning program designed to prepare and support foster parents and child welfare professionals who are either parenting or working with children with therapeutic needs. TRIPP helps participants gain a trauma-informed lens when caring for children who have significant emotional and behavioral needs. TRIPP coaches participants to practice examining and reinterpreting the behavior of children, in order to appropriately respond to their underlying thoughts,

feelings and needs, rather than react to the behavior. Finally, ACS expects all foster parents to be affirming and receive training on supporting LGBTQAI+ children and youth.

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Stability is also critical for children in foster care. ACS and our providers take many steps to support foster parents and foster care placements so that placements can be preserved when in the child's best interests and children in foster care have the fewest moves possible before achieving permanency. In Fiscal Year 2024, excluding youth who moved to kin or were reunified with their siblings, 88% of children and youth in foster care did not experience a placement change.

#### Ensure child and youth success and improved well-being

Our over-arching goal is for all of the children, youth and families we serve to thrive. We have an important responsibility to the youth in our care and we strive to provide them with the tools and skills they need to become successful adults. We continue to listen to youth who are or who have been in foster care so that we can continuously improve our programming to meet the needs they identify. Young people have helped shape programs such as Fair Futures, College Choice and our soon-to-be launching Career Choice program.

Youth told us that they needed ongoing support and to have someone involved in the case who is there just for them. As a result, we developed the Fair Futures coaching and tutoring model, and have expanded it to providing ongoing support to youth up to the age of 26. In 2024, more than 4,000 youth benefited from Fair Futures coaching and/or tutoring. Of the 2,000 young people coached for more than 90 days,



92 percent achieved at least three positive outcome goals, such as reconnecting to high school, grade promotion, graduation, enrollment in college or vocational training or successfully engaging in a job or internship.

We also strengthened and modified our CUNY College Program into what is now known as College Choice. In 2024, participation in the ACS College Choice program – where tuition, housing and a daily living stipend are given to youth in foster care attending college – doubled from the program’s inception just two years ago. In the Fall 2024 semester, there were over 400 youth in College Choice. Students are attending schools locally, within New York and throughout the county, at both public and private institutions. College Choice students are represented at every CUNY college, attend many SUNY schools such as Stony Brook and Binghamton, can be found on other college campuses within New York, like Syracuse and Ithaca College, and are studying at Vanderbilt University in Tennessee and Holy Cross College in Massachusetts. College Choice also supported a student studying abroad in Japan.

As announced in the State of the City, in the coming year, ACS will expand Fair Futures and College Choice to serve more youth, and create Career Choice, a program similar to College Choice, but for youth who choose not to attend college. We look forward to sharing more information about this program when it rolls out next fiscal year.

Youth in care also benefit from our collaboration with other city agencies, such as DYCD, DSS and NYCHA. For instance, children and youth in care participate in after-school programs and the Summer Youth Employment Program. ACS also assists youth leaving care and families reunifying to obtain housing through NYCHA or with and HRA City FHEPS rental vouchers. Our collaboration with Anthos Home, which recently



assisted our 100<sup>th</sup> youth secure permanent housing, is helping to connect youth in care and newly reunified families to housing more quickly than in the past. Our agencies also help equip youth with the financial management tools that help prepare them to maintain housing stability.

ACS is committed to providing high quality services and improving outcomes for LGBTQAI+ youth in foster care. ACS has a dedicated LGBTQAI+ Equity Strategies Director who is responsible for policy, best practices and guidance for serving LGBTQAI+ children, youth and families engaged with ACS. The LGBTQAI+ Equity Strategies team focuses on ensuring all ACS and provider agency staff treat all youth and families equitably and with empathy regardless of sexual orientation or gender expression.

As I mentioned earlier, all of our work must be centered around youth and family voice. The ACS Youth Leadership Council (YLC) formally acknowledges the contributions and “voice” of current and former juvenile justice and foster care-involved youth, by enabling young people to express their ideas, opinions, views, knowledge, and experiences and develop the competencies, values, and connections they need to achieve positive outcomes through their life and their transition into adulthood. ACS also works closely with the Youth Advisory Board of Fair Futures and Project Unite, which includes youth advocates with experience in either the foster care or Runaway/Homeless youth programs.

### Conclusion:

In conclusion, I want to take a moment to thank all of New York City's foster parents who have opened their hearts and homes for the children and youth in foster care. I also want to thank our twenty-five foster care providers, who spend each and every day meeting the needs of the children and youth in foster care, as well as their families. And finally, I want to thank the children and youth who have not only been in the foster care system, but have leveraged that experience to support us help the children and youth who come into foster care after them. Together we will be able to meet the needs of families today and better meet the needs of those in the future.

## TESTIMONY OF:

**Chas Budnick, Associate Director of Family Defense, Preserving Family Bonds &**

**Nila Natarajan, Associate Director of Policy & Family Defense**

**BROOKLYN DEFENDER SERVICES**

**Presented Before**

**The New York City Council**

**Committee on Children & Youth**

**Oversight Hearing on Evaluating New York City's Foster System**

**February 20, 2025**

My name is Nila Natarajan, and I am the Associate Director of Policy & Family Defense at Brooklyn Defender Services. We thank the New York City Council Committee on Children & Youth for the opportunity to submit testimony about New York City's foster system, its role in preserving and strengthening family bonds and reunifying families, and opportunities for this Committee to truly support families.

Brooklyn Defender Services is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. For over 25 years, BDS has worked in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. BDS represents approximately 23,000 people each year who are accused of a crime, facing loss of liberty, their home, their children, or deportation. Our staff consists of specialized attorneys, social workers, investigators, paralegals, and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with educational needs of our clients or their children, housing, and benefits advocacy, as well as immigration advice and representation.

BDS' Family Defense Practice is the primary provider of representation to parents charged with abuse or neglect in Brooklyn's family court. Our multidisciplinary approach offers our clients access to social workers, advocates and civil and immigration attorneys who work to minimize any collateral impact of our clients' court cases. Our Family Defense Practice represents about 2,500 parents and caretakers each year. We have represented about 16,000 parents and caretakers in Brooklyn's family court and have helped more than 30,000 children remain safely at home or leave the foster system and reunite with their families. The primary goals of our representation are to provide high quality legal representation to parents in high stakes family policing<sup>1</sup> investigations and family court cases and to ameliorate the underlying

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<sup>1</sup>BDS follows the leadership of directly-impacted people and has chosen to use the term "family policing system" to describe what has traditionally been called the "child welfare system" or the "child protection system," to reflect the



issues that drive families into this system, such as lack of access to quality health and mental health treatment, basic necessities, and appropriate education and services for children with disabilities. We also aim to reduce the harm of the consequences of system involvement, such as criminal charges, housing and income loss, education issues and inability to adjust immigration status.

Our Family Defense Practice's Early Defense Team represents parents and caregivers during ACS investigations to avoid prosecution in family court and family separation. During an ACS investigation, critical decisions are made that have significant consequences that determine whether a case will proceed. These include identifying supportive resources, treatment programs, and/or services available to the family that may ameliorate risk to the children; whether a case will be filed in court; and, most significantly, whether children will be separated from their parents. We use this early representation as an opportunity to support parents and work hard to avoid family separation. When our clients and their children are separated, we work expeditiously towards reunification. However, once placed into the foster system, there are many aspects of that family court, ACS and foster systems that contribute to delays in children returning home.

To address these pervasive delays stemming from systemic inadequacies, our Preserving Family Bonds team - an interdisciplinary team within the Family Defense Practice<sup>2</sup> - specializes in representing parents who are seeking to reunify with their children who have been in the foster system for an extended period of time. The team provides additional support and advocacy to families to enhance family bonds, achieve family reunification, ensure a smooth transition to reunification, and avoid termination of parental rights.

BDS works with hundreds of families each year whose lives have been upended by the family policing system, including prosecution, painful family separation and permanent severing of family ties by the ACS and foster agencies. Even when families successfully reunify, the families we work with are traumatized by this intervention and are often left to manage the challenge of rebuilding their family bonds with little or no support. We must instead work to ensure all families are well-resourced and supported prior to any state intervention, and that should a child be removed from their family, that they are given every support available to maintain and nurture their family bonds, and to quickly reunify. Too many New York City families experience the compounded harm of being separated and then having ACS and its foster agencies undermine their family bonds at every juncture. In 2023, sixty-three percent of the children who left the foster system returned home.<sup>3</sup> Not only should this percentage be higher, it also tells us that a significant portion of young people impacted by the family policing system are

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system's prioritization of and roots in surveillance, punishment, and control rather than genuine assistance to and support of families living in poverty.

<sup>2</sup> In an effort to improve efforts towards family reunification in the New York City foster system, this team has presented the Administration for Children's Services (ACS) detailed recommendations addressing some of the most harmful aspects of the current system. Those recommendations are attached herein as Addendum A.

<sup>3</sup> "Foster Care Five Year Plan Progress Report," Administration for Children's Services at 3, *available at* <https://www.nyc.gov/assets/acs/pdf/data-analysis/2023/progress-report-fy23.pdf>

also deeply in need of stability and support in their family bonds and parental care. We must honor family bonds by ensuring children have every opportunity to spend time with their parents, and requiring parents have every opportunity to stay deeply engaged with their children.

## **I. New York City’s Foster System Must Align with the Requirements of the Law and Commit to Maintaining and Nurturing Family Bonds, and Supporting Reunification**

In New York State, once a child is removed from their family and placed in the foster system, the state must first and foremost diligently plan with the family for that child to return home.<sup>4</sup> The law requires that those efforts move beyond simplistic referrals to generic services – it requires that the state proactively “encourage and strengthen the parental relationship.”<sup>5</sup> Moreover, the governing law in New York State “overwhelmingly reflects the preeminence of the biological family.”<sup>6</sup> Taken together, New York State law is clear that the foster system’s governing imperative – from the moment a child is separated from their family – is to work to preserve and strengthen family bonds and to nurture a parent’s ability to parent their child through separation, in order for that family to reunify quickly. It is also clear – based on decades of research and the lived experience of the thousands of families that we have worked with – that honoring and protecting these family bonds is best for children.<sup>7</sup> The trauma of family separation can be mitigated by consistent and abundant family time, and children can thrive when their parents can continue to play an active role in their care and when this role is supported by the foster agency and foster resource – all of which allow families to reunify and begin to heal expeditiously.

In sharp contrast to the requirements of the law and the consensus of experts – our experience working in and outside family court alongside parents fighting to reunify with their children and bearing witness to the foster system’s treatment of these families, reveals a very different system, one that is committed to practices and values that undermine family bonds and reunification. The families we work with encounter a system that functions to build-up the parenting capacity of foster resources to the detriment of parents – pitting caretakers against each other; providing families minimal opportunity to spend time together and surveilling rather than support this family time; not informing parents a child’s medical, educational and emotional

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<sup>4</sup> Soc. Serv. Law § 384-b(1)(a)(iii).

<sup>5</sup> N.Y. Comp. Codes R. & Regs. Tit. 18 § 430.12; *See Matter of Sheila G.*, 61 N.Y.2d 368, 381 (1984); *See also* Soc. Serv. Law § 384-b(7)(f) (defining ‘diligent efforts’ as “reasonable attempts by an authorized agency to assist, develop and encourage a meaningful relationship between the parent and child,” including but not limited to working with the parent “in developing a plan for appropriate services,” arranging visits between the parent and child, and providing “services and other assistance to the parent[. . .] so that problems preventing the discharge of the child from care may be resolved or ameliorated”)

<sup>6</sup> *D.L. v. S.B.*, 39 N.Y.3d 81, 89 (2022) (internal quotations omitted) (*citing Matter of Jamie J.*, 30 N.Y.3d 275, 284 (2017); *Nicholson v. Scoppetta*, 3 N.Y.3d 357, 374 (2004); *Matter of Michael B.*, 80 N.Y.2d 299, 313 (1992)).

<sup>7</sup> “Foster Care as a Support to Families,” U.S. Dept. of Health and Human Services, April 29, 2020.

needs; diminishing any existing family bond and undermining a family's attempts to reunify. New York City's foster system as it stands now is not structured to ensure that children quickly leave the system and return home, and is instead structured to prolong family separation and keep children in the foster system, which leads to the permanent severance of family bonds via termination of family rights and adoption.

