

NYCTM
**Administration for
Children's Services**



**The New York City Council,
Committee on Juvenile Justice
September 21, 2016**

“Oversight- Examining Family Engagement for New York City’s Detained and Placed Youth”

**Testimony by
New York City Administration for Children’s Services
Charles Barrios, Associate Commissioner
Division of Youth and Family Justice**

Good morning Chair Cabrera and members of the Committee on Juvenile Justice. I am Charles Barrios, Associate Commissioner of Juvenile Justice Programs and Services in the Division of Youth and Family Justice (DYFJ) at the New York City Administration for Children's Services. With me today are Stephanie Prussack, Associate Commissioner for Detention Services, and John Dixon, Associate Commissioner for Close to Home. On behalf of Deputy Commissioner Felipe Franco, thank you for the opportunity to testify about the important work we are doing to promote and facilitate family engagement for young people in detention and Close to Home placement.

DYFJ Overview

DYFJ oversees a continuum of services and programs for youth at every stage of the juvenile justice process. Our mission is to improve outcomes for young people who come into our care. Each of the juvenile justice programs run or overseen by DYFJ focuses on engaging the family throughout the entire juvenile justice continuum- from preventive services, to intake, to the time the youth spends in detention and or placement, and through their transition back to the community.

Community-Based Alternatives

First and foremost, we aim to divert youth from the justice system. The number of young people entering the juvenile justice system has continued to decline since the year 2012. We think this is attributable in part to the decreases we have seen in juvenile arrests across the City, but we also believe that the intensive preventive services that ACS provides to help prevent young people from ever entering the system in the first place have also contributed significantly.

ACS' Family Assessment Program (FAP) is available to all families and supports parents and guardians who are struggling to address difficult teenage behaviors. FAP offers intensive in-home therapeutic services that are designed to improve family functioning and avoid involvement in the PINS (Persons In Need of Supervision) system. FAP services offer parents skills to support their children, enforce limits, and steer them towards positive activities. FAP consistently reaches out to our sister City agencies and community groups to inform communities and families about the services and interventions that are available.

We know that the best way to intervene in the lives of these youth and to decrease recidivism is to treat the whole family and to support parents. When a young person is adjudicated by the Family Court as a juvenile delinquent, the judge may mandate participation in an alternative program instead of ordering the youth into residential placement. Our Juvenile Justice Initiative (JJI) is the largest alternative to placement program in the City. JJI uses evidence-based in-home therapies to help families support their children while allowing youth to remain at home with their families. JJI's spectrum of services includes a number of different therapeutic approaches. By engaging families instead of automatically incarcerating children, we can meet the families' needs without separating young people from their families.

In order for JJI to be successful we must engage families from the very start. JJI staff explain the basics of the program to the family, and also discuss the youth's strengths and the issues that are of concern to the caregiver. They talk about formal and informal supports that the youth may have, interventions that may meet the caregiver's concerns as well as the needs of the youth, and they discuss JJI's expectations for the family. Evidence shows that the family treatment interventions offered by JJI are only effective if the parent, caregiver, and/or other family members are engaged and directly involved in the treatment sessions, thus the first stage

of the intervention focuses intensively on engaging the family and gaining their support in changing their young person's behavior.

Crossover Youth

As the Committee has heard, the term "Crossover Youth" describes a young person who enters the justice system while involved in the child welfare system. These young people, also referred to as "dually involved" youth, essentially cross over from the child welfare system into the juvenile justice system. Permanency planning for crossover youth is a collaborative effort between various parties across both systems and requires ACS to pay careful attention to the way we incorporate the young person's family and other supports.

To promote effective family engagement and permanency planning for crossover youth, ACS employs the Crossover Youth Practice Model (CYPM), which allows the numerous agencies working with the crossover youth (ACS, the Department of Probation, the NYC Law Department, among others) to share information (with the consent of the youth and their parent/guardian), collaborate on solutions, and involve young people and their families in order to prevent further involvement in either system.

Detention

ACS provides secure and non-secure detention (NSD) services for youth who have been arrested and are waiting for judges to hear their case in court. DYFJ directly operates two secure facilities and also oversees 11 not-for-profit provider agency-operated NSD group homes across the City. Generally the detention length of stay of juvenile delinquents is relatively short (on average 39 days as of September 16, 2016), whereas Juvenile Offenders tend to stay for longer due to the more prolonged progress of cases in Criminal Court (average 203 days as of

September 16, 2016). Engaging families at intake is critical for ensuring their involvement throughout the young person's time in detention. We make sure that young people in detention – and the staff who work with them – remain accessible to families for the duration of the young person's stay.

Naturally, families are concerned about how frequently they will be able to call and visit children while they are in detention. Our secure facilities offer visiting hours four days a week including weekdays, evenings and weekends. Our NSD group homes schedule visits by appointment, and are required to offer the opportunity at least twice a week. We encourage family members – parents, grandparents, brothers, sisters and the children of youth– to visit frequently. We also have days when other family members, such as aunts and uncles, can visit. In addition, youth in detention are able to call their families at least once weekly. The length of the phone calls is determined by the youth's level in the ASPIRE behavior modification program. Youth are also able to write and receive letters to and from their families.

Each facility hosts a monthly "Family Day" with food and structured activities for families, as well as special events where family members are able to visit and participate in events, such as barbeques, performances, games and other activities. Some of our most exciting efforts at encouraging family engagement have been through the cultural and arts programs offered at our detention facilities. To briefly highlight one:

Our youth have participated in several mural programs with artists from Creative Art Works. These murals depict messages of hope and transformation from our youth and are displayed throughout both secure detention facilities. This past August, DYFJ hosted unveiling ceremonies at each secure facility to showcase murals that were created by the young people in our Summer Youth Employment Program in collaboration with Creative Art Works. Families

and other invited guests listened as our young people described the meaning of their artwork. The young people posed for photos with their families in front of the mural, and the families received copies of the photos to take home.