Aligning New York City's foster system with the law and best practice not only requires fundamental changes in policy and practice – as the federal Children's Bureau has acknowledged, it also requires a fundamental shift in values.<sup>8</sup> From foster agency administration, to case planners, and parent advocates, the foster system must shift from a system rooted in separation, judgment, and indifference, to one committed to nurturing family bonds and family reunification.

## **II. The Foster System Must Work with Foster Resources to Support Children and Families and Actively Ensure a Positive Rapport Between Foster Resources and Parents**

Imagine your child, precious and loved, only one week old, taken from your arms by a stranger surrounded by police officers. Imagine not knowing where he may be taken, whose home he will enter, the hands that will hold, swaddle, and feed him; whether they will know he has an intolerance to a certain formula, that he already smiles when you tickle his chin; that his siblings love him. Imagine meeting him again for the first time days later, at a foster agency office far from your home. You are hastily told he is doing well, sleeping and eating regularly; and that you can say hello to the person who now cares for him when he cries at night, but you cannot know where they live or have their contact information. You know they may want to care for your baby forever. You do not know their character, family, or history. You do not know their intentions or temperament. You do not know if they have children of their own and how those children have fared.

You will see your cherished baby once or twice a week for a few hours. And hope he remembers you. He spends his days with this other person you wave to in passing during your visits. You are told they are forming a bond with your child. Your child cannot tell you how he feels. You ask about his medical care and daily routine. You receive brief answers. You learn his caretaker is engaging in play therapy with him to increase their bond, and receiving childcare assistance so that they can return to work. He is joining his caretaker on a trip to visit their family. He has met his siblings only once in the two months since he has been born. You are working with every fiber of your being to stay connected to him and complete the myriad tasks you must in order to have him return to your care. His distance from you, a weight you bear alone. You hope he will return to your care one day; you do not know when.

This is a painful reality that hundreds of New York City parents experience each year when their children are taken from their care and placed in our foster system. As it stands, New

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<sup>8</sup> *Id.* at 2.



York City's foster system often works to keep foster resources<sup>9</sup> and parents separate and to actively build a foster resources bond with a child while a parent has minimal meaningful engagement with their child. Not only does this dynamic affirmatively undermine family bonds, it also fails to harness the potential to work with foster resources as support for reunification. In fact, foster resources have a vital role in supporting and nurturing family bonds to ensure that children remain connected to their families and parents have an active role in their child's care.<sup>10</sup>

When a foster resource approaches their role with generosity and care, and commits to reunification, children reap the benefits of the collaborative relationship between foster resource and parent:

After Ms. P's children were removed from a foster home where the foster resource refused to accommodate any kind of visit expansion, they were placed in a new home with a resource who was willing to be a visit resource and host visits in her home. Being able to see the environment in which her children were living was a great comfort for Ms. P, and over time she got to know and trust the foster resource. Ms. P worked to establish unsupervised weekend overnights with her kids, and because of the relationship that they have formed, she now relies on the foster resource as a child care resource. Rather than being afraid to go to the foster resource to ask for help, she uses her as a true support.

The foster resource for Ms. V's daughter invited Ms. V into her home to participate in her daughter's Early Intervention services. This opportunity allowed Ms. V to be directly involved in her daughter's vital services and to feel included in her child's care from the very moment they were separated. Instead of trying to catch-up on her daughter's needs when she returned home, Ms. V was fully informed and ready to meet her daughter's needs. Ms. V's daughter is now home on a trial basis and the family is well-positioned to successfully exit the foster system.

For both these families, a foster resource that fully integrated a parent into their child's life allowed for stability and healing around their initial separation and during the period of time they were apart, and laid a foundation for expeditious and long term reunification. Conversely, much like in the context of a custody context between parents, it may be destabilizing for a child when there is conflict between significant caregiving figures. As such, it is vital that foster agencies create structures to create and maintain healthy relationships between parents and foster resources.

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<sup>9</sup> In respecting the primacy of parents and affirming the support that a foster "parent" may provide to a child and parent, we choose to refer to what may commonly be referred to as "foster parents" as foster resources or foster caregivers. *See id.* at FN1.

<sup>10</sup> *See id.* at 5 and 6-11.

In order for our foster system to meet this potential for each and every family brought into the system New York City must ensure that foster resources are recruited and trained to support parents and nurture family bonds, that foster agency staff – including parent advocates – are required to mediate and encourage strong relationships between foster resources and parents, and that foster agencies are monitored and held accountable for the speed and rate of family reunification.

### **III. The Foster System Must Ensure that Family Time Between Children and Their Families Occurs Frequently, Regularly, and in the Least Restrictive Setting**

Family time – or visitation – is foundational to addressing the trauma of family separation, preserving and nurturing family bonds, allowing for parents to continue to parent their children, and working towards family reunification. Research shows that children participating in frequent and regular time with their parents following a separation exhibit more positive outcomes than children who have less family time.<sup>11</sup> These positive outcomes include: stronger attachments to their parents, improved child well-being, lower levels of depression, and better adjustment.<sup>12</sup> Consistent contact between a parent and their child is also strongly associated with reunification and rehabilitation of the family bond.<sup>13</sup>

In 2013, ACS established what is a robust and meaningful family time policy that builds upon the law and requires that family time occur in the least restrictive manner.<sup>14</sup> This policy highlights the need to create a family time plan that allows for unsupervised visitation when there are no specific and articulable safety concerns, emphasizes the need for families to spend time together in a natural setting, and provides guidance on how to assess and expand family time plans to move a family towards a reunification.

Devastatingly, the families we work with are often provided family time plans that require strictly monitored visitation, a few times a week, for a few hours, in the unfamiliar and unnatural setting of a foster agency. Families must then spend months in this routine before an agency considers expanding this family time, and even then, that expansion is slow, incremental, and unrelated to any real safety concern. Foster agencies rarely if ever proactively expand family time, and fail to consider plans that allow parents to continue to engage parents in their children's daily routines or important milestones. Maintaining family bonds in this restricted and highly surveilled environment is a nearly herculean effort.

Undoubtedly, maintaining “agency supervised” visitation is appealing to case planners as this is a controlled environment where the agency believes it can ensure the safety of the children. Physical safety may very well be a valid priority for family time in some cases. However, in practice, this notion of “safety” becomes the one and only priority. In our experience, agencies often devote all of their resources to ensuring one idea of “safety,” and in the process ignore the real long-term health of the relationship between parents and children.

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<sup>11</sup> “Family Time and Visitation for Children and Youth in Out-of-Home Care,” U.S. Dept. of Health and Human Services, February 5, 2020 at 4, *citing* “Complex Trauma,” Nat'l Child Traumatic Stress Network, <https://www.nctsn.org/what-is-child-trauma/traumatypes/complex-trauma>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Administration for Children's Services Policy #2013/02, available at [http://www1.nyc.gov/assets/acs/pdf/policy\\_library\\_search/2013/C.pdf](http://www1.nyc.gov/assets/acs/pdf/policy_library_search/2013/C.pdf)

Expanding family time to outside the agency office, as the ACS policy contemplates, provides parents the opportunities to bolster their parental decision-making and autonomy. It may be as simple as taking a child to a playground and learning how they interact with other children and enjoy releasing their energy. It may include picking up and dropping off a child at school to check in on how they are doing in class. Or it may be regularly attending doctor's appointments, and bringing a child to family events. These are necessary and meaningful components of parenting. With this lens, a child's daily routine and special occasions become an opportunity for a parent to parent their child, and an opportunity for families to bond. When agencies move family times outside of agencies, they are multiplying these opportunities without compromising safety.

When foster agencies work with families to create ample family time, and focus on a child's wellbeing rather than on unjustified concerns around "safety," families are able to reunify more quickly:

Ms. G's daughter was placed with a foster resource in another borough far from home, which required an hour and twenty minutes of travel each way for Ms. G to pick her daughter for daytime visits. As the weather worsened this winter, and travel became even more difficult, the agency asked the foster resource, who had a car, to meet at a halfway point so that travel was less burdensome on the child. When the agency saw that the foster resource was unwilling to accommodate, rather than letting things stand, the agency proactively assessed that there were no present safety concerns and pushed to expand visits quickly. After several overnight visits between Ms. G and her daughter, the foster agency supported the return of the child back to her mother.

ACS must support foster agencies in creating and implementing robust family time plans that allow children and parents to spend ample time together in natural settings, that includes parents in daily parenting tasks, and that nurtures strong family bonds, and then evaluate the efficiency of agencies based on the implementation of these plans.

#### **IV. Parents Must Be Given Every Opportunity to Fully Engage in Their Children's Educational, Mental Health and Medical Needs**

In our experience working alongside parents seeking to reunify with their children, remaining fully engaged in their child's educational, mental health, and medical needs is integral to timely and stable reunification. A parent's knowledge of these needs, ability to fully direct this care, to work directly with their child's providers, and to engage in any needed services or treatment is more than a parent's right, it is also a vital part of parenting and maintaining and preserving family bonds. Given the particularly severe trauma and destabilization of family separation, children in the foster system often require supportive services and promoting full engagement with these supports allows parents to remain connected to their children and to understand their experience through separation and reunification. And similar to creating meaningful family time plans, parental engagement in children's needs allows foster resources and parents to work collaboratively to care for a child through challenging transitions.



ACS published a Parents' Guide<sup>15</sup> as well as Policy and Procedure Guidance<sup>16</sup> which emphasize that parents retain the right to make decisions about their children's "medical and mental health care and education." However, this is not what families experience in practice. Instead, foster agencies often work solely with foster resources to evaluate a child's needs, select providers, take them to appointments, and assess the impact of any treatment. Parents are then often brought into this process at the very last minute and pressured to consent to these services and treatment with little to no information. Parents are often then maligned as "difficult" or working against a child's needs when they do not quickly and readily agree to these interventions. This pressured and uncollaborative process only works to undermine a parent's care of their child, and the relationship between a parent and foster resource. We must often advocate in court, through motion practice, and during out-of-court conferences, for parents to be invited to join doctor appointments, attend school meetings and conferences, and to participate in other conversations important for parenting successfully.

ACS must require foster agencies to regularly meet with parents, children, and foster resources to assess a child's needs, progress, and treatment, and to then actively involve and allow parents to direct this care, including providing parents direct access to providers and frequent updates on treatment. It must be standard practice for agencies to make clear to all parties that parents have a right to access information about their child, and the authority to make decisions regarding their child's educational, medical, and mental health.

## **V. Keeping Children In Their Communities and with Family Supports Must be Prioritized**

The benefits of placing children with their relatives, kin, and communities are well-known and well-documented. So much so that prioritizing children with family and community is codified in the law.<sup>17</sup> Children and parents benefit when children stay within family networks, particularly when kinship resources actively nurture family bonds. Existing ACS policy provides that case workers and agencies must explore kinship resources that the family identifies when a family is separated. It is vital that foster agencies continue this assessment throughout a family separation, and proactively seek out those resources and support their relationship to children and families. Often, once children are placed with a stranger foster resource, the agency stops all efforts to continue to assess whether kinship resources are available to care for a child, or to act as a resource to allow for more family time. Foster agencies

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<sup>15</sup> See Parents' Guide at 22, available at [https://www.nyc.gov/assets/acs/pdf/parent\\_handbook.pdf](https://www.nyc.gov/assets/acs/pdf/parent_handbook.pdf)

<sup>16</sup> See 2014 Policy & Procedure: Medical Consents for Children in Foster Care, available at <https://www.nyc.gov/assets/acs/pdf/guidebook/MedicalConsentPolicy91614.pdf>.

<sup>17</sup> F.C.A. § 1017.

should make frequent assessments for familial support which can grow the network of support for a child and their parents, and then hasten family reunification.

Similarly, when a family does not have kinship resources available to care for a child, it is vital to keep a child close to their parents and in their communities. As family reunification is the ultimate goal for a child, staying close to home, school, and community networks allows ample opportunities for a child to maintain stability. Foster agencies must place children close to their homes and parents to allow for decreased travel time to and from the foster agency for family time, and for more frequent family time at agencies.