Placement

As you know, approximately four years ago New York City launched Close to Home, a juvenile justice reform initiative that allows New York City youth who have been adjudicated juvenile delinquents to be placed in residential care with ACS near their home communities. Close to Home affords young people the benefit of rehabilitative services and regular visits with their families, so that families can participate meaningfully in the youth's rehabilitation and stimulate a new trajectory away from crime into adult success.

The Family Court generally places youth in Close to Home for 12- or 18-month periods, thus our non-profit partners offer a lengthier timeline of intensive and therapeutic programming to youth in placement, including aftercare services. Currently, ACS contracts with eight non-profit partners who operate 24 non-secure placement (NSP) residences, and five limited secure placement (LSP) residences.

Close to Home provider agencies recognize the key role that families play in children's lives and work to incorporate the family's voice in all aspects of their programs. Our providers encourage family visits and, if needed, transport families to the residences for visitation, meetings and other activities. Our providers routinely hold Family Days and other special events at the residences and invite families to attend, which in turn fosters positive interactions between the youth, their families and staff.

In addition to visits at the residence, youth in NSP may also receive home passes, which are integral to each youth's treatment and transition back to the community. They give youth

opportunities to practice newly acquired skills, identify and participate in community services and activities, and reintegrate into the family unit. Families play a critical role in the home pass process by coordinating with the youth's worker to plan for the pass, supervising the young person while they are on a pass, and by providing feedback and input on how the pass went and how future passes will be structured.

DYFJ recently adopted the family conferencing model in Close to Home and now employs Family Engagement Conference Facilitators, which are trained clinicians who facilitate planning and support meetings with family. When youth are struggling in Close to Home, these facilitators hold conferences that bring together the youth, the family, and all relevant stakeholders to assist the young person through his or her difficulties. In addition, every young person in placement is assigned a DYFJ Permanency Planning Specialist (PPS) that address parents' questions and concerns regarding their child. Planning for family reunification begins on the very first day of a young person's placement in Close to Home, and continues for the entire duration of the youth's placement and transition to aftercare in the community. The PPS maintains at least monthly contact with the family while the youth is in residential placement. Subsequent aftercare supervision by PPS allows the workers to help and encourage young people to practice and enhance the skills they learned while in placement, so that youth may successfully remain home with their families.

Most of our young people return to their home communities on aftercare following their Close to Home residential placement. Families and youth receive intensive support from the assigned PPS and aftercare resources. All of our young people and their families are considered for intensive evidence based in-home services, such as Functional Family Therapy or Multi-Systemic Therapy. These services begin while the youth is in residential placement and are

designed to support the family during the youth's transition home. Clinical staff works with families and youth to facilitate joint understanding of issues and work to ensure that positive ongoing patterns of communication are established and maintained. LSP youth benefit from the added continuity of having aftercare services provided by the residential placement provider.

Conclusion

Thank you for the opportunity to discuss the important work we are doing to keep families engaged and actively involved in the treatment and rehabilitation of the young people in ACS' juvenile justice continuum. We know that the success of a young person's transition from the juvenile justice system back to their home and into the community often rests on the strength of the connection between the youth and his or her family, so we as an agency continue to think about how we can better incorporate parents and families in the work we do. One idea that DYFJ is currently exploring is the integration of parent advocates in our practice in much the way parent advocates are currently integrated in the child welfare system and in the work of our sister agency, the Department of Probation. We appreciate the Council's ongoing support as we continue to strive toward improving services for the City's most vulnerable youth and strengthening family engagement. We, as well as the other city agencies represented today, are happy to take your questions.

CENTER

FOR

COURT

INNOVATION

New York | London | Syracuse

Research. Development.
Justice. Reform.

520 Eighth Avenue, New York, New York 10018
P. 646.386.3100 F. 212.397.0985 courtinnovation.org

Greg Berman · Director

**Center for Court Innovation Testimony
New York City Council
Committee on Juvenile Justice
September 21, 2016**

Good afternoon Chair Cabrera and members of the Committee on Juvenile Justice. My name is Sally Sanchez, and I am the Project Director of the Queens Youth Justice Center, a project of the Center for Court Innovation. Thank you for the opportunity to speak today.

The juvenile justice system can be stressful and confusing for young people and their families. The Center has extensive experience working with parents of court-involved, detained and placed youth. The Center is currently a service provider within the detention facilities operated by the New York City Administration for Children's Services (ACS). We're also working with multiple city agencies on city-wide family engagement initiatives, including the production of a video called "Family Voices in Juvenile Justice," which is being used across the city at probation intake to help parents and caregivers of recently arrested youths understand the juvenile justice system and get advice from other parents who have been in that position.

The Center for Court Innovation supports the Council's efforts to examine family engagement for New York City's detained and placed youth. The Center for Court Innovation encourages the City Council to consider the need for family engagement both before and beyond detention and placement. The need for family engagement doesn't end once the young person is out of detention or placement. Families can play positive roles in the lives of young people and increase their chances of success. The National Research Council, 2013 notes, any youth development approach that aims to produce lasting change must include thorough engagement with families.

Family Engagement and Support

In collaboration with the New York City Department of Probation, parent coaches staff the Justice Center's Parent Support Program to assist families of justice involved youth. Parents are

offered peer support in navigating the various systems in which a family may be involved, including juvenile justice, education, health, and behavioral health. By translating key concepts and information, facilitating service referrals, and providing emotional support, parent coaches assist parents and families in understanding and navigating the juvenile justice system. They offer hope, encouragement, knowledge, and practical assistance to help parents/caregivers engage with their children and achieve the best possible outcomes.

Youth Futures

QUEST Futures offers a coordinated and comprehensive response for justice system involved adolescents with mental illness and their families. Case managers provide validated screening and assessment, treatment planning and referrals, ongoing coordination and follow up, linkages to evidence based family therapy and psycho-educational groups for both young people and family members to address issues that put children at risk of out-of-home placement. This program features parent/caregiver support, helping caregivers understand behavioral health issues, and providing assistance navigating mental health and other systems, as well as crisis stabilization.