We must ensure all families are well-resourced and supported to protect from any state intervention and family separation. In order to care for children who are removed from their families, we must make an intentional shift in values and practice to ensure family bonds are honored and nurtured, and that children are brought back home quickly.

BDS is grateful to the Committee on Children and Youth for hosting this hearing and for its consideration of our comments. We look forward to further discussing this issue with you. If you have any additional questions, please contact Nila Natarajan at [nnatarajan@bds.org](mailto:nnatarajan@bds.org).

## ADDENDUM A

### Recommendations for Improving Reunification for Families Separated by the Foster System

*Recommendations as presented May 22, 2023, and updated with stakeholder feedback.*

#### **I. Addressing kinship placement delays that undermine permanency**

##### Recommendations:

1. Update written policies directing agencies to explore kinship resources as placement resources, visit resources and significant familial connections throughout the pendency of the case, not just at the initial placement of the child, but also as family circumstances change and parents identify relatives as viable resources or relatives present themselves as such.
2. Update written policies establishing a preference for nonkinship placement in or near the community where reunification is expected to occur where no kin is available.
3. Issue a written policy addressing steps to be taken when the agency is unable to place the child in or near the community where reunification is expected to occur, including:
  - a. referring the case back to ACS to determine if there is a different agency available that has a more conducive placement;
  - b. holding a meeting with the parent to obtain the parent's input regarding the proposed placement, including whether the parent believes it would be better for the child to remain in the Children's Center for 30 days while the agency continues to look for closer placements, rather than be moved to the proposed placement, and documenting any concerns or objections;
  - c. providing a written report containing information about the reason why ACS and/or the agency is unable to facilitate a closer placement; and
  - d. prior to or immediately after moving the child, establishing written plans for how the distance as an added barrier to reunification will be addressed (e.g., through visitation in or near the community where reunification is expected to occur, supplemental electronic communication, agency funds for reasonable transportation and communication devices, etc.).



## II. Involving parents in children's educational/medical/developmental needs while in foster care

### Recommendations:

1. Parents should be regularly provided with information and updates about their child as part of routine case-planning meetings and other face-to-face encounters:

a. ACS should develop a written policy, with community input, requiring agencies to make clear to all parties, from the beginning of placement, that parents have a right to access information about their child, and the authority to make decisions regarding their child's educational, medical, and mental health.

b. The policy should require agencies to provide contact information for and direct access to relevant educational, medical and mental health professionals working with the children.

c. The policy should make clear that agency case workers and foster parents should regularly communicate information to parents regarding upcoming appointments, events and milestones, as well as timely updates of any significant changes in the children's lives. The policy should require that agencies provide parents with a list of any upcoming appointments or events at the start of each month unless their presence is prohibited by court order.

d. The policy should require agency case workers and foster parents to develop plans to encourage and maximize parents' contact with their children and presence in their daily lives, including through technology (e.g., bedtime stories and virtual contact) and by making such technology accessible to parents.

e. The policy should require that agency case workers must proactively promote direct, positive, substantive and reciprocal communication between the parent and foster parent regarding the child in care.

f. The policy should state that parents should be informed that they have a right to request a meeting with the agency at any time; it should be standard practice for parents to be provided with the contact information for their case planner's supervisor in the event that they do not feel their concerns are being addressed timely.

2. ACS should develop an informed consent policy, with community input, that permits parents to retain final decision-making authority whenever possible, and which is consistent across medical and psychiatric decision-making. The policy should identify procedures for obtaining and documenting informed consent for medical and psychiatric decisions, next steps when informed parental consent has not been obtained, and process for authorization and override requests for children in foster care. The policy should include a requirement that parents be given an opportunity to consult with medical and psychiatric providers and seek a second opinion, absent an emergency such that an attempt to secure consent would result in a delay in treatment which would significantly increase the risk to the child's life or health. The policy should also include a requirement that agencies seek a court order to override a lack of informed parental consent, absent an emergency such that an attempt to secure consent would result in a delay in treatment which would significantly increase the risk to the child's life or health.
3. Court reports should also detail what steps the agency has taken to invite parents to participate and be included in decision-making about their children.

### **III. Supporting children returning home on trial discharge and remaining home through final discharge**

1. ACS should create and implement a standardized trial discharge checklist for agency caseworkers to use before the trial discharge starts, reviewed at the trial discharge conference, and completed within two weeks of children coming home (checklist would address logistics such as transfer of Medicaid, daycare vouchers, school busing, etc.). Completion of this checklist is the responsibility of the assigned agency case worker and failure to complete it prior to the commencement of the trial discharge is not a justifiable reason to delay reunification.
2. ACS should standardize the disbursement of trial discharge grants across agencies (the amount of the grant and how soon parents can expect to receive it).
3. ACS should prioritize daycare vouchers and stipends for immediate needs at the start of trial discharge to supplement the trial discharge grant and should, before the start of a trial discharge, make arrangements for such vouchers and stipends to be provided.
4. ACS should develop a written policy obligating agencies to proactively hold conferences during a trial discharge to address any concerns before "failing" or otherwise disrupting the trial discharge and to pursue any services or supports available to support the trial discharge.

5. ACS should develop a written policy obligating agencies to notify their attorney and come to court to request a removal if sought before failing or disrupting a trial discharge, absent an imminent risk to the child's safety that cannot wait for court intervention.
6. ACS should develop a written policy obligating agencies to minimize harm to children during and after the removal where a trial discharge must be failed or disrupted (e.g., allowing parents time to pack, facilitating communication between parents and children and parents and foster parents as soon as practicable).



## **WRITTEN TESTIMONY**

### **Center for Family Representation (CFR)**

#### **Testimony for Committee on Children and Youth**

**By Senior Policy Counsel Hannah Mercuri and Parent Advocate for Policy Davene Roseborough**

**Hearing Date: February 20, 2025**

#### **Name of Hearing: Evaluating New York City's Foster Care System**

Center for Family Representation (CFR) is grateful for the opportunity to submit testimony to the Committee on Children and Youth. We thank Chair Stevens, and the Committee for providing the opportunity to focus on this important issue.

### **Overview of CFR**

CFR is the county-wide assigned indigent defense provider for parents who are facing ACS prosecutions in lower Manhattan, Queens, and Richmond Counties. CFR is also a conflict-provider of parent representation in Bronx county. Since our founding in 2002, we have represented more than 13,500 parents with more than 27,500 children. CFR represents parents on their original neglect or abuse case and on any related cases like custody, guardianship, visitation and termination of parental rights cases. Our goals are always to prevent a foster placement, or when one is unavoidable, to shorten the time that families are separated and help families stabilize when reunited. and to prevent re-entry into placement after reunification.

CFR employs an interdisciplinary model of representation, marrying in court litigation to out of court advocacy: every parent is assigned an attorney and a social work staff member and these teams are supported by paralegals, supervisors, and parent advocates, who are parents who have direct experience being prosecuted by the family policing system,<sup>1</sup> losing their children to the foster system and safely reunifying their families. In 2015, the New York State Bar Association

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<sup>1</sup> CFR follows the leadership of directly-impacted people and has chosen to use the term “family policing system” to describe what has traditionally been called the “child welfare system” or the “child protection system,” to reflect the system’s prioritization of and roots in surveillance, punishment, and control rather than genuine assistance to and support of families living in poverty. [The family policing system] “is designed to regulate and punish Black and other marginalized people.” Dorothy Roberts, Abolishing Policing also Means Abolishing Family Regulation, IMPRINT (June 16, 2020, 5:26 AM) [hereinafter Roberts, Abolishing], <https://imprintnews.org/child-welfare-2/abolishing-policing-also-means-abolishing-family-regulation/44480> [https://perma.cc/3VAJ-H8WP].

gave CFR its Award for Promoting Standards of Excellence in Mandated Representation, noting that CFR “exemplifies and defines the highest professional practice standards, is a recognized innovator in parent representation and is a tireless advocate for legislative and policy reform.” The federal Administration for Children, Youth and Families specifically cited CFR in the addendum to its January 2017 Memorandum on High Quality Legal Representation, issued to all fifty states.

To better support family stability, CFR launched our Home for Good program in 2015 to help families with collateral challenges that are the result of or contribute to family policing investigations and prosecutions. With the support of New York City Council, Home for Good serves clients in the areas of housing, immigration, public benefits, and concurrent criminal matters. DoVE funding from the City Council is also critical in helping us maintain our model and allows us to provide social work support to survivors of domestic violence. In 2019, CFR further expanded its work, creating a Community Advocacy Project to help families navigate family policing investigations and avoid family separation while at the same time ensuring the parents are not barred from employment by representing parents in efforts to amend and seal their records with the Statewide Central Register. CFR also launched its Youth Defense Practice and now represents young people in Manhattan, Queens, and Bronx family courts with its interdisciplinary model expanding to add the goal of avoiding incarceration.

#### New York City’s Foster System Requires Additional Transparency and Independent Oversight

Many of New York City’s foster agencies have contracts with immense budgets and extensive programming that is simultaneously distinct from and also fundamentally connected to their foster placement programs. As an example, the foster agency JCCA has more than 20 programs listed on its website, only 5 of which are labeled “foster care.”<sup>2</sup> Some of these programs are services designed to assist families who have been separated, for example, mental health services for young people and their families. For many families in New York City, the agency responsible for continuing a family’s separation is the same agency that is tasked with helping that family heal from the harm of separation.

Requiring greater transparency about foster agency contracts and how the success of those contracts is measured is essential to understanding 1) how success of foster agency programs are measured, 2) whether foster agencies are doing what their contract obligates, and 3) whether that foster agency is the appropriate provider for that contract or whether those funds would be better spent on community based organizations that are not connected to family policing agencies.

ACS contracts with New York City’s foster agencies but whether and how they provide oversight to those foster agencies is unclear to the public. Additionally, because the interests of ACS and

foster agencies are sometimes aligned and sometimes in conflict, it is impossible to know whether ACS can impartially assess a foster agency's decisions. As an example, CFR staff have experienced the foster agency refusing to reunite a family and pursuing a termination of family rights even when ACS has determined that the family is safe to reunify.

### Foster Agencies Measure Compliance Instead of Safety, Delaying or Disrupting Reunification

At CFR we often see that once families are separated and children are placed in the foster system, fundamental questions about safety are replaced with questions around compliance. Parents can be punished for not complying with the agency's demands and it often seems as though compliance is more important than progress in services or the quality of family time. When the focus of the agency is on documenting a parent's attitude towards the case planner or if the parent is late to their visits rather than their motivation to meet their children's needs or address any safety concerns, reunification is delayed and sometimes denied for reasons that are unrelated to child safety.

### How Foster Placements are Assigned and the Vast Differences Between Foster Agencies Impacts Families' Ability to Reunify.

Whether families are successful in reuniting after they have been separated by family policing is highly impacted by the foster agency where their child is placed. However, the foster agency assignment process is largely opaque to families and advocates.<sup>3</sup> Each agency has different schedules, structures, funding sources, services, and facilities. Some agencies employ educational advocates or behavioral specialists and others have none of these resources.

The fact that parents and advocates do not have information about foster placement determinations as they are happening makes it impossible for them to fully inform the Court as Judges weigh the legally required balancing test when determining whether the harm of removal outweighs the risk of harm to the child.<sup>4</sup> As an example, if the Court knew that the only foster

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<sup>3</sup> There is extremely limited information publicly available about how decisions about foster placements are made. ACS Placement Module, <https://www.nyc.gov/assets/acs/pdf/about/2019/xPlacementmodule.pdf>. Some decisions about where and how children have been placed in certain foster homes are inscrutable (such as English-speaking children being placed in a home with a Spanish-speaking foster parent or children being placed in foster homes extremely far from where their families live).

<sup>4</sup> F.C.A. § 1027, *Nicholson v. Scopetta*, 3 N.Y.3d 357, 378, 820 N.E.2d 840, 852 (2004), (the court *must do more* than identify the existence of a risk of serious harm. Rather, a court must weigh, in the factual setting before it, whether the imminent risk to the child can be mitigated by reasonable efforts to avoid removal. It must balance that risk against the harm removal might bring, and it must determine factually which course is in the child's best interests.”).



placement option for a child was two boroughs away from their family and community or that the proposed foster placement was with foster resources that didn't speak the children's native language, they may make a different assessment of the harm of removal.