Juvenile Aftercare

In collaboration with the New York City Administration for Children's Services and its contracted aftercare providers, the Center provides a structured, strengths-based continuum of supervision and services for youth returning from residential placement for delinquency in Brownsville, Queens, Harlem and Staten Island. An important facet of the Center's work with young people in our Juvenile Reentry program is family engagement and collaboration. Families (as defined by a young person, and which can include teachers, ministers, case managers and others who play an important role in his/her life) are engaged from the first pre-release meeting and throughout the young person's engagement in aftercare. The Center also organizes Family Resource Nights and Peer Support Groups for parents/guardians. In addition to collaborative case management, young people and their families are offered skill-building and leadership development, educational support and coordination, case management, cognitive behavioral services, arts and cultural programming, and pro-social activities. Youth are also proactively engaged with additional community services to help them overcome challenges, manage family

transitions, and sustain positive growth well after discharge.

In closing, the Center for Court Innovation looks forward to continuing to work with the Council on juvenile justice issues. Family engagement is essential to reducing further involvement of youth in the justice system. We hope the Council will consider sustainable resources for family engagement initiatives before and beyond detention and placement. Thank you again for the opportunity to testify, and I am happy to address any questions you may have.

The New York City Council
Committee on Juvenile Justice
September 21, 2016

The Center for Community Alternatives respectfully submits the following testimony regarding family engagement for New York's detained and placed youth.

CCA is a nonprofit organization whose mission is to promote reintegrative justice and to end mass incarceration through advocacy, services and public policy development in pursuit of civil and human rights. We currently operate wraparound services for over 500 court-involved youth including the pilot SONYC afterschool programs at Crossroads Juvenile Detention Facility and Belmont Academy for youth in non-secure detention and placement.

The question CCA would like to pose is ***how do we engage parents, service providers and community members in order to build a continuous network of support for young people as they navigate the life-disrupting experience of the criminal justice system?***

When youth enter secure detention or non-secure placement, they are bombarded with a dizzying array of new faces and interventions. At the Crossroads facility alone, youth come in contact with social workers, juvenile counselors, mental health specialists, teachers, and afterschool providers representing countless non-profit organizations.

Most of these interventions contribute something positive, but too often, they exist in isolation. Due to budget restrictions, staff capacity, safety concerns and, most importantly, without a ***multi-agency parent outreach and continuity of care strategy*** that engages all service providers; agencies like ours are often unable to coordinate with each other nor remain in touch with participants and their families after they exit our program.

We had a young participant at the Crossroads facility who discovered a love of soccer while attending our afterschool programs. Our coach saw her potential and we began to explore the possibility of joining his all star team upon her release. Unfortunately, as is too often the case with justice-system involved youth, the young woman's case was dismissed and she left the facility and our programs without warning.

Without a multi-agency strategy, we were unable to connect with this young person or her parents and have had no contact since. Positive relationships were disrupted, interventions left incomplete, and a huge opportunity missed to ensure this young person remains free from future court-involvement. These failures weigh heavily not only on the youth and their families, but on our front-line service providers.

Last week at Crossroads juvenile detention facility, two of our afterschool program providers met for the first time. They stood in front of a newly completed mural featuring our youth as their

grown up selves with jobs like marine biologists and images of the exotic places where they hoped to travel one day. Although these providers operate very different organizations, one a mural artist, the other a gang violence interrupter, they instantly connected over their relationships with the young people at Crossroads. They each discovered something new about the youth they worked with and bonded over the youth's personality quirks and potential. They discussed how they might be able to use art to help youth reflect on conflict de-escalation and, just like that, new program ideas and possibilities for our youth emerged.

What if we created targeted collaboration opportunities like this. It would not only lead to better outcomes for our youth and their families, but more innovative interventions and decreased staff burn out. Instead of a revolving door of youth entering and exiting their lives, providers would know where their youth are headed and be able to celebrate the long-term successes of their labor.

A taskforce could be established, made up of agencies, nonprofits, parents and community members to coordinate services while maintaining youth safety and respecting family privacy. We have already worked with our ASC partners at Crossroads to develop methods for staying in contact with families post-release and Carnegie Hall is working with ACS Ambassadors at our Belmont program to develop pathways to afterschool music programs. But again, these efforts are occurring in isolation and should be streamlined and extended to all agencies working with court-involved youth.

A Multi-Agency Tracking Tool could be developed that provides a snapshot of the interventions this young person has received and **Youth Asset Portfolios** could highlight skills, accomplishments and goals. These can be updated and passed on to the next service provider and shared regularly with parents and community members.

Finally, an **Assessment Protocol** could be developed to determine how a continuity of care strategy is measured. Instead of x numbers of youth served or x number of completed interventions, what is the length of continuous support for court-involved youth? Once youth leave the detention or placement facility, how long do service providers maintain contact? Where are young people in 2-3 years? Have they achieved the goals they and their families have set for their future?

Thank you for your attention to this important issue. We hope the Council will recognize the need to develop a multi-agency parent outreach and continuity of care strategy in order to track youth as they navigate the juvenile justice system, identify existing positive connections and build on those successes.



**The New York City Council
Committee on Juvenile Justice
CHAIR, COUNCIL MEMBER CABRERA**

Oversight: Examining Family Engagement for New York City's Detained and Placed Youth.

September 21, 2016

**Testimony of
Jeremy C. Kohomban, PhD
President and CEO, The Children's Village
President, Harlem Dowling West Side Center
President, Inwood House**

My name is Jeremy Kohomban, and I am President and CEO of The Children's Village, Harlem Dowling and Inwood House – three organizations founded in Manhattan in the early and mid-1800s.