This reality illuminates the deep inequality that exists for families who are separated and seeking to reunify. CFR is not advocating for additional resources to be provided to agencies to equalize them, rather, we hope that this testimony demonstrates the need for careful, thorough, and publicly available and understandable data about foster agencies. The rights of families to remain together cannot be based in any way on "luck of the draw."

### Foster Agencies Often Exclude Parents from their Children's Lives Frustrating Reunification

In our representation we have found that foster agencies routinely fail to include or intentionally exclude parents from their children's care for reasons that have nothing to do with safety. Some examples of this are, failing to invite the parent to their child's special education evaluations or IEP meetings, failing to translate necessary documents into the parents preferred language, failing to move appointments so that a parent can attend, or insisting that children see doctors that are "in-house" within the agency, rather than the family's own pediatrician preventing parents from being able to easily follow up, obtain medical records or seek a second opinion.<sup>5</sup>

Because the foster agency is tasked with assessing a parent's ongoing relationship with their child and parenting capacity, these exclusions are not just emotionally harmful to the parent-child bond, but also have legal consequences for a family as they seek to reunify.

### City Council Must Require ACS and New York City's Foster Agencies to be Transparent and Accountable

- City Council and ACS should make public foster agency contracts and scorecards publicly available in a way that the public can read and understand them.
- City Council and ACS should monitor, assess, and publish data on the length of time that children in New York City remain in each foster placement and how long each family remains separated, including when children are separated from their siblings.
- City Council and ACS should create a mechanism by which families can provide anonymous feedback about how they were treated by the foster agency and that feedback should be published and included as a metric of a foster agency's success.
- Rather than measure success by whether "permanency" is achieved, City Council should require that agencies meet reunification goals and determine whether city contracts should remain with those agencies if they are not meeting those goals.

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<sup>5</sup> Particularly when children receive medical care from a medical provider within the foster agency, parents struggle to learn information from their children's doctors or obtain their children's medical records from foster agencies, even after they have been reunited and are no longer being supervised by any family policing agency.

- Oversight of foster agencies should come from outside of ACS.
- The city council should further invest in strengthening communities by passing the Family Miranda Act bills ([1157-2024](#) and [0096-2024](#)).

For follow up, please contact Senior Policy Counsel **Hannah Mercuris** at [Hmercuris@cfrny.org](mailto:Hmercuris@cfrny.org).



## **The New York City Council**

### **Evaluating New York City's Foster Care System**

February 20, 2025

#### **Testimony of**

**Lynette Lamadrid**

**Parent Council Member**

Greetings to the Committee and thank you for the opportunity to testify. I am Lynette Lamadrid, a member of the Parent Council at the Children's Village.

We provide one of the broadest continuums of programming in New York with an emphasis on trauma informed evidence-based family and community programming to keep at-risk youth safe at home with families and to reunite youth with their families after placement.

We hear so much about family values—how about investing in families? I came to The Children's Village after many years of trying to heal my family and help my son. There was a time when, for two years in a row, I left my front door open from 1 a.m. to 6 a.m. because if the police were going to come tell me my son was dead, I wanted to at least see them coming. I chose Children's Village because I had never heard of it before, and I am grateful for the time my family had there. Staff retention was high, and I had great people working with us. I made Wednesday dates with my son, and through Children's Village, we found the two best foster dads one could hope for.

Now, I was lucky—some parents aren't. We are at a time when we need more funding to keep staff. Families are only as good as the people pouring into us. Families are only as strong as the people who help us through. But when you take an angry, untrusting child, help them learn to trust, and then their worker has to leave in a few months—not by

choice, but because they need to feed their kids and pay their bills—it disrupts everything. I have seen great workers at Children’s Village, but I’ve also seen how hard it is when families lose those connections.

It took my son a while to get himself right. He went through a few foster homes that weren’t ideal and had to come to terms with the reality that he needed to stand on his own. Today, he is 26 and has a family of his own. This is what dedicated staff in our foster care system brought to my family.

Now, take my grandson’s mother. She was left at a police station as a child, placed in numerous foster homes, and never received the services she needed. As a result, she has left two of her children. My grandson has felt abandoned and deeply hurt. If we invest in preventive services, in families, and in staff, we are ultimately investing in children.

I have been part of the Children’s Village Parent Council for ten years. I believe in this work. I believe in paying forward the blessings my family received.

I urge the City Council to invest in policies and programs that uplift families rather than break them apart. Foster care should be a last resort, not the first response. With more investment in prevention, family preservation services, and equitable support, we can build a system that truly serves the best interests of children and their families.

Thank you for your time and for prioritizing this critical issue. I appreciate the opportunity to share my experience and advocate for meaningful changes to New York City’s foster care system.



## Testimony on Evaluating New York City's Foster Care System

Thank you for the opportunity to testify today on the critical issue of foster care in New York City. My name is Dominique Manfreda, and I am the Director of Advocacy at Forestdale Inc. I am here to highlight the need for stable and increased funding and resources to continue supporting youth aging out of the foster care system and address workforce retention that impacts the effectiveness of foster care services.

First, I want to express my gratitude to the City Council and the Administration for Children's Services for the significant strides made in addressing the challenges of youth aging out of foster care. When I first entered the field of foster care in 2001, there was a hard stop at 18. We were uncertain about the fate of these youths after their 18th birthdays. However, with the enactment of the Fostering Connections to Success and Increasing Adoptions Act of 2008, we extended our support to foster children up to age 21. A decade later, the Fair Futures Coalition, a youth-led movement supporting youth in foster care to age 26, was born. Today, I stand before you, on behalf of Forestdale, to advocate for the continued strengthening and expansion of these achievements. We must continue to support young adults even after their foster care involvement to ensure positive long-term outcomes.

### Challenges Faced by Youth Aging Out of Foster Care

Every year, hundreds of young people in New York City transition out of the foster care system upon reaching adulthood. Without adequate support, many of these young adults face significant barriers to stability, including:

- **Housing insecurity** – A substantial number of youths exiting foster care experience homelessness or unstable housing arrangements within the first few years of emancipation.<sup>1</sup>
- **Limited access to education and employment opportunities** – Many lack the resources, guidance, and financial support to pursue higher education or secure sustainable employment. A 2023 report by Advocates for Children of New York highlights that over 40% of students in foster care are classified as students with disabilities, more than twice the citywide rate. They are over-represented in segregated special education settings. Additionally, during each of the 2016–17 through 2020–21 school years, roughly half of all students in foster care were chronically absent, with between one in six and one in nine students missing more days of school than they attended. These factors contribute to lower academic achievement and limited access to higher

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<sup>1</sup> [https://www.law.columbia.edu/news/archive/aged-outcast-out-foster-care-teens-face-housing-instability?utm\\_source=chatgpt.com](https://www.law.columbia.edu/news/archive/aged-outcast-out-foster-care-teens-face-housing-instability?utm_source=chatgpt.com)

education opportunities.<sup>2</sup>

- **Mental health and emotional support needs** – The trauma experienced by many foster youth requires long-term, accessible mental health services, which are often underfunded and difficult to access.<sup>3</sup>
- **Financial instability** – Without family support, these young adults struggle to afford the basics such as rent, food, and healthcare.<sup>4</sup>

## **The Need for Increased Investment**

To ensure successful transitions for youth aging out of care and to stabilize the workforce that serves them, I urge the City Council to maintain its support for the **Young Women's Initiative (YWI) of New York City**. This city-led effort, launched in 2015, aims to address gender and racial disparities affecting young women and gender-expansive youth, particularly those of color. YWI focuses on supporting young women aging out of foster care on the life domains that significantly impact a youth's successful transition to adulthood – namely, education, economic security, health, and safety – by investing in policies, programs, and community-driven solutions.

Many young women aging out of the **New York City foster care system** face challenges such as housing instability, unemployment, and barriers to higher education. YWI intersects with their needs in several key ways:

1. **Housing & Stability**
  - Homelessness is a significant risk for those exiting foster care. YWI's advocacy for safe and affordable housing can benefit these young women by connecting them to transitional housing programs and long-term stability solutions.
2. **Economic Empowerment & Workforce Development**
  - YWI supports initiatives that provide job training, financial literacy, and career development, which are critical for youth aging out of foster care who often lack family financial support.
3. **Health & Well-Being**
  - Many former foster youths experience gaps in healthcare access, including reproductive health services and mental health support. YWI-backed programs aim to improve access to healthcare, including trauma-informed care.
4. **Education & College Access**

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<sup>2</sup> [https://advocatesforchildren.org/policy-resource/building-on-potential/?utm\\_source=chatgpt.com](https://advocatesforchildren.org/policy-resource/building-on-potential/?utm_source=chatgpt.com)

<sup>3</sup> <https://www.psychiatrictimes.com/view/analysis-of-barriers-in-mental-health-care-for-foster-children-challenges-and-solutions>

<sup>4</sup> [https://www.aecf.org/resources/the-economic-well-being-of-youth-transitioning-from-foster-care?utm\\_source=chatgpt.com](https://www.aecf.org/resources/the-economic-well-being-of-youth-transitioning-from-foster-care?utm_source=chatgpt.com)

- YWI supports programs that enhance educational opportunities, including scholarships, mentorship, and college readiness programs, which are crucial for foster youth seeking higher education.

## 5. Leadership & Advocacy

- YWI fosters leadership development among young women, including those with lived experience in foster care, by engaging them in policy discussions and advocacy efforts.

Through targeted investments and policy initiatives, YWI exemplifies an initiative that creates opportunities that support young women, including those aging out of foster care, in achieving long-term stability and success.

## The Need for Increased Investment

To ensure successful transitions for youth aging out of care and stabilize the workforce serving them, I urge the Council to allocate additional funding toward expanding housing support, education, and workforce development, invest in trauma-informed care practices, financial literacy, and independent living wraparound supports.

## Conclusion

New York City has an opportunity and a responsibility to ensure that youth exiting the foster care system have the tools they need to succeed. These young adults, with the right support, have the potential to contribute significantly to our society. Investing in housing, education, employment, mental health, and financial stability will improve outcomes for these young adults and contribute to a stronger, more resilient city. Additionally, addressing the workforce crisis in child welfare by increasing wages, reducing caseloads, and enhancing professional development opportunities will ensure that the system can effectively support foster youth. According to the Council of Family and Child Caring Agencies (COFCCA) Child Welfare Workforce Report,<sup>5</sup> the overall caseworker average turnover across all child welfare programs was about 42% - nearly twice as high as in 2020 (when turnover was at 24%). I urge this committee to take decisive action by increasing funding for the services that can change the trajectory of these young lives and by prioritizing investments in the child welfare workforce. The City Council plays a crucial role in this process, as it is responsible for allocating the necessary funds and resources to these programs. By prioritizing these issues and making strategic investments, the Council can significantly improve the lives of youth aging out of foster care.

Thank you for your time and consideration.

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<sup>5</sup> <https://cofcca.wildapricot.org/resources/Child%20Welfare%20Workforce%20Report%20-%20Line%20Workers%202022%20-%20Final.pdf>



Testimony of Lawyers For Children  
to the New York City Council  
Committee on Children and Youth

Evaluating New York City's Foster Care System

February 20, 2025

Submitted by:

Betsy Kramer, Esq.  
Director, Special Litigation and Public Policy Project  
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Thank you to the members of the Committee on Children and Youth for holding this hearing regarding New York City's Foster Care System. City Council oversight and evaluation of the Administration for Children's Services (ACS) is critical to ensuring that the families served by New York City's foster care system receive the best possible services.

Founded in 1984, Lawyers For Children (LFC) is a not-for-profit legal corporation that represents children in voluntary foster care, abuse, neglect, termination of parental rights, adoption, custody, guardianship, paternity, and juvenile justice<sup>1</sup> proceedings in family court. This year, we will represent children and youth in more than 3,000 court proceedings. In addition to representing children in individual cases, LFC works to effectuate child welfare reform through impact litigation and legislative advocacy. This testimony reflects the experience of LFC's attorneys, social workers, and Youth Advocates working to represent children and youth in foster care from birth to age 21 (and beyond, for those who reach age 21 without having a stable place to live) for the last 40 years.

We hope the City Council will take the following steps to ensure that its oversight and evaluation of ACS is as meaningful as possible. Taking these steps will help to identify and address ACS and provider agency shortcomings in a timely manner.

#### **The City Council Should Require ACS to Obtain and Analyze Feedback From Attorneys Representing Children and Parents**

Every child in foster care is represented by an attorney in family court so that their voice is heard and their rights are protected. In order to fulfill their obligations to represent the child, the Attorney for the Child (AFC) meets with the child, and may also speak with the child's foster parent, visit the child's residence, participate in case planning conferences, and review the case records. In doing so, AFC gains valuable information regarding the care, treatment and oversight provided by the foster care agency. In carrying out their obligations, the AFC helps to ensure that ACS and its contract agencies comply with all of the policies, procedures, regulations and laws governing the care and treatment of children in foster care. While issues pertaining to the care and treatment of a particular child may be addressed in family court, more can be done to optimize the value AFCs add to the process of ensuring that ACS and its contract agencies comply with their obligations with respect to the children in their care.

ACS does not currently have any formal structure for receiving, responding, and aggregating complaints or concerns raised by AFCs. While the ACS office of Shared Response reviews agency performance by analyzing data and metrics, their work fails to capture important failures because the metrics analyzed by that office include broad categories identified by ACS, such as whether permanency hearing reports are submitted on time. It does not, however, capture violations of policy or failures that it is not looking for. And, that office does incorporate anecdotal information (including anecdotal information from AFCs) in its assessments. Similarly, while the Office of Advocacy responds to individual complaints from foster parents, biological parents, and youth involved in the foster care system, it does not collect information from attorneys and does not analyze, or aggregate data regarding the complaints received in order to identify trends and propose systemic solutions.

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<sup>1</sup> Also known as "delinquency".

In order to fill these gaps, we urge the City Council to Require ACS to create a mechanism for AFCs and attorneys for parents to report concerns regarding ACS or contract agency performance. Aggregating and analyzing that information will help ACS identify problematic patterns within particular contract agencies and across agencies, so that enhanced training and oversight can be implemented as needed. Some of the types of violations of policy and law that our office has identified in the past but were not captured by ACS's oversight and accountability review process include: One of the most glaring and problematic violations of policy and law that our office has identified, but was not captured by ACS's oversight and accountability review process, was ACS's own failure to timely file petitions for family court approval of the voluntary placement of children in foster care. While the law requires that the petition be filed no later than 60 days following the child's removal, our office was recently assigned to a case in which a newborn was separated from her mother for more than seven months before ACS filed its petition. Some problematic foster care agency practices that we have identified but ACS was not aware of, included an agency's failure to ensure that children in their care are given keys to their foster homes, an agency's failure to ensure that a group home made appropriate food and snacks available to children at all times, and an agency's failure to ensure that the older youth in their care were able to have their hair cut at a salon that provides the style that the youth prefers and reflects their cultural identity.

**The City Council Should Adopt a Resolution Urging the New York State Legislature to Include a 10% Increase in the Judiciary Allocation for AFC Offices**

The ability of AFCs to help ensure accountability for ACS hinges upon AFC offices being appropriately funded. Funding levels for AFC Offices have been stagnant for over a decade. As a result, AFC salaries are not on par with the salaries paid to government and other attorneys in the same Family Courts in which the AFCs practice, leading to large scale attrition in AFC offices. The remaining attorneys are further saddled by the crushing caseloads sanctioned by the outdated Rules of the Chief Administrator of the Court. Those rules set caseload standards for AFCs at 150 children, while government and parent attorneys carry between 55 and 65 cases at any time. This can mean a significantly higher number of cases since one child often has several dockets. Our attorneys might represent a child in a child protective (abuse or neglect) matter, a custody matter, and a juvenile justice matter – three distinct and time-consuming series of proceedings, all counted as a single “case” for purposes of state funding. Our attorneys and social workers also provide assistance outside of the family court. This may include, for example, advocating for appropriate educational services, helping clients to obtain Special Immigrant Juvenile Status to prevent deportation, ensuring that clients have safe, stable and appropriate housing upon discharge from foster care, and standing by their side if they are called as a witness in a criminal matter. In order to reduce this burden and ensure that AFCs are able to provide the high-quality representation that children in New York City foster care deserve, we ask the City Council to join the fight for equitable funding for New York City's AFC offices in the New York State budget.

**The City Council Should Require ACS to Develop a Uniform Training Curriculum for all Foster Care Case Planning Staff**

Many of the problems plaguing ACS's treatment of children in care and planning for children's discharge from care (including, for example, the failure to correctly identify service needs and

delays in connecting the parent and/or child to appropriate services) may be attributed to inadequate training for the case planning staff at the foster care agencies. Currently, each agency is responsible for training its own case planning staff, without oversight by or input from ACS. As a result, the training received by workers varies in substance and in quality from agency to agency. We believe that there could be vast improvement in many issues if ACS were required to implement comprehensive mandatory training for all agency caseworkers and to develop a comprehensive electronic practice manual that is kept up to date and provided to all case planning staff.

### **The City Council Should Require ACS to Collect Data Regarding Developmentally Disabled Youth in Foster Care**

New York's failure to provide appropriate services to youth in foster care who have developmental disabilities is no secret. It has been the subject of litigation almost constantly since 1983. More than 15 years ago, in *City of N.Y. v. Maul*, the court noted "A series of lawsuits, spanning a period of 25 years, has been initiated by the City against the State for its alleged failure to provide appropriate placements and treatment for disabled children in foster care." That case is still pending.

Youth in foster care who have disabilities can be properly cared for only if there is an appropriate array of caregivers who have received specialized training to meet their needs, there is a sufficient number of homes available to accommodate their physical limitations, caseworkers can identify therapy and recreational programs that will help them thrive, and the children receive educational services that can help ensure that they achieve their potential. Even more important, foster care providers need to understand what services are available to ensure that children with disabilities can return home to their families whenever possible, and how to access those services. And, it is crucial that thoughtful, informed planning is done for youth with disabilities who age out of foster care. None of this can be done without a clear understanding of the population of children in ACS custody who have a developmental disability.

New York Soc. Serv. L. § 372 requires that each child's foster care case record contain information regarding whether the child has a developmental disability, and if so, the type of disability. Ensuring that ACS identifies which children have a disability is only the first step in ensuring that the needs associated with those disabilities are met. In order to ensure that there is an appropriate array of placements and services and that staff are appropriately trained, ACS must be required to gather information and to report on the number of children in foster care with a disability, the types of disability, the placement settings available for children with disabilities, and discharge outcomes for youth with disabilities. Requiring ACS to undertake that analysis and reporting would constitute a critical step toward finally ending the decades of litigation regarding the care and treatment of children with disabilities in foster care in New York City.

### **Conclusion**

Thank you for considering this testimony. I would be happy to answer any questions the City Council may have regarding these ideas, and also to work with you to develop the recommendations included here.



**Testimony of Neighborhood Defender Service of Harlem**

**Presented Before**

**The New York City Council Committee on Children and Youth**

**Hearing Date: February 20, 2025**

**Subject: Evaluating New York City's Foster Care System**

This testimony is submitted by the Neighborhood Defender Service of Harlem (NDS). We provide guaranteed legal representation to low-income parents in New York City in Article 10 cases filed in family court in the Bronx and Manhattan. Together with Brooklyn Defender Services, The Bronx Defenders, and Center for Family Representation, we have prevented thousands of children from needlessly entering and languishing in the foster system and have reduced the foster system census in New York City by almost 50%.<sup>1</sup> This translates to nearly \$40 million in annual savings in foster system expenditures for New York City,<sup>2</sup> and the preservation of family bonds that are priceless to our clients, their children, and society at large. We thank the Committee on Children and Youth for the opportunity to submit testimony about New York's foster system, as these agencies have a disproportionate impact on our clients' family integrity.

NDS work with thousands of parents each year who have been thrust into contact with the foster system, whether through preventive services or the removal of their children. The families we work with are traumatized by the experiences of asking for help from an agency, only to have the very same institution take their children and place them with strangers. In New York City, nearly 7,000 children are in foster placements annually.<sup>3</sup> Even the heads of foster agencies like NY Foundling, Graham Windham, and Good Shepherd Services have acknowledged the harm that their agencies have inflicted on primarily Black and Latine families, and affirmed that family preservation should be their goal wherever possible.<sup>4</sup>

We all know that keeping families together makes them stronger and healthier. New York City's foster agencies contract with ACS to provide mental health services, drug treatment, health care management, and other preventive services, alongside their foster services. These contracts total more than \$600 million dollars.<sup>5</sup> New York City has been trying to achieve the goal of family

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<sup>1</sup> Commission on Parental Legal Representation, Interim Report to Chief Judge DiFiore (February 2019).

<sup>2</sup> *Id.* at 21.

<sup>3</sup> Open NY, *Number of Children in Foster Care Annually, Chart: Beginning 1994*, <https://data.ny.gov/Human-Services/Number-of-Children-in-Foster-Care-Annually-Chart-B/29re-n74u> (data is available up to 2023).

<sup>4</sup> Susanti Sarkar, *Hundreds Have Gathered in New York City With the Goal of 'Narrowing the Front Door' to Foster Care*, The Imprint (Oct. 4, 2024), <https://imprintnews.org/top-stories/hundreds-have-gathered-in-new-york-city-with-the-goal-of-narrowing-the-front-door-to-foster-care/252142>.

<sup>5</sup> New York City Independent Budget Office, *Fiscal Brief: New Foster Care Contracts Expected to Bring About Changes In Service Delivery, Cost* (Aug 2022), <https://ibo.nyc.ny.us/iboreports/new-foster-care-contracts-expected-to-bring-about-changes-in-service-delivery-cost-fiscal-brief-august2022.html>.



preservation by channeling more money into systems that were built to separate children from their families, and it's not working.

Careful consideration of the role of New York City's foster agencies have led us to this: while the oversight of the Committee on Children and Youth is essential, these agencies need a far greater level of transparency in order for them to be accountable to the communities they purport to serve and for the council's oversight to be most effective. In this testimony, we share the experiences of our clients to illustrate the failings of the foster system that are not being addressed. We hope the City Council will work with us to ensure that the contracts and data on New York City's foster system is widely available, up-to-date, and responsive to public concerns. We urge the City Council to look for alternative means to fund preventive services, particularly community-based organizations with no ties to the family policing system.<sup>6</sup>

We recommend that the New York City Council:

- Make public all contracts between ACS and foster agencies
- Collect and publish data on the following metrics:
  - What the reunification goals that ACS sets for each foster agency and why
  - Whether each agency meets the reunification goals
  - How many foster placements each child has
  - How long a child is in each foster placement
  - How many days a child is missing from their foster placement
  - How many days a child is absent from school while in a foster placement
  - How long the child is separated from their parent
- Implement auditing systems to account for how foster placement funds are utilized for the benefit of the child in each case, as well as transparent reporting so that that information is available for families
- Create a mechanism for families to provide anonymous feedback on their experiences with foster agencies
- Establish a community board to give input on data and evaluation of the foster system
- Use this data to evaluate if foster agencies are meeting their mandates, and determine if their contracts shall be renewed

The City Council can play an important role in protecting children and families by making sure that the foster system is accountable to the public.

### **I. New York City's foster system needs to be held accountable for the dangers to which it subjects children**

The parents we represent have their children ripped away from them, often because of speculation that the children are at risk. But they are then put in foster placements, where rates of

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<sup>6</sup> Our organization has followed the leadership of directly-impacted people and chosen to use the term “family policing system” to describe what has traditionally been called the “child welfare system” or the “child protection system,” to reflect the system’s prioritization of and roots in surveillance, punishment, and control rather than genuine assistance to and support of families living in poverty. See, Dorothy Roberts, *Abolishing Policing Also Means Abolishing Family Regulation*, The Imprint (June 16, 2020), <https://imprintnews.org/child-welfare-2/abolishing-policing-also-means-abolishing-family-regulation/44480>.

disappearance, abuse and trafficking are shockingly high,<sup>7</sup> but their parent can't protect them. The data show that children are not safer in foster placements than at home,<sup>8</sup> but the foster system evades accountability when the information necessary to assess whether the system is providing any benefit to families is not readily accessible to oversight bodies and the community that the system purports to serve.