The Children's Village, founded in 1851 as the New York Juvenile Asylum, offers some of the earliest historical examples of detention and juvenile justice residential programs in the nation. Today, we provide the broadest continuum of juvenile justice programming in New York. Our continuum includes evidence-based diversion programs to keep at-risk teens with families, non-secure detention when out-of-home care is needed, and aftercare to help youth return to community successfully. Aftercare often includes short-term intensive services followed by our unique privately-funded long-term aftercare that can extend up to age 25. All of these interventions rely heavily on family engagement for success.

Our long history and recent experience confirm what research has shown – family engagement is critical to the long-term success of juveniles who are detained and placed.

Researchers Grant Duwe and Valerie Clark¹ found that incarcerated adults who had the most visitors while in custody were least likely to reoffend upon release. They also found that visits from a wide variety of people led to lower rates of recidivism. In 2011, Goldweber and

¹ Duwe, G., and Clark, V. (2011). Blessed Be the Social Tie That Binds: The Effects of Prison Visitation on Offender Recidivism. Criminal Justice Policy Review.

Cauffman² added to our knowledge with their findings that incarcerated youth who received regular visits from family showed reduced signs of depression and generally did better than those who did not have family visitation. Finally, the 2015 evaluation of Juvenile Drug Courts by the US Department of Justice³ found that youth with substance abuse disorders benefited greatly from family engagement. These youth experienced decreased drug use and showed reduced risk for committing personal and property crime.

Let me conclude with three recommendations that are firmly based in our frontline experience.

First, it is critical that we actively encourage family engagement and define family broadly to include extended family, mentors and any responsible adult who has a positive relationship, cares and is willing to be engaged.

Second, engagement with families has to begin at the earliest possible opportunity. It is incumbent on us to own the responsibility for creating an organizational culture that welcomes family engagement. Delays and unnecessary separation from family hurt our youth.

Third and finally, while it is not always easy, as a system and as individual providers we must find ways to engage families in the decision-making process. The juveniles in our custody do not belong to us and should not belong to a system. Success is only assured when each juvenile has at least one appropriate and willing adult relationship that provides unconditional belonging. In our experience, this relationship is most often found within the family. In those rare instances when immediate family fails to provide us this appropriate and willing adult, it is our responsibility to find and create such a relationship.

Thank you for the opportunity to testify on this important issue.

² Monahan, K. C., Goldweber, A., and Cauffman, E. (2011). The Effects of Visitation on Incarcerated Juvenile Offenders: How Contact with the Outside Impacts Adjustment on the Inside. *Law and Human Behavior*, 35(2), 143–51.

³ <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=271914>



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

Rebecca Kinsella – Youth Social Worker

BROOKLYN DEFENDER SERVICES

Presented before

**The New York City Council Committee on Juvenile Justice
Oversight Hearing**

on

Examining Family Engagement for New York City's Detained and Placed Youth

September 21, 2016

My name is Rebecca Kinsella. I am a youth social worker at Brooklyn Defender Services (BDS). BDS provides innovative, multi-disciplinary, and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for over 40,000 clients in Brooklyn every year. I thank the City Council Committee on Juvenile Justice and Chair Fernando Cabrera for the opportunity to testify today about the many ways that the City Council can foster engagement between detained youth and their families.

Brooklyn Defender Services' has a specialized adolescent unit, called the Brooklyn Adolescent Representation Team, or BART. Our team represents over two thousand adolescents ages 13-21 annually. In the past five years, BART has represented over 150 youth ages 13-15 charged with JO offenses, many of whom are detained in ACS facilities pre-trial. My caseload includes adolescents detained at Crossroads, an ACS detention facility in Brooklyn, as well as young people detained on Rikers Island. While ACS offers family days on weekends that have gone a long way in promoting family engagement, there is still more that they could be doing to limit the harm to youth in their custody. If the City Council is truly committed to protecting court-involved youth,

they must act to move 16- and 17-year-olds off of Rikers Island as quickly as possible to limit the pervasive violence that harms detained youth and their families who visit them.

Introduction

J is a 15-year-old client charged under the Juvenile Offender statute in Kings County Supreme Court. For the past 17 months, he has been detained at Crossroads in Brooklyn. While he awaits trial or disposition of his case, J has been very active in school and has made the most of the programming that is provided at Crossroads. Many staff have acknowledged his growth and increased maturity since arriving at Crossroads. However, J's mother has several other young children, making it difficult for her to visit regularly. Crossroads staff reported to me that they have seen J fall into a depression because he rarely has visits from his family. While J's mother wants to be a support to her son during this extremely trying time in his life, her caregiving responsibilities and economic challenges limit her ability to visit him at Crossroads. ACS, with the City's support, can and should do more to promote family engagement to ensure that J and his mother and siblings continue to reconnect to limit tension and instability when he eventually returns home.

Family engagement during detention is critical to minimize harm to youth and the family upon reentry to the home. We represent many young people in adult court who return home from juvenile detention without sufficient support and are quickly re-arrested because of fights in the home. When the youth arrives in arraignments, DAs ask for and judges frequently issue an order of protection, preventing the youth from returning home, effectively making him or her homeless. According to Covenant House, 50% of adolescents aging out of foster care and the juvenile and criminal justice systems will be homeless within six months. When youth are kicked out of the home or ordered out of the home by a judge they have very few options because many are unprepared to live independently, have limited education and no social support. This leads to couch surfing, repeated shelter visits, trading labor or sex for a place to stay, and all too often, another round of criminal justice involvement.

Parental and family engagement by the juvenile justice system is proven to be effective for better youth outcomes. A National Academy of Sciences (NAS) report cited evidence that a relationship with a parent or other adult figure can have a positive impact on an adolescent, serving as a protective buffer against external negative influences. Other research has shown that family visitation for youth is associated with better behavior and improved academic performance. And it is clear that most families want to play a bigger role: in a survey of family members, 86 percent said they wanted to be more involved in their children's treatment while they were incarcerated (Justice for Families, 2012).¹

¹ Vera Institute of Justice, "Family Engagement in the Juvenile Justice System," available at <http://archive.vera.org/sites/default/files/resources/downloads/family-engagement-juvenile-justice.pdf>.

This hearing and any successfully implemented recommendations that come out of it will not only foster family engagement but may have the additional effect of preventing future criminal justice involvement and youth homelessness, ultimately keeping our communities and our young people safe.

Family Engagement at Crossroads and Horizons

BDS represents youth detained at Crossroads in Brooklyn and other ACS, OCFS, DOC and DOCCS facilities across the City and State. While Crossroads makes more concerted efforts to ensure family engagement than “adult” facilities, there remain many areas for improvement.

Problem 1: Restrictions on who may visit limit opportunities for family engagement.

Families in the twenty-first century often include parents, caregivers and siblings who may not be blood relatives. Yet ACS’ visitation policies do not always take these realities into account. For example, siblings are not allowed to visit Crossroads without a birth certificate and the parent that accompanies the sibling must be a biological parent. These rules make visiting difficult for many loved ones. A parent who does not have a birth certificate for a young child will be turned away from the visit when they fail to bring the birth certificate or are forced to find childcare. Siblings who miss their brother or sister are unable to visit unless the parent that accompanies them is a biological one. These rules have the adverse effect of limiting family engagement and harming young people who need the support of their loved ones while they are incarcerated.

Solution: The City should call upon ACS to allow people to define their own families without requiring the presentation of birth certificate or the presence of a biological parent. The City should also fund childcare during visiting hours so that parents can bring young siblings to the facility.

Problem 2: Visiting times are limited and inaccessible for many parents.

As noted above, many of our client’s parents and loved ones have other children in the home that they are supporting. Requiring parents to take time off work or away from the home is a significant barrier for many parents who live paycheck to paycheck or who have caretaking responsibilities.

Solution: The City Council should require ACS to offer a greater variety of visiting times to accommodate parent work or caregiving schedules.

Problem 3: Crossroads is far from the subway and other public transportation.

Public transportation in East New York is limited and infrequent. This makes traveling to Crossroads difficult for parents who are negotiating work and childcare obligations.

Solution: The City should both improve transportation options in East New York and should also fund a van or shuttle system that could pick parents up at their homes or central neighborhood locations (like libraries) and take them to Crossroads, Horizons and Rikers.

Problem 4: Lack of privacy during visits and phone calls

Visiting rooms at both Crossroads and Horizons are large and parents meet when their children without any privacy. Caseworkers allow youth to call their parents or guardians for 10, 20 or 30-minute intervals, depending on their behavior. However, calls are not private. This lack of privacy negatively affects family relationships because, often times, neither parent nor child feels like they may speak candidly. This also discourages open conversations about the case and plea offers, leaving adolescents forced to choose between discussing the private details of their case in a public space or in front of their caseworkers, or making life changing decisions on their own without family support.

Solution: ACS should work with defenders and other stakeholders to determine how to allow youth and their parents private opportunities to speak to discuss their case and other confidential concerns.

These concerns aside, I want to acknowledge and ask the Council to support ACS in continuing family days on weekends. On family days, siblings and parents are invited to the facility to spend the day with their loved one on site and engage in special programming that may involve food, games or art. A recent family day at Crossroads involved the presentation of a mural that the young people had painted. Family days provide an important opportunity for youth, their parents and their siblings to celebrate the adolescents successes and reconnect as a family.

Family Engagement at Rikers Island

The youth that I represent on Rikers Island are no different from their younger peers in ACS facilities, except that they face significantly more trauma while awaiting their trials on Rikers.

Problem 5: Young people on Rikers face sexual assault and violence on a daily basis.

Pre-trial detention at Rikers Island has a devastating effect on youth and their families. The horrors that youth experience on Rikers Island are well-documented, and include physical and sexual abuse, estrangement from their

families because of the barriers to phone calls and visits, and limited educational and programming opportunities.²

Solution: The City Council should ensure that 16- and 17-year-olds are removed from Rikers Island and transferred to ACS facilities as soon as possible. ACS facilities do a better job of protecting young people in their custody than youth detained in NYC Department of Corrections facilities. In BDS's experience, youth in ACS detention facilities have better access to programming, are better able to maintain relationships with their families, and suffer less abuse at the hands of facility staff and other young people.

Mayor Bill De Blasio announced in July that the Mayor's Office of Criminal Justice has a plan to move the 200 16- and 17-year-olds currently on Rikers to Horizon Juvenile Center within four years and at a cost of \$300 million.³ We believe that the timeline and proposed cost are grossly overestimated and urge the City Council to work with the Administration to move the young people to ACS facilities more quickly.

Problem 6: Parents face sexual assault and violence when they attempt to visit their children at Rikers.

Visiting Rikers is nothing short of a nightmare. Rikers guards regularly sexually assault our clients' family members. They are subject to strip searching and body cavity searches. Just last week NBC 4 I-Team reported on 25 women who have come forward alleging that correction officers at NYC jails abused them when they came for visits.⁴ Many parents travel for hours, enduring the humiliation of searches and only to arrive at Rikers to learn that their child will not be allowed to see them that day or that the facility is on lockdown.

Solution: City Council should work with the Board of Corrections and the NYC Department of Corrections to ensure that these unlawful and abhorrent practices cease immediately. In the longer run, the Council should work with the Independent Commission on NYC Criminal Justice and Incarceration Reform, along with other stakeholders such as defender offices, to shut down Rikers Island as quickly as possible and divert people from DOC facilities as they await resolution of their cases.

² See, e.g., Legal Aid Society, Testimony of Nancy Ginsburg before the Committee on Fire and Criminal Justice Services and Committee on Juvenile Justice, Oct. 8, 2014, available at http://www.legal-aid.org/media/189855/testimony_10.8.14.pdf (detailing abuse and trauma perpetrated against youth detained on Rikers Island).