Our clients share with us their experiences of having their children put in the foster system, only to have the foster agency call to tell them that their kid ran away or is AWOL. Data show that an estimated 19 percent of children and youth who go missing from foster placements experience sex trafficking.<sup>9</sup> These numbers—when they can be accessed—are damning and confirm our clients' anecdotal experiences. In spite of this, we do not have access to essential information on foster agencies' policies on absences without consent, their practices to prevent this, or even data on the number of children who are missing from foster placements. Without this information, it is impossible to hold foster agencies accountable for adhering to their own policies or even developing the right policies in the first instance.

As part of its foster agency scorecard system, ACS measures “frequency of AWOL,” which is the rate at which youth in care did not experience any AWOL episode during the year. This metric only provides information at the agency-level and acts more to indicate “days since the last incident,” rather than tracking how many days a child is missing from their foster placement. This blind spot in data collection is indicative of a larger trend in the numbers that foster agencies and ACS provide: they miss the metrics that would help to capture the experiences of children and families in the foster system and allow for a more probing and qualitative assessment of what is actually happening.

One of the three principal metrics that ACS uses to define the success foster agencies is “permanency,” a legal concept that is focused on the child having a permanent home, whether that is through reunification or adoption.<sup>10</sup> However, permanency has no basis in child development or child psychology.<sup>11</sup> While stability is a recognized and important factor in

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<sup>7</sup> Gibbs et. Al, *Human trafficking and the child welfare population in Florida*, Children and Youth Services Review vol. 88 (May 2018), <https://www.sciencedirect.com/science/article/abs/pii/S0190740917310216> (estimating that as many as 90% of Commercial Sexual Exploitation of Children (CSEC) victims have had some contact with the child welfare system); U.S. Department of State, *Trafficking in Persons Report* (Jun 2019), <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf> (noting that traffickers prey on victims in the foster system).

<sup>8</sup> The national rate of child maltreatment was 0.0074% in 2023, but surveys of foster alumni find that 32.8% report maltreatment while in foster placements. See Administration for Children and Families, *Child Maltreatment Report* (2023), <https://acf.gov/sites/default/files/documents/cb/cm2023.pdf>; Casey Family Programs, *Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study* (2005), [https://www.casey.org/media/AlumniStudies\\_NW\\_Report\\_FR.pdf](https://www.casey.org/media/AlumniStudies_NW_Report_FR.pdf).

<sup>9</sup> National Center for Missing and Exploited Children, *Child Sex Trafficking Overview*, <https://www.missingkids.org/content/dam/missingkids/pdfs/CST%20Identification%20Resource.pdf>.

<sup>10</sup> Administration for Children's Services, *FY 2022 Foster Care Scorecard* (Mar. 24, 2023), <https://www.nyc.gov/assets/acs/pdf/data-analysis/2022/FosterCareScorecardFY2022.pdf> (Permanency, safety, and well-being are the three categories of metrics on the Foster Care Scorecard); see *Adoption and Safe Families Act* (1997); see also *Family Court Act* § 1089.

<sup>11</sup> See e.g. Barbara Ball, et. al, *A New Model for Promoting Wellbeing in Child Welfare: Prioritizing Relational Permanency, Normalcy, and Competency*, Texas Youth Permanency Study (Jan. 2023), UT Austin Texas Institute for Child & Family Wellbeing, <https://utexas.app.box.com/v/TYPS-2022-Final-Report> (finding that legal

children feeling safe, the research indicates that the trauma of family separation is best remedied by family reunification, even when it is not immediate.<sup>12</sup> Stability within foster placements remains important for children,<sup>13</sup> and there are data that ACS and foster agencies should collect so that City Council and the public can evaluate how well they are meeting their goals of keeping children safe and reuniting families wherever possible.

Article 10 of the Family Court Act itself recognizes that facilitating reunification should be the primary goal—and in most cases, the only goal—of the foster system and that providing families with regular opportunities to publicly evaluate the agency’s performance towards that goal is an essential feature of the system. For example, Section 1089 of the Family Court Act provides that foster agencies must come to court every six months for permanency hearings where they bear the burden of proving that they have made “reasonable efforts” towards the family’s permanency goal.<sup>14</sup> But without key information, including data about the agency’s aggregate performance and access to internal agency policies, permanency hearings cannot serve the important accountability function that the law contemplates.<sup>15</sup>

Such data would include measuring and sharing: (1) what the reunification goals that ACS sets for each foster agency and why; (2) whether each agency meets the reunification goals; (2) how many foster placements each child has; (3) how long a child is in each foster placement; and (4) how long the child is separated from their parent.<sup>16</sup>

## **II. Foster placements need mechanisms of accountability.**

Three of New York’s biggest foster agencies, Graham Windham, NY Foundling, and Good Shepherd, joined the Narrowing the Front Door Coalition for a series of events called The Reckoning. The call of this event was to invite in the leaders of these foster agencies to acknowledge the harms that their organizations have caused, particularly to New York City’s Black families, and to envision together how they would commit to prioritizing family

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permanency was much less important than ongoing connection with the important people in the youth’s life); see also Gauthier, Y., Fortin, G., & Jeliu, G. (2004). *Clinical application of attachment theory in permanency planning for children in foster care: The importance of continuity of care*. *Infant Mental Health Journal*, 25(4), 379-396.

<sup>12</sup> See Joseph J. Doyle, Jr., Child Protection and Child Outcomes: Measuring the Effects of Foster Care, 97 AM. ECON. REV., 1583, 1584 (2007) (children “on the margins” who remained at home had better long-term well-being outcomes than children who were removed and placed in foster care); see also Lenore McWey, *I promise to act better if you let me see my family: Attachment theory and foster care visitation* (2001), *Journal of Family Social Work*, 5(1): 91-106, [https://doi.org/10.1300/J039v05n01\\_07](https://doi.org/10.1300/J039v05n01_07).

<sup>13</sup> See Monique B. Mitchell & Leon Kuczynski, *Does Anyone Know What is Going On? Examining Children’s Lived Experience of the Transition Into Foster Care*, 32 CHILD. AND YOUTH SERV. REV. 437, 442-43 (2010); see also Philip A. Fisher et al., *Mitigating HPA Axis Dysregulation Associated with Placement Changes in Foster Care*, 36 PSYCHONEUROENDOCRINOLOGY 531, 532 (2011).

<sup>14</sup> See Family Court Act § 1089.

<sup>15</sup> See Monique B. Mitchell & Leon Kuczynski, *Does Anyone Know What is Going On? Examining Children’s Lived Experience of the Transition Into Foster Care*, 32 CHILD. AND YOUTH SERV. REV. 437, 442-43 (2010); see also Philip A. Fisher et al., *Mitigating HPA Axis Dysregulation Associated with Placement Changes in Foster Care*, 36 PSYCHONEUROENDOCRINOLOGY 531, 532 (2011).

<sup>16</sup> Length of separation from parents is measured by ACS and provided in the reports prepared for permanency hearings, but it does not appear to be available in any aggregate form.

integrity.<sup>17</sup> The leadership at foster agencies spoke lucidly about the harms of the family policing system and their role in that system. However, these values are not demonstrated in the ways that foster placements interact with families.

Foster placements have a huge amount of power over the contact that children can have with their parents. We know from our clients that the resistance of a foster placement to reunification creates a litany of obstacles: visits being canceled or rescheduled last minute, limited ability for the parent to talk to their child on the phone, and negative talk about the parent. These issues translate into real consequences, as Family Court judges rely on these metrics to determine a family's progress towards reunification. Despite not being parties to the case, foster placements are often present in court for permanency hearings and judges tend to give substantial weight to their opinions on the child's best interest. Foster placements who are obstructionist don't face any consequences for their behavior, and parents feel that the agencies are tacitly supporting this behavior.

A parent whose child is persistently absent from school can be subject to an Article 10 case for educational neglect, but when a foster placement fails to get a child to attend school, there is no similar mechanism of accountability. Our offices frequently hear from clients that their children, who had previously been doing well in school, are absent for days or weeks at a time once put in foster placements. This double standard is particularly frustrating to our clients, who are told they are unfit to care for their children and then must watch as a foster placement fails to provide for their basic needs. When parents continue to advocate for their children, we have witnessed time and again the way they are subject to racial stereotypes about being angry and uncooperative.

Absenteeism and poor educational outcomes are common problems that children in the foster system face, yet ACS does not track this information or partner with the Department of Education to make it available.<sup>18</sup>

Foster placements receive payment for each child they have, in addition to a clothing allowance for the child. Yet our clients are reporting that their children are showing up for visits with nothing more than a denim jacket in these sub-freezing temperatures. To our knowledge, there is no standard audit process to ensure foster placements use these funds for the benefit of the child, nor is there any mechanism for our clients to trigger such a review in their case or even get information about how agencies are using resources intended for their children.

For their part, parents who complain about the poor care their child receives in foster placement are characterized as defiant, and the foster agencies often invest more energy in pushing

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<sup>17</sup> Susanti Sarkar, *Hundreds Have Gathered in New York City With the Goal of 'Narrowing the Front Door' to Foster Care*, The Imprint (Oct. 4, 2024), <https://imprintnews.org/top-stories/hundreds-have-gathered-in-new-york-city-with-the-goal-of-narrowing-the-front-door-to-foster-care/252142>.

<sup>18</sup> See Joseph J. Doyle, Jr., *Child Protection and Child Outcomes: Measuring the Effects of Foster Care*, 97 AM. ECON. REV., 1583, 1607 (2007) (finding higher delinquency rates, higher teen birth rates, and lower earnings when comparing children who entered foster care and similarly situated children who remained at home); see also Madison Hunt, *New Report Highlights Ongoing Challenges for NYC Students in Foster Care*, The Imprint (Jan. 26, 2023), <https://imprintnews.org/top-stories/new-report-highlights-ongoing-challenges-for-nyc-students-in-foster-care/237967>.



compliance, rather than investigating the legitimate grievances of parents or simply providing clear and transparent information that is responsive to their concerns.

### **III. ACS must make its contracts with contract agencies, including their scopes of work, available to families.**

We know that these agencies receive over \$600 million dollars from ACS,<sup>19</sup> and yet it is exceedingly hard to get information on the contracts between ACS and its contract agencies or transparency into the data they collect.

That lack of clear information serves no one. When the parents we represent request specific services for themselves or their children, they often get trapped between ACS and foster agencies passing the buck—each one will say that the other is responsible for providing those particular services and paying for them. Even something so basic as whether ACS or the assigned foster agency is to make the determination as to when the kids should return home is often unclear and inconsistent from case to case. That results in significant delays in providing families with needed services, prolongs child stays in foster care, and also wastes valuable resources at ACS and the defender agencies as we engage in unnecessary litigation over things that are likely spelled out in internal documents that we currently cannot readily access. Families would benefit and the system would work better if there were greater transparency.

Foster agencies have dramatically expanded their services to include mental health, drug treatment, parenting classing, and more. While this has been explained as a part of the commitment to family integrity, families understandably have significant questions about conflicts of interest and “double-dipping” into public money sources, preventing them from developing the trust necessary for a productive relationship with service providers.

Family defender organizations are not allowed to represent two co-parents in a Family Court case because of the understanding that this represents a conflict of interest. Even where the parents are married and have the same goals, there is an implicit understanding that their interests could diverge and justice requires that each receive counsel tailored to them. However, the same agencies that provide services to parents can then remove children from their parents and take custody of them. In practice, a parent who receives mental health treatment through a foster agency is deprived of a trusting doctor-patient relationship because the provider can use whatever information they hear from the parent in the course of treatment to have that parent’s children removed. This can deter parents from seeking support, or can lead to feelings of betrayal and unwillingness to engage in services, which has downstream effects as Family Court judges view non-participation in services as a sign that the parent lacks “insight” into their own behavior and is not capable of caring for their child.