³ William Neuman, "New York City wants to move 160 and 17-year-olds from Rikers Jail to Bronx Center," *N.Y. Times*, July 20, 2016, available at http://www.nytimes.com/2016/07/21/nyregion/rikers-jail-youths-bronx-center.html?_r=0.

⁴ NBC 4, "I-Team: More than 25 women allege sex abuse by correction officers at NYC jails," Sept. 15, 2016, available at <http://www.nbcnewyork.com/investigations/Rikers-Island-Sex-Abuse-Correction-Officer-Lawsuit-Claim-Investigation-Department-Correction-393576031.html>.

Conclusion

The challenges facing court-involved youth are immense. City Council efforts to support family engagement during incarceration would go a long way in supporting our young people, making our communities stronger and safer and preventing youth homelessness.

Thank you for your consideration of my comments. We are grateful to the Council for bringing to light the issues the barriers that separate detained youth and their families. Please do not hesitate to reach out to me with any questions about these or other issues at (718) 254-0700 (ext. 362) or rkinsella@bds.org.

TESTIMONY

Oversight: Examining Family Engagement for New York City's Detained and Placed Youth

The Council of the City of New York

Committee on Juvenile Justice
Fernando Cabrera, Chair

September 21, 2016
New York, New York

The Legal Aid Society
199 Water Street
New York, NY 10038

Presented by Christine Bella, Esq.
Staff Attorney, Special Litigation and Law Reform Unit
Juvenile Rights Practice

The Legal Aid Society thanks the Committee on Juvenile Justice and Chairperson Cabrera for inviting us to provide testimony about the important topic of family engagement in the juvenile justice system.

The Legal Aid Society is the nation's largest and oldest provider of legal services to low income families and individuals. The Society's Juvenile Rights Practice provides comprehensive legal representation to children who appear before the Family Courts in all five boroughs, in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our staff represented some 34,000 children, including approximately 4,000 who were charged in Family Court with juvenile delinquency, some of whom spent time in detention and placement facilities under the aegis of the New York City Administration for Children's Services' (ACS) Division for Youth and Family Justice (DYFJ). The Criminal Practice's Adolescent Intervention and Diversion Project has a dedicated team of lawyers, social workers and investigators devoted to the unique needs of adolescents charged in adult court—some of whom spend lengthy periods of time in DYFJ secure detention pending trial.

Our perspective comes from our daily contacts with children and their families, and also from our frequent interactions with the courts, social service providers, community based organizations, State and City agencies, including DYFJ.

Recent Changes to the Juvenile Justice System

The Legal Aid Society is pleased with the significant juvenile justice reforms adopted in New York City and State in recent years, including: 1- the implementation of a continuum of alternatives to detention leading to an overall reduction in the number of youth detained and placed by the Family Courts; 2- the increased use of diversion services by the NYC Department of Probation; 3- the 2010 merger of the former

Department of Juvenile Justice with ACS; and 4- the landmark 2012 Close to Home initiative which requires that all New York City youth placed by the Family Courts as juvenile delinquents be placed in facilities within or near the City under the supervision of ACS. As you know, NYC youth who are sentenced to limited secure placement are no longer sent to distant OCFS facilities, and are now housed in Close to Home facilities in New York City under the aegis of ACS. New York City youth now benefit from being close to their families, communities, and lawyers. Such proximity allows youth greater opportunity for family engagement and enable youth to transition back into their communities more successfully. Family engagement provides for an added layer of oversight, as incarcerated youth can more readily access their families to vocalize their concerns.

Family engagement and parental involvement with youth in the juvenile justice system are “proven to be effective for better youth outcomes,”¹ and among other things, serve as a “buffer against negative influences.”² Family engagement services enable parents to build stronger relationships with their children and reduce the rate of reoffending.³ The importance of family involvement cannot be understated especially given the needs of incarcerated youth outlined below. Nor should family engagement be limited to incarcerated youth. It should be practiced at all points in the juvenile justice system, including with police, probation, court staff and judges, attorneys, prosecutors, and detention and placement facility staff. Given the social science

¹ Family Engagement in the Juvenile Justice System, Vera Institute of Justice Juvenile Justice Fact Sheet 5 (citing a Justice for Families report from 2012). www.vera.org. Ninety-one percent of families want more visitation opportunities; and eighty-three percent want fewer limits on who can visit. *Id.*

² *Id.*

³ “[V]isits are . . . valuable in reducing recidivism for juveniles.” *Identifying, Engaging and Empowering Families: A Charge for Juvenile Justice Agencies*, Center for Juvenile Justice Reform, The Vera Institute of Justice, February 2016 (citing Osgood *et al.*, 2005).

supporting the efficacy of family engagement and the implementation of Close to Home, it is an opportune time to ensure that family engagement is a key feature across DYFJ programs and services for youth and their families.

Characteristics of Incarcerated Youth

Youth in New York City jails are almost exclusively poor, African-American or Latino, and live in under-resourced neighborhoods with low-performing schools and high rates of child abuse, neglect, substance abuse and mental illness. The needs of detained and placed youth are far greater than those of youth in the general population. Many of our young clients have experienced trauma and at least one significant social issue beyond poverty that causes instability in their lives.

Not surprisingly, the mental health and educational needs of youth in ACS facilities are significant. Indeed, according to ACS data in Fiscal Year 2013, 58% of youth in detention and placement were referred for and received mental health services.⁴ Studies show that nearly seven in ten youth involved with the justice system are experiencing a mental illness, and one in four of these youth exhibit severe functional impairment.⁵ While a greater percentage of youth have been diverted from court or diverted to community-based, alternative to detention and alternative to placement programs, the needs of youth in detention and placement have intensified.

According to national data, twenty percent of youth in detention are lesbian, gay, bisexual, transgender, gender nonconforming, or questioning (LGBTGNCCQ), and forty

⁴ <http://www.nyc.gov/html/ops/downloads/pdf/pmmr2014/acs.pdf>

⁵ *Report on Juvenile Justice, Mental Health & Family Engagement*, p. 4, October 2013; https://www.mhanys.org/MH_update/wp-content/uploads/2013/11/MHANYS_Juvenile-Justice-Report-2013_Final.pdf/d.

percent of girls in the juvenile justice system identify as LGBTGNCQ.⁶ Family engagement for LGBTGNCQ youth is particularly important. Discrimination and rejection from families and caregivers can result in depression, suicidality, isolation, self-harming behaviors and homelessness, as well as involvement in the mental health and criminal justice systems. When families are accepting of the youth's sexual orientation and gender identity and expression, the likelihood of negative outcomes for that youth decrease significantly.⁷

Stabilizing the lives of youth charged with committing offenses is crucial to successful outcomes. In order to stabilize the youth, we must engage and support parents, caregivers and family members.

Family Engagement for Incarcerated Youth

At the outset, wherever possible youth should remain with their families and in their communities. Detention and out of home placement should be rarely invoked.⁸ Once a child is remanded to detention or sentenced to a placement facility it becomes more difficult for the parent to connect with his or her child. Logistical challenges such as transportation costs, scheduling conflicts and other caregiver commitments create barriers to access. Parents of incarcerated youth also must cope with their own emotional issues regarding their child's incarceration, including stress, fear and anger.

⁶ National Council on Crime and Delinquency available at http://impactjustice.org/wp-content/uploads/2016/07/irvine.canfield.jgspl_2016.pdf.

⁷ <http://familyproject.sfsu.edu/overview>

⁸ With regard to detention, the Family Court Act §320.5 (3) provides that “the court shall not direct detention unless available alternatives to detention, including conditional release, would not be appropriate, and the court finds that unless the respondent is detained: (1) there is a substantial probability that he or she will not appear in court on the return date; or (2) there is a serious risk that he or she may before the return date commit an act which if committed by an adult would constitute a crime.” In terms of disposition or sentencing, the court shall order the “least restrictive alternative available” balancing the needs of the child with the need to protect the community. Family Court Act § 352.2.

We are encouraged that ACS explicitly acknowledges the importance of family engagement in its detention and placement visiting policies. This is in keeping with national standards from the Performance-based Standards Learning Institute of the Council of Juvenile Correctional Administrators and research documenting the critical role that family engagement has in supporting incarcerated youth previously mentioned.⁹

An essential component of any family engagement program is clear and effective communication. Clear, effective communication on a regular basis throughout detention and placement will go a long way toward building rapport and trust among youth, their family members and staff.¹⁰ This trust is the foundation of successful family engagement. Parents of incarcerated youth should receive an oral orientation and a written handbook with information in accessible language about the program, including but not limited to: rules, expectations, a list of items allowed at visits and that can be provided to young people, visiting schedules and services provided. Facility staff should communicate with family to access the child's complete social history, and mental health and school records. Family should be invited to participate in all treatment planning, including family therapy, in person wherever practical, or via conference or video conference calls, if necessary.

An additional key component of an effective family engagement program includes providing parental peer support and peer advocacy to parents to help them to navigate the juvenile justice systems. Each parent or caregiver should also receive contact information for their child's specific counselor(s) and school contacts. To ensure

⁹ *Identifying, Engaging and Empowering Families: A Charge for Juvenile Justice Agencies*, Center for Juvenile Justice Reform, The Vera Institute of Justice, February 2016.

¹⁰ *In-Practice Tip Sheet Series 12 Family Engagement*, National Council of Juvenile and Family Court Judges.

accountability, families need access to a centralized mechanism within ACS to address their concerns and complaints regarding their children's care with ACS.

Research shows that family visitation is associated with better behavior and improved academic performance for youth.¹¹ Barriers to family engagement should be minimized – agencies should provide metrocards, and transportation stipends for parents to attend meetings and visits at the facility, and other stipends for child care and meals, if necessary. Family visits in detention are currently limited to one hour. Longer visits should be arranged and on occasion activities should be provided to engage all participants. Visits should be frequent, inclusive and the schedules flexible. Visitation and therapy schedules should not conflict with parents' work schedules or other child care obligations.

Family should be defined "broadly to include biological family members, extended and chosen family . . . and other important people such as mentors, teachers, and coaches."¹² Visits should include siblings and the incarcerated youth's children, as well co-parents for pregnant and parenting youth. The inclusion of others beyond the parent/caregiver reminds the young person that he or she is part of a larger family/community, and can alleviate some of the pressure on what might be an already strained parent-child relationship.

DYFJ family engagement services for LGBTGNCQ youth should be tailored to meet their unique needs, including culturally competent services and a focus on

¹¹ Family Engagement in the Juvenile Justice System, Vera Institute of Justice Juvenile Justice Fact Sheet 5 (citing Villalobos Agudelo, 2013). www.vera.org.

¹² *Identifying, Engaging and Empowering Families: A Charge for Juvenile Justice Agencies*, Center for Juvenile Justice Reform, The Vera Institute of Justice, February 2016. "This white paper . . . identifies ways that agencies—from police through reentry staff—can better engage families in ways that promote both personal contact and active involvement in case assessment, planning, and management."

developing family acceptance of the youth's sexual orientation and/or gender identity and expression. The New York City Department of Youth and Community Development previously funded a program whose goal was to work on family engagement and reunification for LGBTGNCQ youth in placement. Unfortunately, the City no longer funds this effort. ACS DYFJ should evaluate the need for such services and ensure that they are provided in both placement and detention.

Family engagement is particularly important when it comes to educational planning, including making changes to the young person's Individualized Education Plan (IEP).¹³ Detention or placement presents an opportunity for re-assessment of a youth's educational needs and the appropriateness of their school placement. DYFJ can encourage and help connect family members to school personnel and to support the youth to ensure the youth's educational needs are being met and for a smooth transition after release. DYFJ should ensure that families are connected to the school personnel to address educational issues during the period of detention and the education transition specialist assigned to the youth to oversee educational transition planning and support across all settings and during aftercare.