The creep of foster agencies into preventive services also creates perverse financial incentives. This flows in two directions: the agency can get assigned for foster placements if the parent has already been seeing them for preventive services, or a parent can be referred to services with the

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<sup>19</sup> New York City Independent Budget Office, *Fiscal Brief: New Foster Care Contracts Expected to Bring About Changes In Service Delivery, Cost* (Aug 2022), <https://ibo.nyc.ny.us/iboreports/new-foster-care-contracts-expected-to-bring-about-changes-in-service-delivery-cost-fiscal-brief-august2022.html>.

foster agency that has removed their child. In either case, the foster agency's failure to address the family's need ends up creating more business for them.

#### **IV. Oversight and evaluation of New York City's foster system must be independent.**

ACS has shown itself to be unable to properly oversee New York City's foster agencies, and there are ample reasons why they should not be tasked with doing so. Commissioner Dannhauser admitted that ACS has not terminated any foster agency contracts for failure to meet standards.<sup>20</sup> Moreover, because ACS is the one creating choosing contract grantees and grading their performance, the incentive is to find that all foster agency grantees are success stories.

However, what we are hearing from youth in foster placements and parents tells a different story. As discussed previously, we are aware that foster placements are not held accountable for their use of moneys, as exemplified by the issues our clients have reported around the clothing allowance for children. We also know that foster agencies steal survivor and disability benefits from the children in their care.<sup>21</sup> ACS has also admitted that it engaged in this practice; this was raised in a hearing last spring, but we still don't have answers on where that money is now.<sup>22</sup>

These examples show the glaring holes that emerge when foster agencies attempt to oversee themselves, or when ACS is tasked with their oversight. It is a massive conflict of interest for the oversight to be done by themselves or their contract provide.

There are steps that the City Council can take to make the oversight process more transparent and accountable to the people. We recommend that the City Council create a community board of advocates and impacted people to give input into the data and evaluation of the foster system. We further suggest a mechanism for families to provide anonymous feedback on their experiences with foster agencies. Such feedback should not go directly to ACS, but instead go to an independent body, such as the community board, or the Committee on Children and Youth. Furthermore, data collected on the foster system must be publicly available and easily accessible so that these agencies are accountable to the people of New York City.

#### **V. Recommendations**

New York City must continue to reduce the number of children removed from their families and invest in family health. This can be done by channeling public money away from systems designed to separate families, and towards community-based organizations that do not benefit from removal. It also requires holding foster agencies to account for the experiences of children and families when they come into contact with these agencies. This will not be achieved through business as usual, and so we urge the City Council to push for independent, accountable, and

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<sup>20</sup> *Oversight - Evaluating New York City's Foster Care System: Hearing Before the Committee on Children and Youth*, New York City Council (Feb. 20, 2025) (statement of Jess Dannhauser, Commissioner of the Administration for Children's Services).

<sup>21</sup> Eli Hager and Joseph Shapiro, *Foster Care Agencies Take Thousands of Dollars Owed to Kids, Most Children Have No Idea*, The Marshall Project & NPR (Apr. 22, 2021), <https://www.themarshallproject.org/2021/04/22/foster-care-agencies-take-thousands-of-dollars-owed-to-kids-most-children-have-no-idea>.

<sup>22</sup> Sarah Wallace, *ACS took or diverted funds from disabled, orphaned NYC children. Where's the money now?*, ABC New York (May 10, 2024), <https://www.nbcnewyork.com/investigations/acs-admitted-taking-disability-benefits-orphaned-nyc-children-years/5403111/>.

thorough evaluation of New York City's foster agencies. To this end, we recommend the following:

- Make public all contracts between ACS and foster agencies
- Collect and publish data on the following metrics:
  - What the reunification goals that ACS sets for each foster agency and why
  - Whether each agency meets the reunification goals
  - How many foster placements each child has
  - How long a child is in each foster placement
  - How many days a child is missing from their foster placement
  - How many days a child is absent from school while in a foster placement
  - How long the child is separated from their parent
- Implement auditing systems to account for how foster placement funds are utilized for the benefit of the child in each case, as well as transparent reporting so that that information is available for families
- Create a mechanism for families to provide anonymous feedback on their experiences with foster agencies
- Establish a community board to give input on data and evaluation of the foster system
- Use this data to evaluate if foster agencies are meeting their mandates, and determine if their contracts shall be renewed

We thank the Committee on Children and Youth for their time and attention to this issue, and look forward to working with the City Council on solutions.

## **Testimony to the City Council: Evaluating New York City's Foster Care System**

February 20, 2025

Thank you, Chair Stevens and members of the Children & Youth Committee, for the opportunity to testify today.

At The Jewish Board, we a full continuum of residential and community-based services for children and families across all five boroughs. Throughout our portfolio we provide person-centered, trauma-informed high-quality care, and evidence-based models.

In Partnership with ACS, we currently provide foster care residential services at three sites:

- Kaplan House (KH), a group residence in Manhattan serving up to 25 males ages 17-21 in need of treatment services for complex mental health, substance use and behavioral issues; (CD 2)
- Cedar Knolls House (CKH), located in the Bronx, serving up to 19 females ages 16-21 with serious and complex mental health substance use or behavioral needs; (CD 15)
- Supervised Independent Living Programs (SILP) are short-term (12-18 months) transitional programs for youth who are preparing to leave foster care (CD 45).

Our current ACS contract for residential services provides a total capacity of 69 youth and 992 individuals in prevention programming. The Jewish Board is invested in providing residential services aligned with ACS' vision of reducing lengths of stay for young people.

The Jewish Board writes today on behalf of ourselves, the families and children we serve, and the nonprofit organizations that are providing vital preventative services to families at risk of having their children placed into foster care. Our organization, which has one of the largest preventative services programs in New York City, is on the front lines of child welfare who are committed to strengthening families, keeping children safe, and ultimately saving the community significant long-term costs. These programs are effective, but they are underfunded. Research consistently shows that investing in prevention creates better outcomes for children and families and saves the community money by reducing the need for foster care, court involvement, and long-term social services. In fact, for every dollar spent on prevention, we save multiple dollars that would otherwise be spent on crisis interventions and foster care. These programs work—they keep children safe, they reduce trauma, and they create long-term positive outcomes for families.

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\*Executive Committee



**As a result of underinvestment in prevention services, The Jewish Board recently made the difficult decision to end our Functional Family Therapy-Child Welfare (FFT-CW) prevention services in Manhattan, Brooklyn, and Staten Island, when our current contract expires. This will result in a net loss of 432 prevention slots for our programs.**

One of the most pressing issues we face is the way government contracts are structured. While these contracts fund direct program costs, they severely cap what can be allocated to "indirect costs"—the administrative costs necessary to run any program, including rent, utilities, insurance, and other operational expenses. **Specifically, the contracts set the indirect cost rate at a flat 17.9%. This cap does not reflect the true costs of running a program, nor does it align with industry standards.**

In fact, the federal indirect cost rate for comparable programs is higher than the 17.9% allowed by the city, and our actual indirect costs far exceed the allowable cap. For example, our total unreimbursed indirect costs amount to approximately **\$500,000**. These are costs we must cover through other means or, more often, by absorbing them into the program itself, which is unsustainable.

Furthermore, these contract rates do not account for the cost of renting the space needed to administer our programs. The rent for office space, where our staff meet with families and provide essential services, is a significant and increasing cost, yet it is not covered by the current government contracts. The lack of adequate funding to cover these basic operational costs forces us to stretch our resources even thinner, further compromising the quality of the services we can provide. Worse, the combination of an underfunded reimbursement structure, an arbitrary cap on indirect costs, and the rising costs of rent and basic operations is a recipe for program instability.

The government contracts also do not allow us to hire frontline staff at a competitive pay rate, leading to high staff turnover. And high turnover, as we know, severely diminishes the effectiveness of our programs, as families lose the continuity of care they need and the trust that is so crucial for successful interventions. Turnover of staff also results in high deficits for training costs in evidence-based models; in one instance, the loss of two staff members required \$8K of unreimbursed model training costs to continue fidelity in the model.

Without adequate funding, we face two very real and unacceptable options: we can either continue to deliver services at a diminished level—cutting the number of children and families we can support below the number specified in the contract—or we can reduce the quality of our services, which would harm the very families we aim to protect. Both outcomes are disastrous for the community and for the families in need of our help.





If we are to continue to provide effective services and retain the talented professionals who are the backbone of this work, we need a funding model that reflects the full cost of service delivery. Investing in adequate compensation for our workforce, raising the indirect cost rate, and allowing for reimbursement of rent and operational expenses will ensure that these programs remain sustainable, effective, and capable of meeting the growing demand for services. Without these changes, we will be forced to further reduce services and risk instability in the child welfare system.

In conclusion, the programs we provide are not only effective in keeping children out of foster care—they are essential to maintaining the well-being of families and children across this city. However, the current funding structure is insufficient and unsustainable. I urge you to take immediate action to address the funding shortfall, raise the indirect cost cap, and ensure that the costs of operating these programs are fully reimbursed. By doing so, we will help ensure that we can continue to support families, prevent unnecessary foster care placements, and create a healthier, stronger community.

Thank you for your time and attention to this urgent matter. I look forward to working with you to find solutions that will ensure the long-term success of these programs and the well-being of our most vulnerable families.

Sincerely,

*Julia Pinover Kupiec*  
Chief Public Policy Officer  
The Jewish Board of Family and Children's Services



Thank you to Chair Stevens and the City Council for your support of foster care youth across New York City. My name is Joseph Goldsmith, Strategic Partnerships Regional Network Director for New York and Connecticut, and I am submitting written testimony on behalf of Youth Villages. Youth Villages is a nonprofit organization that provides services and support to children, young adults, and families facing emotional, behavioral, and mental health challenges. We operate in multiple states across the U.S., partnering with government agencies, private donors, and other nonprofit organizations to improve long-term outcomes for those served. We work to find solutions using evidence-based, data driven models, one of which is called LifeSet.

LifeSet is an intensive community-based program that acts as a bridge from foster care to successful adulthood for young people exiting foster care. Developed in 1999 by Youth Villages, this evidence-based program has been replicated across 22 states and Washington, D.C. and has helped more than 20,000 young people. Using a trauma-focused, individualized, culturally responsive, clinical, and young adult-driven approach, LifeSet specialists support young people improve their outcomes across multiple domains. While many models and programs for older youth focus solely on one or two independent living areas like housing, employment, or education, LifeSet takes an individualized, person-centered approach and is built to support young adults across a wide range of self-identified goals. In addition to supporting young adults with building independent living skills, mental and behavioral health components are ingrained in services, allowing specialists to holistically support young adults as they transition out of foster care. Demonstrated impact areas include permanent relationships, employment and earnings, housing stability, mental and emotional health, economic well-being, reduced legal involvement, and education.

Six components of LifeSet help distinguish it from other programs for young people transitioning from foster care:

**Engagement:** LifeSet uses an intensive, individualized approach that revolves around an in-person, weekly meeting with a highly trained specialist in the community and 24/7 support as needed.

**Best Practices:** LifeSet is based on science, evidence and the best practices in child welfare and behavioral health. In a randomized controlled trial, leading research firm MDRC found LifeSet program participation increases earnings, economic well-being, and employment, reduces homelessness, improves mental health, and reduces domestic and partner violence.<sup>1</sup> Youth Villages continues to seek out rigorous third-party evaluations to build evidence and make program improvements.

**Case Conceptualization, Online Resources and Expert Guidance:** LifeSet pairs the ongoing guidance of a master's level Licensed Program Expert (LPE) with a robust online platform that contains over a thousand evidence-based, evidence-informed, and other best practices interventions and resources. This approach allows specialists to not only support independent

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<sup>1</sup> Jacobs, Erin and Skemer, Melanie and Courtney, Mark, *Becoming Adults: One-Year Impact Findings from the Youth Villages Transitional Living Evaluation* (May 12, 2015). New York: MDRC, May 2015.



living goals, but also mental and behavioral health components that sometimes hinder goal completion.

**Action Oriented:** The LifeSet program model emphasizes experiential learning, with specialists practicing skills with the young person and modeling behavior in their community.