Youth Safety and Well Being

As mentioned above, family engagement can often have a positive impact on youth's overall well-being and behavior in facilities.¹⁴ The Legal Aid Society remains deeply concerned regarding ACS' use of physical restraints of youth in detention and placement. As recently as 2012 OCFS placed ACS DYFJ on a Corrective Action Plan to

¹³ Garfinkel, Lili, *Improving Family Involvement for Juvenile Offenders with Emotional/Behavioral Disorders and Related Disabilities* 56 / November 2010 Behavioral Disorders, 36 (1), 52–60 (citing Bray, 2010; Greenwood, 2008).

¹⁴ *Identifying, Engaging and Empowering Families: A Charge for Juvenile Justice Agencies*, Center for Juvenile Justice Reform, The Vera Institute of Justice, February 2016.

reduce its high rate of restraints and room confinement in its secure detention facilities which continues to date. Much progress has been made and as we understand it the Correction Action should terminate very soon. However, sound oversight requires vigilance when it comes to the use of physical restraints. “[A]ll forms of physical restraint come with inherent risk due to the hazardous circumstances in which restraints are applied.”¹⁵ Harms to young people during restraints include exposure to trauma and risk of physical injury or death. We have seen that where agency staff has worked closely with parents and youth, challenging behaviors have often been more effectively addressed. Collaborative efforts also help young people feel less isolated. Evidence suggests that incarcerated youth who get frequent visits get better grades and have fewer violent incidents while in placement.¹⁶ Youth who receive more frequent visits show a more rapid reduction in depression symptoms.¹⁷

ACS DYFJ must develop and encourage programming that invites parental attendance and support –such as sporting events, concerts or plays hosted by and or performed by youth. ACS DYFJ hosts “Family Days” in secure detention which features some such programming, such as Carnegie Hall and Drama Club. We urge the placement providers to do the same. Events and programs that feature youth creating and or performing allow family members to observe and acknowledge their children’s strengths. This positive feedback invariably increases self-esteem.

¹⁵ *Behavior and Management: Coordinated Standards for Children’s Systems of Care,” Final Report to the Governor September 2007, developed by the Committee on Restraint and Crisis Intervention Techniques p. 11.*

¹⁶ *Identifying, Engaging and Empowering Families: A Charge for Juvenile Justice Agencies*, Center for Juvenile Justice Reform, The Vera Institute of Justice, February 2016 (citing Villalobos Agudelo, 2013).

¹⁷ Id. (citing Monahan *et al.*, 2011).

Youth Returning to the Community

Discharge, while a happy event, is often a stressful time for youth and their families, as youth typically encounter the same challenges experienced before detention.¹⁸ Family support and engagement is critical to a successful discharge. Meaningful planning with the parent for the child's return begins at the time the child is initially detained or placed. Parents need help understanding their child's needs and to feel supported in managing those needs. Referrals should be made for community supports for the family members and the youth upon discharge. If a family member needs supportive services while the youth is detained referrals should be made at that time to prepare for a young person's release.

Sometimes, upon discharge, parents need assistance with accessing necessary mental health and other supports, including substance abuse services and educational advocacy for their children. Given that the detention facilities are administered by ACS, it would be ideal if assessment for preventive services such as Multisystemic Therapy and Multidimensional Treatment Foster Care were made by the agency while the youth are in detention and connections made for after release.¹⁹ Family engagement and discharge planning should begin at day one when the youth enters custody.

Conclusion

Thank you for the opportunity to testify about the important topic of family engagement. We urge the Council to continue its oversight to ensure ACS strengthen

¹⁸ Garfinkel, Lili, *Improving Family Involvement for Juvenile Offenders with Emotional/Behavioral Disorders and Related Disabilities* 56 / November 2010 Behavioral Disorders, 36 (1), 52–60 (citing Bray, 2010; Greenwood, 2008).

¹⁹ http://www.ncmhjj.com/wp-content/uploads/2013/07/2007_Blueprint-for-Change-Full-Report.pdf

its family engagement services and programming for youth in DYFJ detention and placement settings.

Contact: Tamara Steckler, Attorney-in-Charge,
Special Litigation and Law Reform Unit, Juvenile Rights Practice
Phone: 212-577-3300

Justine Luongo, Attorney-in-Charge
Criminal Rights Practice
Phone: 212-577-3583

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/20/16

(PLEASE PRINT)

Name: Stephanie Prussack, Associate Comm.

Address: 150 William Street

I represent: NYC ACS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/19/16

(PLEASE PRINT)

Name: Charles Barrios, Associate Commissioner

Address: NYC ACS

I represent: 150 William St.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/20/16

(PLEASE PRINT)

Name: John Dixon, Associate Commissioner

Address: 150, William Street

I represent: NYC ACS

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9.21.2016

(PLEASE PRINT)
Name: Dr. Jeremy Kohomban

Address: 2090 Adams Clayton Blvd

I represent: The Childrens Village

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Rebecca Kinsella

Address: _____

I represent: Brooklyn Defender Services (BDS)

Address: 177 Livingston St, F15

Brooklyn NY 11201

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Christine Balla

Address: 199 Water Street NY, NY

I represent: The Legal Aid Society

Address: 195 Water St. NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/21/14

(PLEASE PRINT)

Name: Laurel Rinaldi

Address: 215 Indig St.

I represent: Center for Community Alternatives

Address: 25 Chapel St Brooklyn

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Josefina Perez

Address: 432 119 Street 3rd Floor BX NY

I represent: Sheltering Arms children's Family

Address: Senes
305 7th Avenue N.Y.N.Y. 10002

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/21/14

(PLEASE PRINT)

Name: Sally Sanchez

Address: 520 9th Avenue NY NY 10018

I represent: Center for Court Innovation

Address: _____