**Codified Model:** While the interventions with each young person are individualized, adherence to a structured model has allowed LifeSet to be effective in rural and urban settings, with youth from different ethnic and cultural backgrounds, in varying states and jurisdictions across the country.

**Lasting Impact:** LifeSet gives young people the know-how and confidence to problem-solve, build a network of support and conquer everyday challenges.

LifeSet was brought to New York City in 2018 through a public-private funding partnership between the Administration for Children's Services, New Yorkers For Children, and Youth Villages to fill the need for an evidence-based model aimed at supporting young people exiting foster care. Local foster care organizations were licensed and trained to implement the program. Since then, 707 individual young people have received services, leading to consistently positive outcomes, especially when compared to similar outcomes for the overall foster youth population in New York City and across the country.

Upon exiting the program:

- 84% of participants were in school, graduated, or employed;
- 96% avoided or reduced the frequency of arrests;
- and only 7% were either currently or at risk of experiencing homelessness in the next 6 months.

Reviewing longer-term outcomes at one-year post-program exit:

- 97% of participants were in school, graduated, or employed;
- 95% had avoided legal involvement since exiting the program;
- and only 2% reported experiencing current homelessness.

While collecting outcome data is valuable and provides information about program effectiveness, we also recognize that continued enhancements can be made, particularly in a location as unique as New York City. We realize that the most impactful way to make significant advancements is to seek, honor, and amplify the voices of those who have experienced the program. Earlier this year, the young adult-led LifeSet Ambassador initiative launched, bringing together an initial cohort of four current and former New York City LifeSet participants. The LifeSet Ambassador group, incorporating their unique experiences and expertise, recently initiated a project to provide thorough feedback and training on how the program itself and the staff delivering it can better engage young people, especially those living in New York City. Future goals of this group include recruiting additional Ambassadors, recommending ways to serve more young people, and educating key stakeholders across the city and state about the benefits of LifeSet.



Currently, four quality providers – Children’s Aid, New York Foundling, SCO Family of Services, and Good Shepherd Services – deliver the program, which is fully funded through their foster care contracts with ACS. Each LifeSet provider demonstrates immense dedication to serving young people in need and implementing the LifeSet program to model fidelity standards. However, with the present implementation and contract structure, LifeSet is mostly only available to young people currently or formerly placed at the respective LifeSet providers, limiting access for other young people across the city. New York City has a robust service array for young people exiting foster care, with several high-quality programs meeting the needs of many. As mentioned earlier, though, LifeSet is unique in several ways – one being the clinical and therapeutic nature of the program – allowing it to successfully serve a subgroup of young adults with more intensive and acute needs.

Expanding access to the program to young adults placed at organizations outside of the four LifeSet providers would further enhance the quality of services in New York City. Youth Villages values our partnership with ACS and LifeSet providers. Working collaboratively, we have explored several avenues to expand the reach of the program and are eager to begin executing these strategies. Youth Villages would also value the opportunity to collaborate with the City Council on identifying and exploring additional expansion opportunities.

Thank you for your attention and consideration. I am more than happy to discuss any questions or thoughts you may have.

Sincerely,

Joseph Goldsmith  
Regional Network Director  
Youth Villages



Joe.Goldsmith@YouthVillages.org

**Alexis Kimberly Smallwood-Foote**

Jamaica, NY 11430

Phone:

Email:

February 23, 2025

**Althea Stevens (Chair)**

**Julie Menin**

**Linda Lee**

**Dr. Nantasha Williams**

**Chi Ossé**

**Rita Joseph**

250 Broadway, New York, NY 10007

Dear Committee Members on Children and Youth,

I am writing this testimony as a former foster child/ who was adopted and by a foster mother loved me with stipulations. I am writing this testimony today advocating for the voiceless on why ACS needs to handle families on holistic level, on economic level and on an education level.

My birth mother Kimberly Queen Jones is amazing women who never had the chance to raise my sister, brother and I; because the ACS system did not provide reliable resources to be a good mom. My dad loved my siblings and me very much, however, he died due to HIV/ AIDS. My mother had to watch my grandmother die and both the father of children die. My mother had mental breakdown; she chose to serve God until she reunited with her children. I feel that some resources they provided to my adopted should have been offered to my birth mother. I witnessed first hand how family court treated my mother like she wasn't a person and that drove her deeper into depression and substance abuse.

My adopted mother and I had a toxic relationship because she did not know how to handle a gift child like myself. From my point of view my experience she only loved me for what I could provide for her which was money. My adopted mother kicked me out of the house at the age of 17 years old. I was so heart broken and could not understand how a mother could mistreat her child. If it wasn't women like Ms. Elaine Butler, Ms. Olé Poole, Ms. Brown and the love of my teachers like Ms. Wilson, Ms. Kemp, Mr. Craddock and so many others I don't know where I would be. Now, that I am an adult I see why it's important to have good teachers and programs like DEI, and another reason why we need more black men in the class because children like me needed to see representation in the classroom and we need teachers that understood that children like me aren't bad; we are hurting and traumatized. ACS needs to handle families on holistic level, on economic level and on an education level. I have generational curses I have to break due to the City of New York and ACS. My cousins and I have all experienced being foster care and we survived the City of New York and ACS. The jails of the City of New York are filled with people who were in foster care and mistreated by the system.

ACS needs to handle families on holistic level, on economic level and on an education level. I feel if my mother was given training class, economic assistance, childcare, educational assistance and therapy she



would have been a great mother too my sister, brother and I. I hope that ACS supports families so they can still together. The City of New York owe the “Jones” Reparations.

**New York City Council  
Committee on Children and Youth  
Hearing on Evaluating New York City's Foster Care System  
February 20, 2025**

**Testimony of Everson Ladson**

ACS's leadership is sending a chilling message to foster families in New York City: Speak up for your children, and you will be punished. I know this because it happened to us.

In our case, the pattern cannot be clearer: Over the course of three years, we faced false allegations from ACS's contractor every time we spoke out for the two small children we cared for—allegations that were investigated by ACS and NYPD and were closed as unfounded.

When we told the children's legal advocate and the Family court judge about the agency refusing to provide resources and the violation of court orders during visits, allegations were made within hours.

When the agency found out their allegations were dismissed, they just refiled the same allegations 30 days later.

When we told the children's legal advocate that strange men were coming to their visits at the agency, and when we reported an injury to our foster child during a supervised visit, the agency filed allegations within days. In fact, the children's legal advocate successfully petitioned to remove the agency's caseworker because she was placing the children in danger. When the agency saw in her petition that she got information from us, they responded by removing the children from our home without warning three days later. That was after 2 ½ years of attachment between these children and us. And those allegations—like the others—, were investigated and were unfounded.

We appealed their removal, and as soon as the agency found out that we won and that they were being ordered to send the children home, they refused to comply and resubmitted their allegations again. Those too, investigated and unfounded.

But this time, ACS's leadership went against their own investigators' recommendation, siding with their contractor and keeping these two young children bouncing from home to home. Their reason: their contracted agency continued to argue, despite it being disproven in investigations, that the children were exposed to inappropriate content in our home—that's how the agency's staff described the children seeing my husband and I kiss one another on the lips.

Profound homophobia was nothing new from SCO. We and other families that have contacted us have suffered that for years, and it has been reported to ACS multiple times while they have done nothing about it. But, we were shocked that ACS and Commissioner Dannhauser are now actively endorsing it and treating these children as collateral to cover their contractors.

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That brings me to today. Two weeks ago, NY1 published a story about our case and most importantly the extraordinary trauma inflicted on these two small children. Within hours of that report, ACS transferred the case away from this negligent agency and moved the children to their sixth home in a four-month span. Can you imagine what it does to a small child to have six sets of parents in four months—what it does to a 6 year-old, to a 3 year-old?

The day after the story was published, ACS called again. They were reopening an investigation into our home—again. This was the third time since the children were removed in October, despite their and the NYPD's two previous investigations already clearing us. It's shameful!

In closing, I am not here to attack ACS workers. In fact, I'm thankful for the *several* ACS whistleblowers who courageously confirmed the harassment and retaliation, who have encouraged us, who told us we were being targeted because we are gay, and who warned that it will not stop.

I hope that this committee will hold ACS's leadership and Commissioner Dannhauser accountable because they are not just failing these children—they are actively harming them.

## **New York City Council - Committee on Children and Youth - February 20,2025**

### **Testimony of Fernando Canteli de Castro**

Good afternoon members of the committee, my name is Fernando Canteli and my story highlights how ACS fails to adequately support foster children and families. For almost 3 years, my husband and I put all our energy into caring for two small children who came when they were 1 and 3 years old. We had the experience of seeing these two wonderful kids flourish in the community we were able to build around them.

We want to tell their story while protecting their privacy. But privacy cannot be used as an excuse to cover up the systemic failures that continue unchecked.

We were fully committed to the kids returning to their parents - See this picture, it's us with their mother the day of our foster daughter's graduation, 15 months after the kids were placed with us. On that day, we were hopeful for reunification but just four hours after this picture was taken the kids came home terrorized. Our foster daughter told us that, during the supervised visit at the foster care agency, she was forced to talk to the aggressor, the person who had a restraining order from her. She couldn't sleep that night and we told the caseworker that, what we suspected had been happening for months, had happened again!! The caseworker strongly denied it and told us not to report it to the kids' lawyer, she even said our foster daughter was lying. Weeks after this, it was proven that these calls had happened.

On January 17th, after the kids had been in care for 33 months, we spoke to Commissioner Danhausser about what had happened in the case. He suggested that the problem was "ineffective communication and co-parenting" and that the focus should instead be on "listening to birth parents' voices and understanding what they believe is in the best interest of the children". By that, does he mean watching as the kids are revictimized over and over again without saying anything about it?

Let me be clear, who failed in this case was ACS and their contracted private foster care agency. SCO and ACS would not approve the kids' daycare vouchers (only after CM Hudson called them). They did not supervise visits, they did not follow restraining orders, and they didn't provide health insurance cards for 5 months while SCO's medical team went missing for more than a year! When we asked for therapy for our foster daughter, they denied it.

On multiple occasions, we tried to report mismanagement and homophobia to ACS's Office of Advocacy, but their response was always the same: if we didn't like it, we should send the kids to another home and change agencies.

We are committed to these two beautiful, smart, and creative children. ACS and Commissioner Dannhauser can try to humiliate us by continuously reopening the same investigations, but our commitment to these children goes far beyond anyone's tenure, we won't give up until these kids come back to the stability of our home. Many people usually tell us "These kids are so lucky to have you because you're fighting for them", I don't agree, I'm very lucky to have taken care of them but no child's safety and stability should depend on luck.

**THE COUNCIL  
THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

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Name: Jess Danhauser

Address: Commissioner

I represent: Administration for Children's

Address: Services

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Name: Ina Mendez

Address: Deputy Commissioner, Family Permanency

I represent: Administration for Children's Services

Address: Services

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Name: Everson Ladson

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I represent: Myself

Address: \_\_\_\_\_

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Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Kearney Coghlan

Address: 317 Lenox Ave, 10th Floor, NY, NY

I represent: Neighborhood Defender Service of Harlem

Address: \_\_\_\_\_

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Date: 2/20/25

(PLEASE PRINT)

Name: Charles (Chas) Budnick

Address: [REDACTED] Brooklyn, NY 11201

I represent: Brooklyn Defenders Services (BDS)

Address: 177 Livingston St., Brooklyn, NY 11201

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Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Lyn Lamato

Address: [REDACTED]

I represent: Childrens Village

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: 2/20/2025

**(PLEASE PRINT)**

Name: FERNANDO CANTEL DE CASTRO

Address: \_\_\_\_\_

I represent: MYSELF

Address: \_\_\_\_\_

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**THE COUNCIL  
THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: DR. Sophie Charles

Address: 254 W. 31st

I represent: COFCCA

Address: 254 W 31st, NYC

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**THE COUNCIL  
THE CITY OF NEW YORK**

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: Galloway with AliFanny Center

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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Date: 2/20/2025

**(PLEASE PRINT)**

Name: Sharon Brown

Address: [REDACTED]

I represent: Rose Of Sharon Enterprises

Address: 43 Madison Street 3F

Bklyn NY 11238

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